

# PENNSYLVANIA BULLETIN

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The Courts

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Department of Environmental Protection

Department of General Services

Department of Health

Department of Transportation

Game Commission

Independent Regulatory Review Commission

Insurance Department

Pennsylvania Public Utility Commission

Philadelphia Parking Authority

State Board of Nursing

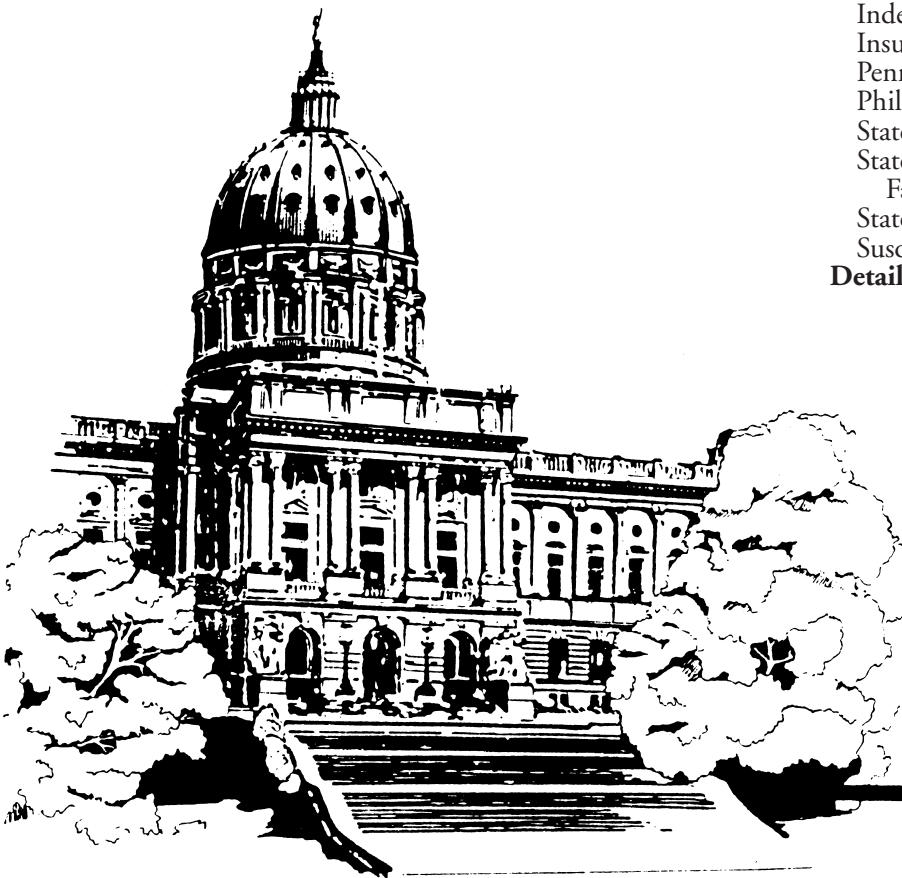
State Board of Social Workers, Marriage and

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State Conservation Commission

Susquehanna River Basin Commission

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

**No. 508, March 2017**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2017.

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# THE GOVERNOR GOVERNOR'S OFFICE

[ EXECUTIVE ORDER NO. 2017-01 ]

## Extension of Deadline for Objections to Nomination Petitions

March 13, 2017

*Whereas*, a severe winter weather event, a historic East Coast snowstorm, is forecast to strike Pennsylvania and other States of the Northeastern United States on March 13 and 14, 2017, with prolific amounts of snow accumulation in many counties across the Commonwealth; and

*Whereas*, the potential effects of the snowstorm have caused the closure of the Commonwealth Capitol Complex in Harrisburg, Pennsylvania, which includes the Office of the Secretary of the Commonwealth, on Tuesday, March 14, 2017; and

*Whereas*, the potential effects of the snowstorm will likely also cause the closure of many county offices, which include the sixty-seven county boards of election, on Tuesday, March 14, 2017; and

*Whereas*, the potential effects of the snowstorm will likely also cause the closure of the Commonwealth Court and numerous courts of common pleas on Tuesday, March 14, 2017; and

*Whereas*, the Municipal Primary Election is scheduled by law to occur throughout the Commonwealth on Tuesday, May 16, 2017; and

*Whereas*, under the provisions of Section 977 of the Pennsylvania Election Code (25 P.S. § 2937), the deadline by which objections to nomination petitions filed by candidates for nomination at the Municipal Primary Election must be filed with the Commonwealth Court and served on the Secretary of the Commonwealth, or filed with the court of common pleas and served on the county board of elections, is Tuesday, March 14, 2017; and

*Whereas*, the weather-related closure of the Office of the Secretary of the Commonwealth, and of the county boards of elections, and of the courts, during the last day on which objections to nomination petitions for the Municipal Primary Election by law may be filed with the courts and received by the Secretary of the Commonwealth and by the county boards of elections makes it necessary and proper to extend the statutory deadline by which objections may be filed with the courts, and by which the Secretary of the Commonwealth and/or the county boards of elections may be served with objections; and

*Whereas*, on Monday, March 13, 2017, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, pursuant to the provisions of Section 7301(c) of the Emergency Management Services Code, (35 Pa.C.S. §§ 7101 et seq., as amended) proclaimed the existence of a disaster emergency in the Commonwealth in anticipation of a severe winter weather event expected to impact the Commonwealth.

*Now, Therefore*, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania, the Emergency Management Services Code, and other laws of the Commonwealth, do hereby issue this Executive Order as follows:

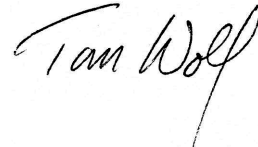
1. The deadline prescribed by Section 977 of the Pennsylvania Election Code (25 P.S. § 2937) by which objections to nomination petitions filed by candidates for nomination at the Municipal Primary Election must be filed with the Commonwealth Court and served on the Secretary of the Commonwealth, shall be extended by one additional day for each business day during the week of March 13, 2017, on which the Office of the Secretary of the Commonwealth, or the Commonwealth Court, is closed for business as a consequence of weather conditions.

2. The deadline prescribed by Section 977 of the Pennsylvania Election Code (25 P.S. § 2937) by which objections to nomination petitions filed by candidates for nomination at the Municipal Primary Election must be filed with the court of common pleas and served on the county board of elections, shall be extended by one additional day for each business day during the week of March 13, 2017, on which the office of the county board of elections, or the court of common pleas, is closed for business as a consequence of weather conditions.

3. No deadline may be extended pursuant to this Executive Order beyond 5:00 p.m. EDT on Thursday, March 16, 2017, unless otherwise extended by a superseding Executive Order.

4. The Office of the Secretary of the Commonwealth shall post this Executive Order in the Department of State's Bureau of Commissions, Elections and Legislation and in all other appropriate places, and shall communicate its contents to the county boards of election, the Administrative Office of the Pennsylvania Courts, the courts of common pleas, and the Commonwealth Court, and shall take all necessary action to provide notice of this Executive Order to the general public.

5. This Executive Order shall take effect immediately and remain in effect only until 5:00 p.m. EDT, Friday, March 17, 2017.



Governor

**Fiscal Note:** GOV-17-01. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 17-499. Filed for public inspection March 24, 2017, 9:00 a.m.]

## Proclamation of Disaster Emergency

March 13, 2017

*Whereas*, a severe winter event is expected to impact the Commonwealth of Pennsylvania, causing dangerous winter weather conditions including snow and ice accumulation; and

*Whereas*, this emergency event has the potential to cause significant adverse impacts upon the population throughout the Commonwealth; and

*Whereas*, this emergency event may prompt affected county and municipal governments to declare local disaster emergencies because of the winter weather conditions; and

*Whereas*, the emergency event is of such magnitude or severity as to render essential the Commonwealth's supplementation of county and municipal efforts and resources and the activation of all applicable state, county, and municipal emergency response plans; and

*Whereas*, the Commonwealth of Pennsylvania has enacted the Emergency Management Assistance Compact (EMAC) into law, and codified it at 35 Pa.C.S. §§ 7601—7604, in order to provide for mutual aid between states during an emergency that is duly declared by the Governor of the affected state.

*Now Therefore*, pursuant to the provisions of section § 7301(c) of the Emergency Management Services Code, 35 Pa.C.S. § 7101 et seq., I do hereby proclaim the existence of a disaster emergency in the Commonwealth and authorize and direct that the Pennsylvania Emergency Management Agency Director or designee assume command and control of all statewide emergency operations and that all Commonwealth departments



and agencies, under the direction of the Pennsylvania Emergency Management Agency Director or designee, utilize all available resources and personnel as is deemed necessary to cope with the magnitude and severity of this emergency event.

*Further*, I hereby transfer up to \$1,000,000 in unused appropriated funds to the Pennsylvania Emergency Management Agency, to be increased or decreased as conditions require pursuant to the provisions of section 7604(a) of the Emergency Management Services Code, 35 Pa.C.S. § 7604(a). In addition, I hereby transfer \$500,000 in unused appropriated funds, to be increased or decreased as conditions require, to the Pennsylvania Emergency Management Agency for Emergency Management Assistance Compact expenses related to this emergency pursuant to section 1508 of the Act of April 9, 1929 (P.L. 343, NO. 176) (the Fiscal Code), 72 P.S. § 1508. The aforementioned funds shall be used for expenses authorized and incurred related to this emergency. These funds shall be credited to a special account established by the Office of the Budget. I hereby direct that any funds transferred herein that remain unused after all costs related to this emergency have been satisfied shall be returned to the General Fund; and

*Further*, all Commonwealth agencies purchasing supplies or services in response to this emergency are authorized to utilize the emergency procurement procedures set forth in section 516 of the Commonwealth Procurement Code, 62 Pa.C.S. § 516. This Proclamation shall serve as the written determination of the basis for the emergency under 62 Pa.C.S. § 516; and

*Further*, I hereby direct the Pennsylvania Emergency Management Agency to staff the Commonwealth Response Coordination Center for the duration of this emergency event and to augment it with personnel from other state agencies and departments. I also authorize the Pennsylvania Emergency Management Agency to direct and coordinate the emergency response, recovery, and mitigation activities of other state agencies and departments as deemed necessary to deal with the exigencies of this disaster emergency through implementation of the State Emergency Operations Plan; and

*Further*, I hereby authorize the Secretary of Transportation to use all available equipment, resources, and personnel of the Department of Transportation, in whatever manner that she deems necessary, to ensure that all state highways in the areas that may be affected by the emergency event are cleared of snow, debris, and any other obstructions resulting from this event and to ensure that highways, bridges, roadbeds, and related facilities and structures, including federal-aid highways, that may sustain damage in the disaster affected areas are immediately repaired, maintained, reconstructed, or replaced, or that new construction is undertaken where necessary. In addition, I hereby waive any laws or regulations that would restrict the application and use of the Department's equipment, resources, and personnel to assist local jurisdictions in the repairs and clearing and removal of snow, debris, and other types of obstructions from non-state-owned highways. This assistance to local jurisdictions may be provided solely at the discretion of the Secretary of Transportation. This assistance, however, does not apply to privately owned highways, roads, streets, or other types of property; and I hereby authorize the Secretary of Transportation, in her sole discretion, to waive any provision of the Vehicle Code or any other law or regulation which she is authorized by law to administer or enforce as may be necessary to respond to this emergency event; and

*Further*, if investigations made on my behalf determine that the Commonwealth is in need of greater flexibility in the application of state and federal motor carrier regulations to accommodate utility operators and truck drivers in the transporting of fuel, food, or other commodities across the state to provide emergency relief and repairs during this event, I hereby direct the Department of Transportation to waive any laws or Federal or state regulations related to drivers of commercial vehicles; and

## THE GOVERNOR

*Further*, pursuant to the powers vested in me by the Constitution and laws of this Commonwealth, specifically 51 Pa.C.S. § 508, I hereby authorize the Adjutant General of Pennsylvania to place on state active duty for the duration of this disaster emergency proclamation, such individuals and units of the Pennsylvania National Guard, as requested by the Pennsylvania Emergency Management Agency, to alleviate the danger to public health and safety caused by this emergency event; and

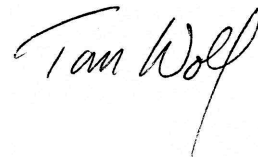
*Further*, I hereby authorize the Commissioner of the Pennsylvania State Police to use all available resources and personnel of the Pennsylvania State Police, in whatever manner he deems necessary, to aid in the recovery aspects related to all interstate and other federal and state highways in the Commonwealth to address this emergency event; and

*Further*, I hereby direct that the emergency response, recovery, and mitigation aspects of the Commonwealth and all applicable county, municipal, and other emergency response plans be activated and that all state, county, and municipal actions taken to implement those plans be coordinated through the Pennsylvania Emergency Management Agency; and

*Further*, I hereby suspend the provisions of any other regulatory statute prescribing the procedures for conduct of Commonwealth business, or the orders, rules or regulations of any Commonwealth agency, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder, or delay necessary action in coping with this emergency event. All Commonwealth agencies may implement their emergency assignments without regard to procedures required by other laws, except mandatory constitutional requirements, pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, and expenditures of public funds; and

*Still Further*, I hereby urge the governing bodies and executive officers of all political subdivisions that may be affected by this emergency event to act as necessary to meet the current exigencies as legally authorized under this proclamation, including by the employment of temporary workers; by the rental of equipment; and by entering into such contracts and agreements as may be required to meet the emergency, all without regard to those time-consuming procedures and formalities normally prescribed by law, mandatory constitutional requirements excepted.

*Given* under my hand and the Seal of the Governor, at the City of Harrisburg, this thirteenth day of March two thousand seventeen, the year of the commonwealth the two hundred forty-first.



Governor

[Pa.B. Doc. No. 17-500. Filed for public inspection March 24, 2017, 9:00 a.m.]

# THE COURTS

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CHS. 1 AND 5 ]

### Proposed Amendments of Pa.R.Crim.P. 522 and Proposed Revision to the Comments to Pa.Rs.Crim.P. 150 and 151

The Criminal Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Rule 522 (Detention of Witnesses) and the revision of the Comments to Rules 150 (Bench Warrants) and 151 (Bench Warrant Procedures When Witness is Under Age of 18 Years) for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

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

All communications in reference to the proposal should be received by no later than Friday, May 5, 2017. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Criminal Procedural  
Rules Committee*

CHARLES A. EHRLICH,  
*Chair*

### Annex A

#### TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

##### PART E. Miscellaneous Warrants

##### Rule 150. Bench Warrants.

\* \* \* \* \*

(B) As used in this rule, “judicial officer” is limited to the magisterial district judge or common pleas court judge who issued the bench warrant, or the magisterial district judge or common pleas court judge designated by the president judge or by the president judge’s designee to conduct bench warrant hearings, or in Philadelphia, trial commissioners **and Philadelphia Municipal Court judges.**

### Comment

\* \* \* \* \*

To ensure compliance with the prompt bench warrant hearing requirement, the president judge or the president judge’s designee may designate only a magisterial district judge to cover for magisterial district judges or a common pleas court judge to cover for common pleas court judges. *See also* Rule 132 for the temporary assignment of magisterial district judges. In Philadelphia, the current practice of designating trial commissioners **and Philadelphia Municipal Court judges** to conduct bench warrant hearings is acknowledged in paragraph (B).

\* \* \* \* \*

For the bench warrant procedures in summary cases, see Rules 430(B) and 431(C).

**For procedures for the detention of witnesses, see Rule 522.**

For the arrest warrants that initiate proceedings in court cases, see Chapter 5, Part B(3)(a), Rules 513, 514, 515, 516, 517, and 518. For the arrest warrants that initiate proceedings in summary cases, see Chapter 4, Part D(1), Rules 430(A) and 431(B).

**Official Note:** Adopted December 30, 2005, effective August 1, 2006; Comment revised October 24, 2013, effective January 1, 2014; **Comment revised** , **2017, effective** , **2017.**

*Committee Explanatory Reports:*

Final Report explaining new Rule 150 providing procedures for bench warrants published with the Court’s Order at 36 Pa.B. 184 (January 14, 2006).

Final Report explaining the October 24, 2013 Comment revision adding a cross-reference to new Rule 151 published with the Court’s Order at 43 Pa.B. 6655 (November 9, 2013).

**Report explaining the Comment revision regarding procedures for the detention of witnesses pursuant to Rule 522 published for comment at 47 Pa.B. 1732 (March 25, 2017).**

**Rule 151. Bench Warrant Procedures When Witness is Under Age of 18 Years.**

\* \* \* \* \*

### Comment

\* \* \* \* \*

As used in this rule, “minor witness” means a witness who is under the age of 18 years, and “proper judicial officer” means the judicial officer who issued the bench warrant, or, another judicial officer designated by the president judge or by the president judge’s designee.

**When a witness under the age of 18 years is to be detained pursuant to Rule 522, the procedures in this rule are applicable.**

**Official Note:** Adopted October 24, 2013, effective January 1, 2014; **Comment revised** , **2017, effective** , **2017.**

*Committee Explanatory Reports:*

Final Report explaining the October 24, 2013 adoption of new Rule 151 providing procedures for bench warrants when a witness is under the age of 18 published with the Court’s Order at 43 Pa.B. 6655 (November 9, 2013).

Report explaining the Comment revision regarding procedures for the detention of witnesses pursuant to Rule 522 published for comment at 47 Pa.B. 1732 (March 25, 2017).

CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART C. Bail

Rule 522. Detention of Witnesses.

\* \* \* \* \*

(C) Upon application, a court may release a witness from custody with or without bond, or grant other appropriate relief.

(D) If process has been issued pursuant to paragraph (A) for a material witness who is under the age of 18 years, the procedures provided in Rule 151 shall apply.

Comment

This rule does not permit a witness to be detained prior to the arrest of the defendant, since an arrest might never take place and the witness could be held indefinitely.

\* \* \* \* \*

Official Note: Former Rule 4017, previously Rule 4014, adopted November 22, 1965, effective June 1, 1966; renumbered Rule 4017 July 23, 1973, effective 60 days hence; Comment revised January 28, 1983, effective July 1, 1983; rescinded September 13, 1995, effective January 1, 1996, and replaced by present Rule 522. Present Rule 4017 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; renumbered Rule 522 and amended March 1, 2000, effective April 1, 2001; Comment revised April 28, 2006, effective August 1, 2006; amended , 2017, effective , 2017.

Committee Explanatory Reports:

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

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

Final Report explaining the April 28, 2006 revision to the Comment concerning electronic monitoring published with the Court's Order at 36 Pa.B. 2279 (May 13, 2006).

Report explaining the proposed amendments concerning material witnesses under the age of 18 years published for comment at 47 Pa.B. 1732 (March 25, 2017).

REPORT

Proposed Amendment of Pa.R.Crim.P. 522 Proposed Revision of the Comments to Pa.Rs.Crim.P. 150 and 151

Rule 522: Material Witness Under 18 Taken Into Custody

The Committee was recently posed with the question of what should be done when a material witness who is taken into custody pursuant to Rule 522 is under the age of 18. Rule 522 (Detention of Witnesses) provides procedures for restricting the liberty of a material witness when there is cause to believe the witness will not appear for trial. The rule provides that, upon application of the

Commonwealth or defense counsel, a court may set bail for a witness who likely is not to appear to testify. Process may be issued to bring the witness before the court for purposes of demanding bail. Paragraph (B) of the rule provides that, if the witness cannot satisfy the conditions of bail, the witness may be committed to jail but must have the opportunity to post bail at any time.

Rule 151 (Bench Warrant Procedures When Witness is Under Age of 18 Years) was developed in 2013 to provide procedures for bench warrants issued to minor witnesses who failed to respond to a subpoena. This was based on Rule of Juvenile Court Procedure 140 (Bench Warrants for Failure to Appear at Hearings) and was intended to address the various issues that arise when a juvenile is taken into custody. Rule 151 includes required notice to the issuing authority and parents or guardians as well as procedures to ensure early judicial review for an under-18 witness who is being held. See 43 Pa.B. 6655 (November 9, 2013).

The Committee concluded that the same protections should apply for those under-18 determined to be reluctant material witnesses as is provided for under-18 witnesses who have failed to respond to subpoenas. Therefore, a new paragraph (D) would be added to Rule 522 that would state that the Rule 151 procedures would apply in these circumstances. A revision to the Comment to Rule 151 similarly would state that the procedures in Rule 151 would apply to an under-18 witness being detained pursuant to Rule 522. Additionally, a cross-reference to Rule 522 would be added to the Rule 150 (Bench Warrants) Comment.

During the Committee's discussion, it was noted that the practice in Philadelphia was for bench warrant hearings to be conducted by Philadelphia Municipal Court judges in addition to being held by Philadelphia trial commissioners. This has been clarified by an amendment to paragraph (B) of Rule 150 and by a revision to the Comment.

[Pa.B. Doc. No. 17-501. Filed for public inspection March 24, 2017, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Amendment of Philadelphia Civil Rule \*1008 regarding Philadelphia Municipal Court Appeals as Supersedes; Administrative Order No. 01 of 2017

Order

And Now, this 8th day of March, 2017, the Court notes that the Philadelphia Civil Rules governing appeals from orders issued by the Philadelphia Municipal Court have created confusion, and pending a comprehensive review of said rules and the adoption of necessary amendments, it is hereby Ordered and Decreed that Philadelphia Civil Rule \*1008, is amended as follows. It is further Ordered and Decreed that the Supplemental Instructions and Affidavits referenced in Philadelphia Civil Rule \*1008 are amended as follows.



It is further *Ordered* and *Decreed* that the amendments shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

This Administrative Order is issued in accordance with the April 11, 1986 order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration, Docket No. 1. As required by Pa.R.J.A. 103(d), this Administrative Order and the proposed local rule were submitted to the Supreme Court of Pennsylvania Minor Court Rules Committee for review and written notification has been received from the Rules Committee certifying that the proposed local rule is not inconsistent with any general rule of the Supreme Court. This Administrative Order and the attached local rule shall be filed with the Office of Judicial Records (formerly the Prothonotary, Clerk of Courts and Clerk of Quarter Sessions) in a docket maintained for Administrative Orders issued by the First Judicial District of Pennsylvania. As required by Pa.R.J.A. 103(d)(5)(ii), two certified copies of this Administrative Order and the attached local rule, as well as one copy of the Administrative Order and local rule shall be distributed to the Legislative Reference Bureau on a computer diskette for publication in the *Pennsylvania Bulletin*. As required by Pa.R.J.A. 103(d)(6) one certified copy of this Administrative Order and local rule shall be filed with the Administrative Office of Pennsylvania Courts, shall be published on the website of the First Judicial District at <http://courts.phila.gov>, and shall be incorporated in the compiled set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*. Copies of the Administrative Order and local rule shall also be published in *The Legal Intelligencer* and will be submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

By the Court

HONORABLE JACQUELINE F. ALLEN,  
*Administrative Judge, Trial Division*  
*Court of Common Pleas, Philadelphia County*

**Proposed Amendments to Philadelphia Civil Rule \*1008**

*Note:* Deleted text is bolded, and bracketed; new text is in caps bolded.

**Philadelphia Civil Rule \*1008. Municipal Court Appeals as Supersedeas.**

\* \* \*

(d) *Supersedeas in Appeals of Judgments of Possession of Real Property Pursuant to Residential Leases. Indigent Tenants.*

(1) Residential tenants who seek to appeal from a Municipal Court judgment for possession and who do not have the ability to pay the lesser of three months' rent or the full amount of the Municipal Court judgment for rent shall file with the Office of Judicial Records, as applicable, either a Tenant's Supersedeas Affidavit (Non-Section 8), substantially in the form set forth below [ **as Attachment 1** ], or [ **Section 8** ] Tenant's Supersedeas Affidavit (**SECTION 8**), substantially in the form set forth below [ **as Attachment 2** ].

(2)(a) If the rent has already been paid to the landlord in the month in which the Notice of Appeal is filed, the tenant shall pay into an escrow account with the Office of Judicial Records the monthly rent [ **as it becomes due under the lease for the months subsequent to the filing of the Notice of Appeal** ] **IN THIRTY (30) DAY INTERVALS FROM THE DATE THE NOTICE OF APPEAL WAS FILED, AND EACH SUCCESSIVE THIRTY (30) DAY PERIOD THEREAFTER;** or

\* \* \*

(3) The Office of Judicial Records shall provide residential tenants who have suffered a judgment for possession with "Supplemental Instructions for Obtaining a Stay of Eviction," substantially in the form set forth below [ **as Attachment 3** ].

\* \* \*

(6) If the tenant fails to make monthly rent payments to the Office of Judicial Records as described in paragraph (2), the supersedeas may be terminated by the Office of Judicial Records upon praecipe by the landlord or other party to the action, substantially in the form set forth below [ **as Attachment 4** ] which is to be filed together with a certificate that a copy of the praecipe has been mailed to each other party who has appeared in the action. Notice of the termination of the supersedeas shall be forwarded by first class mail to attorneys of record, or, if a party is unrepresented, to the party's last known address of record; however, upon implementation of the Civil Electronic Filing System as provided in Philadelphia Civil Rule \*205.4, notice of the termination of the supersedeas will be served on the Philadelphia Municipal Court electronically by the Civil Electronic Filing System. The landlord may obtain a writ of possession from the Municipal Court ten (10) days after the supersedeas is terminated by the Office of Judicial Records.

\* \* \*

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
 COURT OF COMMON PLEAS OF PHILADELPHIA  
 COUNTY  
 TRIAL DIVISION—CIVIL

SUPPLEMENTAL INSTRUCTIONS FOR OBTAINING A  
 STAY OF EVICTION

\*\*\*\*IMPORTANT\*\*\*\*

PLEASE READ THESE INSTRUCTIONS CAREFULLY!

This document contains important information about your case. Failure to comply with any instructions provided in these materials may cause you to be evicted before your appeal is heard.

**FOR TENANTS—SUPERSEDEAS:** If you are a tenant and you file a Notice of Appeal, you must pay money into an escrow account to remain in the property until your appeal is decided. This is called a "supersedeas." The supersedeas will suspend the Municipal Court judgment and will prevent your eviction until your case is heard by a Court of Common Pleas judge and a final decision is made on the appeal.

**IF YOU FAIL TO PAY YOUR MONTHLY RENT INTO ESCROW IN FULL AND ON TIME, YOU COULD BE EVICTED BEFORE YOUR APPEAL IS HEARD.**

Begin by looking at the income limits attached to these instructions.

If your income is below the income limits, complete a Tenant's Supersedeas Affidavit (Non-Section 8) or Ten-



ant’s Supersedeas Affidavit (Section 8), then follow the instructions for low-income tenants below. There are several different options available; pick the Option (A, B, or C) that best describes your situation.

If your income is higher than the income limits attached to these instructions, follow the instructions for Option D.

These forms are available on the website of the First Judicial District at <http://www.courts.phila.gov/forms>.

If you fail to pay into escrow the required monthly amount when it is due, the supersedeas can be terminated upon the filing of a Praecipe Requesting Termination of Supersedeas, and you may be evicted before your appeal is heard.

**FFY 2017 INCOME LIMITS\* FOR FILING SUPERSEDEAS AS A LOW INCOME TENANT**

<i>Number of Persons in Household</i>	<i>Maximum Gross Monthly Income</i>	<i>Maximum Gross Yearly Income</i>
One	\$ 1,005	\$ 12,060
Two	\$ 1,354	\$ 16,240
Three	\$ 1,702	\$ 20,420
Four	\$ 2,050	\$ 24,600
Five	\$ 2,398	\$ 28,780
Six	\$ 2,747	\$ 32,960
Seven	\$ 3,095	\$ 37,140
Eight	\$ 3,443	\$ 41,320
For each additional person add	\$ 348	\$ 4,180.00

\* Issued by the Federal Department of Health and Human Services. Will be updated as applicable.

OPTION A. If you are a low-income tenant and there was a money judgment entered against you for nonpayment of rent, and you HAVE NOT paid rent for the month in which the Notice of Appeal is filed, you must:

1. File an In Forma Pauperis petition (a petition for low-income parties) pursuant to Pa.R.C.P. No. 240;
2. Pay one-third of your monthly rent into an escrow account with the Office of Judicial Records at the time the Notice of Appeal is filed;
3. Pay the remaining two-thirds (2/3) of your monthly rent into the escrow account within twenty (20) days of the date the Notice of Appeal was filed; and

4. Pay your monthly rent on an ongoing basis into the escrow account in thirty (30) day intervals from the date the Notice of Appeal was filed until the time of your trial. It is important to count the thirty (30) days exactly because the date of your payment will change depending on the number of days in a given month.

OPTION B. If you are a low-income tenant, and there was a money judgment against you for non-payment of rent, and you HAVE paid rent for the month in which the Notice of Appeal is filed, you do not have to pay rent at the time you file your Notice of Appeal. You must:

1. File an In Forma Pauperis petition (a petition for low-income parties), pursuant to Pa.R.C.P. No. 240;
2. Pay your monthly rent on an ongoing basis into an escrow account with the Office of Judicial Records in thirty (30) day intervals from the date the Notice of Appeal was filed until the time of trial. It is important to count the thirty (30) days exactly because the date of your payment will change depending on the number of days in a given month.

OPTION C. If you are a low-income tenant, and no money judgment was entered against you for nonpayment of rent, you do not have to pay rent at the time you file your Notice of Appeal. This option is to be used if at the Municipal Court hearing, the judge determined that you owed “zero” or “nothing” in rent. You must:

1. File an In Forma Pauperis petition (a petition for low-income parties), pursuant to Pa.R.C.P. No. 240;
2. Pay your monthly rent on an ongoing basis into an escrow account with the Office of Judicial Records in thirty (30) day intervals from the date the Notice of Appeal was filed until the time of your trial. It is important to count the thirty (30) days exactly because the date of your payment will change depending on the number of days in a given month.

OPTION D. If your income is higher than the income limits on the attached chart, you must:

1. Pay the fee to file a Notice of Appeal;
2. Pay the lesser of three (3) months’ rent or the amount of rent awarded to the landlord in the Municipal Court into an escrow account with the Office of Judicial Records’ office at the time the Notice of Appeal; and
3. Pay your monthly rent into the escrow account in thirty (30) day intervals from the date the Notice of Appeal was filed until the time of trial. It is important to count the thirty (30) days exactly because the date on your payment will change depending on the number of days in a given month.

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY FIRST JUDICIAL DISTRICT OF PENNSYLVANIA TRIAL DIVISION-CIVIL

	:	_____ TERM, 200____
Plaintiff,	:	
	:	
	:	NO. _____
v.	:	
	:	
Defendant.	:	_____ Landlord—Tenant Number

TENANT'S SUPERSEDEAS AFFIDAVIT  
(SECTION 8)

I, \_\_\_\_\_  
PRINT NAME AND ADDRESS HERE

have filed a Notice of Appeal from a Municipal Court judgment awarding to my landlord possession of real property that I occupy, and I do not have the financial ability to pay the lesser of three (3) times my monthly rent or the actual rent in arrears. My total household income does not exceed the income guidelines set forth in the supplemental instruction for obtaining a stay pending appeal and I have completed an In Forma Pauperis (IFP) petition to verify this.

Check one:  I have paid the rent this month.  I have not paid the rent this month.

The total amount of monthly rent that I personally pay to the landlord is \$\_\_\_\_\_ .

I hereby certify that I am a participant in the Section 8 program and I am not subject to a final (i.e. non-appealable) decision of a court or government agency which terminates my right to receive Section 8 assistance based on my failure to comply with program rules.

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

DATE	:	SIGNATURE OF APPELLANT
IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY FIRST JUDICIAL DISTRICT OF PENNSYLVANIA TRIAL DIVISION-CIVIL		
Plaintiff,	:	_____ TERM, 200__
v.	:	NO. _____
Defendant.	:	_____
	:	Landlord—Tenant Number

TENANT'S SUPERSEDEAS AFFIDAVIT  
(NON-SECTION 8)

I, \_\_\_\_\_  
PRINT NAME AND ADDRESS HERE

have filed a Notice of Appeal from a Municipal Court judgment awarding to my landlord possession of real property that I occupy, and I do not have the financial ability to pay the lesser of three (3) times my monthly rent or the judgment for rent awarded by the Municipal Court. My total household income does not exceed the income guidelines set forth in the supplemental instructions for obtaining a stay pending appeal and I have completed an In Forma Pauperis (IFP) petition to verify this.

Check one:  I have paid the rent this month.  I have not paid the rent this month.

The total amount of monthly rent that I personally pay to the landlord is \$\_\_\_\_\_ .

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

DATE	:	SIGNATURE OF APPELLANT
IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY FIRST JUDICIAL DISTRICT OF PENNSYLVANIA TRIAL DIVISION-CIVIL		
Plaintiff,	:	_____ TERM, 200__
v.	:	NO. _____
Defendant.	:	_____
	:	Landlord—Tenant Number

## PRAECIPE REQUESTING TERMINATION OF SUPERSEDEAS

## TO THE OFFICE OF JUDICIAL RECORDS:

Please terminate the supersedeas in the within action for failure of the appellant to pay monthly rental as required by Philadelphia Civil Rule \*1008 when it became due.

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

\_\_\_\_\_ Appellee

Upon confirmation of failure of the appellant to deposit the monthly rent when it became due, the supersedeas is terminated.

[DATE/TIME STAMP]

## OFFICE OF JUDICIAL RECORDS

[Pa.B. Doc. No. 17-502. Filed for public inspection March 24, 2017, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### BEAVER COUNTY

#### Local Rules Regarding Custody Actions; No. 10149 of 2017

##### Administrative Order

The following amendments to the Beaver County Local Rules of Civil Procedure are hereby adopted, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

It is hereby Ordered and Directed that the Local Custody Rules read as follows:

#### **LR1915A. Custody. (Corresponds to Pa.R.C.P. 1915.3, 1915.4, 1915.4-1, 1915.4-2, 1915.4-3 and 1915.4-4)**

1. *Scheduling the Custody Conference.* When filing a claim for custody or partial custody in a Complaint or a subsequent claim, the moving party shall:

(a) Present the pleading to the Administrative Custody Judge during Motions Court to obtain the Court's signature on the scheduling Order. Immediately thereafter, obtain a date and time for the Conference from the Administrative Custody Judge. The Judge's Chambers will make a copy of the pleading and Order to be forwarded to Juvenile Services Division.

(b) File the original pleading and Order in the Prothonotary's Office.

(c) Serve a clocked copy of the pleading and Order on counsel of record and/or unrepresented parties, with proof of service to be filed in the Prothonotary's Office, and a copy of the proof of service to be provided to the Child Custody Conference Officer at or prior to the time set for the Conference.

(d) When a Petition for Contempt of a Custody Order is filed, the Judge shall schedule the Contempt Petition for a Status Conference or Hearing before the Court, or for a Conciliation Conference before a Conference Officer. If a Petition for Contempt is filed at or about the same time as a Petition for Modification of a Custody Order, the Judge may order the Contempt Petition to be mediated by the Conference Officer at the same time as the Petition for Modification. If the matter is not resolved at the Conciliation Conference, the Court shall schedule a Status Conference or a Hearing on the Contempt matter, or if Exceptions are filed to the Proposed Order of Custody,

the Judge may consolidate the Contempt matter with the Pre-Trial Conference and/or Trial scheduled on the Modification Petition.

(e) In order to facilitate compliance with the requirements of the Uniform Child Custody Jurisdiction Enforcement Act, a party shall provide the Court with all known information concerning a Custody proceeding pending in another state which involves the same parties or children.

*Note:* In particular, the Court should be informed of the following: (1) the name and address of the Court in which such case is pending; (2) the caption of such case; (3) the name, address and telephone number of the Judge to whom the case might have been assigned, and (4) any Orders entered in such case. Information provided under this Rule should be submitted in writing and attached to the Complaint/Petition.

(f) All Petitions for Modification of Custody Orders shall have attached thereto, unless excused by the Court for good cause shown, copies of the Petitioner's Certificate of Completion of the mandatory Educational Seminar as required in LR1915A, as well as proof of compliance with all counseling and other services mandated in the Order sought to be modified. If such proof and the Certificate of Completion are not attached, the Court may refuse to entertain the Petition.

2. *Preliminary Objections.* Any party filing Preliminary Objections raising issues of jurisdiction or venue of the Court to act, shall, concurrently with filing the same with the Prothonotary, deliver a true and correct copy of the Preliminary Objections to the Judge assigned to handle Custody matters and to opposing counsel and/or to any party not represented by counsel. The Judge will schedule the matter for Argument on a priority schedule to dispose of the issues as expeditiously as possible.

#### 3. *Conduct of Conciliation Conference Officer.*

(a) The Child Custody Conference Officer will convene a Conciliation Conference, as scheduled by the Court, which Conference shall be attended by the parties and their legal counsel, if any.

(b) Before counsel appears before the Child Custody Conference Officer, counsel must enter his/her Appearance on the record in the Prothonotary's Office, provide notice to all opposing counsel or party(ies) and have proof of entry of Appearance available at the Conference.

(c) Counsel for the parties, or the parties themselves if unrepresented, are to provide true and correct copies of any exhibits to be shown to the Child Custody Conference Officer at the Conference, to counsel for the opposing

party or to the opposing party if unrepresented, at least five (5) days prior to the scheduled Conference. Failure to comply may, at the discretion of the Child Custody Conference Officer, result in the exclusion of the exhibit from consideration, the rescheduling of the Conference to allow the opposing party an opportunity to respond or other action deemed appropriate by the Child Custody Conference Officer, keeping in mind the Officer's need to evaluate the best interest of the child(ren).

(d) The parties, counsel and the Child Custody Conference Officer, as mediator or conciliator, shall make a good-faith effort to resolve the issues and reach agreement on custody and/or partial custody. The Child Custody Conference Officer shall conduct the Conciliation Conference as an informational and conciliatory proceeding rather than confrontational or adversarial.

(e) No scheduled Custody Conference shall be rescheduled by any party or counsel without the prior expressed consent of the opposing party or counsel or Order of Court issued upon a Motion to Continue submitted in accordance with LR208.3(a)(3).

#### 4. Procedure After Conciliation Conference.

(a) If the parties reach agreement, the Child Custody Conference Officer shall submit an Agreed Order to the Court bearing the written consents, evidenced by signatures of the parties and their counsel, if any. Neither the parties nor counsel need to appear before the Court for the Court's approval of the Agreed Order.

(b) If, for any reason, the parties do not reach agreement, the Child Custody Conference Officer shall file a written report with the Court within five (5) business days, unless otherwise extended by agreement of counsel, or the parties if unrepresented. The report shall be in a narrative form and shall include the positions of the parties, proposed settlements of the parties, if any, and the recommendation of the Child Custody Conference Officer, together with reasoning for the recommendations and either a Proposed Order or a Temporary Order. Upon receipt and review of the report, the Court shall issue a Proposed Order or a Temporary Order and promptly provide a copy thereof, together with a copy of the Child Custody Conference Officer's report, except for that portion of the report relating to comments from the minor child(ren), to counsel for the parties, or the parties themselves if not represented by counsel.

(c) A Proposed Order shall be entered as a Final Order unless Exceptions thereto are filed by either party within twenty (20) days after the effective date set forth in the Proposed Order. Exceptions may also be filed to a Temporary Order at any time during the existence of the Temporary Order, but the Court will decide whether the Exceptions will be remanded back to the Child Custody Conference Officer for further proceedings and recommendation or set down by the Court for a Pre-Trial Conference as provided for herein. The Court may Order, if circumstances warrant, that should Exceptions be filed, the Proposed Order shall be effective as a Temporary Order pending further Order of Court.

(d) Exceptions to the Proposed Order or Temporary Order must be in writing and should state, with particularity, the portion(s) of the Order objected to. The Exceptions must be filed with the Prothonotary, and copies thereof must be delivered forthwith to the Court Administrator's Office, as well as to all counsel and/or unrepresented parties of record.

(e) Failure of any party, having primary or shared physical custody of a child, to appear at a scheduled Conciliation Conference or Pre-Trial Conference will result in the scheduling of the matter for a Hearing before the Court and may result in imposition of sanctions by the Court.

(f) Failure of any party, not having primary physical custody of a child, to appear at a scheduled Conciliation Conference or Pre-Trial Conference may result in the Court's entry of a Proposed Final Order or a Temporary Order, as the Court determines to be warranted under the circumstances found to be present, and may result in the imposition of sanctions.

#### 5. Pre-Trial Conference.

(a) Upon receipt of the Exceptions by the Court Administrator's Office, the Court will schedule a Pre-Trial Conference to be attended by all counsel and parties, whether represented by counsel or not. A Pre-Trial Conference with the Court will be scheduled in every case and will be waived only with the consent of the Court.

(b) No later than five (5) days prior to the date scheduled for Pre-Trial Conference, each attorney and each party not represented by counsel must file a completed Pre-Trial Information Statement, on or in a form approved by the Court, at the Court Administrator's Office for the presiding Judge, with copies provided to opposing counsel and/or unrepresented parties of record.

(c) Failure of any party, having primary or shared physical custody of a child, to appear at a scheduled Conciliation Conference or Pre-Trial Conference, will result in the scheduling of the matter for a Hearing before the Court and may result in imposition of sanctions by the Court.

(d) Failure of any party, not having primary physical custody of a child, to appear at a scheduled Pre-Trial Conference, may result in the Court's entry of a Proposed Final Order or a Temporary Order, as the Court determines to be warranted under the circumstances found to be present, and may result in the imposition of sanctions.

#### LR1915B. Reduced-Fee Program.

1. Any individual who is referred under Neighborhood Legal Services Association's Pro Bono or Reduced-Fee Programs to a participating member of the Beaver County Bar Association for representation as a litigant in a Custody Action and who is certified by NLSA to be income eligible under Legal Services regulations, shall be granted leave to proceed In Forma Pauperis. Counsel representing these individuals shall present to the Prothonotary a Praeceptum for Permission to Proceed In Forma Pauperis, which shall be endorsed by counsel, and which shall have attached to it a Certificate of Eligibility prepared by NLSA. The Praeceptum shall be substantially in the following form:

(CAPTION)

Praeceptum to Proceed In Forma Pauperis

To the Prothonotary: Kindly allow {Plaintiff's/Defendant's Name}, the Plaintiff/Defendant, to proceed In Forma Pauperis.

I, {Attorney's Name}, attorney for the party proceeding In Forma Pauperis, certify that I believe the party is unable to pay the costs and that I am providing free legal



services or reduced-fee legal services to the party pursuant to the Reduced-Fee or Pro Bono Referral Programs of Neighborhood Legal Services Association. The party's Certificate of Eligibility prepared by Neighborhood Legal Services Association is attached hereto.

\_\_\_\_\_  
Name of Attorney  
Attorney for Plaintiff/Defendant  
Address  
Telephone Number  
Supreme Court ID Number

2. Any participating member of the Beaver County Bar Association who provides representation to a Custody litigant on a Motion for Special Relief or at a Child Custody Conference pursuant to a referral from NLSA's Pro Bono or Reduced-Fee Programs, shall be permitted to enter a Limited Appearance. The Praeceptum for Entry of Limited Appearance shall be substantially in the following form:

(CAPTION)

Praeceptum for Entry of Limited Appearance

To the Prothonotary: Kindly enter my Limited Appearance for {Plaintiff's/Defendant's Name}, the Plaintiff/Defendant, in the above-captioned matter.

This Appearance is limited to providing representation (on the \_\_\_\_\_ filed on behalf of this party/at the Custody Conference scheduled in this matter for [date of Conference]).

\_\_\_\_\_  
Name of Attorney  
Attorney for Plaintiff/Defendant  
Address  
Telephone Number  
Supreme Court ID Number

3. Upon completion of the representation under the above-described referral programs, the attorney shall file a Praeceptum for Withdrawal of Limited Appearance. This Praeceptum shall be filed without leave of Court, and it shall not be required to, but may, contain information about another attorney who may be entering his/her Appearance at the same time. This Praeceptum shall direct the Prothonotary to send all future notices directly to the client and shall set forth the client's last-known address. The Praeceptum for Withdrawal of Limited Appearance shall be substantially in the following form:

(CAPTION)

Praeceptum for Withdrawal of Limited Appearance

To the Prothonotary: Kindly withdraw my Limited Appearance for {Plaintiff's/Defendant's Name}, the Plaintiff/Defendant, in the above-captioned matter. Withdrawal of this Limited Appearance is permitted pursuant to Miscellaneous Order No. \_\_\_\_\_ of \_\_\_\_\_. All future notices should be sent directly to {Plaintiff's/Defendant's Name}, the Plaintiff/Defendant, at {set forth last-known address for this party}.

\_\_\_\_\_  
Name of Attorney  
Attorney for Plaintiff/Defendant  
Address  
Telephone Number  
Supreme Court ID Number

**LR1915C. Educational Seminar Pertaining to Parties to Custody Actions.**

All parties to Custody Actions, where the interests of children under the age of eighteen (18) years are in-

volved, shall, unless excused by the Court, complete a program which we have entitled the Educational Seminar, or such other title as determined by the Administrative Custody Judge, hereafter, "Seminar."

All parties shall register for the first available Seminar after the date the Defendant(s) has/have been served with process. Counsel for the Plaintiff(s) shall require the Plaintiff(s) to register for the Seminar and shall have a copy of the Notice and Registration Form served on the Defendant(s) at the same time as the Complaint. The Notice and Registration Form are available at the Beaver County Law Library and at <http://www.beavercountypa.gov/Depts/Courts/LawLib/Pages/default.aspx>.

Failure of a party to successfully complete the Seminar will result in sanctions by the Court, including Contempt.

The District Court Administrator is Directed to:

1. file one (1) certified copy of this Administrative Order with the Administrative Office of Pennsylvania Courts;
2. submit two (2) certified copies of this Administrative Order and a copy on computer diskette or CD-ROM containing the text of the Administrative Order to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;
3. submit one (1) certified copy of this Administrative Order to the Civil Procedural Rules Committee of the Pennsylvania Supreme Court;
4. publish a copy of this Administrative Order on the Beaver County Court of Common Pleas website, <http://www.beavercountypa.gov/Depts/Courts/CCP/Pages/default.aspx>, after publication in the *Pennsylvania Bulletin*;
5. keep a copy of this Administrative Order continuously available for public inspection and copying in the Office of the Prothonotary of Beaver County; and
6. keep a copy of this Administrative Order continuously available for public inspection and copying in the Beaver County Law Library.

By the Court

RICHARD MANCINI,  
*President Judge*

[Pa.B. Doc. No. 17-503. Filed for public inspection March 24, 2017, 9:00 a.m.]

**CRAWFORD COUNTY  
Adoption of Local Orphans' Court Rules; O.C.  
2017-17**

**Order**

And Now, March 6, 2017, the following new local Orphans' Court rules for the Court of Common Pleas of Crawford County, 30th Judicial District of the Commonwealth of Pennsylvania are adopted to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

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

1. File one (1) copy of this order and the local rules with the Administrative Office of Pennsylvania Courts via e-mail to [Adminrules@pacourts.us](mailto:Adminrules@pacourts.us).
2. File two (2) paper copies of this order and the rules and one (1) electronic copy in a Microsoft Word format



only to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Publish a copy of these rules on the Crawford County Court website at www.crawfordcountypa.net and thereafter compile these rules within the complete set of local rules within thirty (30) days after the new local rules become effective.

4. File one (1) copy of the local rules in the Office of the Clerk of Courts of Crawford County and in the Crawford County Law Library for public inspection and copying.

*By the Court*

ANTHONY J. VARDARO,  
*President Judge*

## CHAPTER I—PRELIMINARY RULES

### Rule 1.1. Title and Citation.

These rules shall be known as the Crawford County Orphans' Court Rules. They shall be cited as "Cra.O.C.R."

### Rule 1.3. Definitions.

*Legal Periodical*—The *Crawford County Legal Journal* is the legal periodical for the publication of legal notices in Crawford County.

### Rule 1.6. Mediation.

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

The Court may order mediation in a particular matter upon motion of any interested party or sua sponte. In any such order entered the Court shall set forth any specific requirements with regard to mediation.

### Rule 1.7. Attorneys.

*Appearance.* Any attorney representing a party in any proceeding in the Orphan's Court Division shall file a written appearance with the Clerk of the Orphan's Court which shall state the attorney's Pennsylvania Supreme Court Identification Number, fax number, telephone number and an address within the Commonwealth at which papers may be served. Written notice of entry of appearance shall be given forthwith to all parties, or their counsel.

### Rule 1.8. Cover Sheet.

All motions and petitions presented at motion court shall include a completed motion court cover sheet in a form in compliance with Crawford County Local Civil Rule L205.2(b). (See Exhibit L205.2(b) for sample of cover sheet form.)

## CHAPTER II—ACCOUNTS, OBJECTIONS AND DISTRIBUTIONS

### Rule 2.6. Filing with the Clerk.

Accounts of personal representatives including statements of proposed distribution shall be filed with the Clerk of Orphans' Court in duplicate. Following confirmation, one copy of the account of personal representatives, with the date of confirmation noted thereon, shall be forwarded to the Register of Wills for indexing and filing with records of the proceeding in the Register's Office for that decedent.

### Rule 2.10. Foreign Heirs and Unknown Distributees.

The report filed consistent with Pa.O.C. RULE 2.10(b) shall include the following:

(a) The nature of the investigation made to locate any distributee(s) in full detail;

(1) If applicable to the determination of any distributees identity, complete family tree in as much detail as possible, supported by any documentary evidence as the petitioner has been able to obtain;

(2) A statement that investigation was made by as many of the following means as available and feasible; questioning of member(s) of the household of the decedent or settlor, and/or friends, neighbors and/or known relatives thereof; officers and members of groups, unions, social or fraternal organizations to which decedent or settlor belonged; contacting employers and/or co-workers; examining church, insurance, school and voter registrations records; Veteran's Administration and Social Security records; naturalization records if not a native born citizen; telephone and electronic media such as internet listings; and such other sources as the circumstances suggest;

(3) If the fiduciary determines that a non-resident distributee shall not be able respond or enjoy the benefit of the interest due thereto, the fiduciary shall indicate in the report the reason for that determination.

(b) The report will be filed in the office of the Clerk of Court when the accounting is filed and notice shall be given to the distributee or where applicable, to the guardian, parent, next of kin or party having custody of the distributee or any other party required by rule or statute.

### Rule 2.11. Appointment of Official Examiners.

The Court may enter an order appointing an examiner or examiners who shall examine the assets held by a fiduciary and make a full written report thereon to the Court showing what assets belong to the estate, how they are registered or otherwise earmarked as the property of the estate to which they belong, and where and how the cash belonging to the estate is kept or deposited.

The Court may, in any order appointing an examiner or examiners, also direct the examiner or examiners to accomplish one or more of the following:

(a) Determine, in the case of a trust, if its purposes are being carried out;

(b) Determine, if the funds and assets in the hands of the fiduciary are being used or applied in accord with any trust instrument, will, applicable statute, regulation or court order;

(c) Make a written report including findings of fact, conclusions of law; and when appropriate, recommendations for consideration of the Court; and

(d) Such other matters as the Court may designate.

Examiners shall be allowed such fees from principal or income, or apportioned between principal and income as may be directed by the Court.

## CHAPTER III—PETITION PRACTICE AND PLEADING

### Rule 3.5. Form. Notice of Motion or Petition.

(a) Before any motion or petition is filed, the moving party shall serve a copy of the motion, petition, request or application, and any proposed order, and a statement of the date and time of the intended presentation to counsel of record and any unrepresented party at least three (3) business days in advance of the presentation. Service may

be accomplished personally, by first class mail or by facsimile transmission. Service shall be made pursuant to Pa.O.C. Rule 3.5.

(b) A document in the following form shall be attached to each contested and uncontested motion or petition and every copy of the same that is filed or served:

**NOTICE**

You are hereby notified that the attached motion/petition will be presented by me on \_\_\_\_\_, 20\_\_.

- ( ) to the Clerk of Courts.
- ( ) in Motion's Court at 8:45 o'clock a.m.

**CERTIFICATION OF NOTICE AND SERVICE**

The undersigned represents that three (3) business days' prior notice and copy of this motion and proposed order have been served by ( ) first class mail ( ) fax, or ( ) hand delivery on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ upon all parties or their counsel of record in accordance with Pa.O.C. Rule 3.5.

**INFORMATION FOR COURT ADMINISTRATOR**

- A. Is this an original filing in this case?  
 \_\_\_\_ Yes \_\_\_\_ No
- B. Has any Judge heard this matter previously?  
 \_\_\_\_ Yes \_\_\_\_ No
- C. If yes, name of Judge who presided over previous matter:  
 \_\_\_\_ Vardaro \_\_\_\_ Spataro  
 \_\_\_\_ Stevens \_\_\_\_ other/Name
- D. Estimated Court time required for this matter.  
 \_\_\_\_ Minutes \_\_\_\_ Hours \_\_\_\_ Days
- E. Is this motion/petition opposed by another party?  
 \_\_\_\_ Yes \_\_\_\_ No \_\_\_\_ Unknown

**UNCONTESTED MOTION CERTIFICATION**

The undersigned represents that:

- \_\_\_\_ 1. All parties or counsel have consented.
  - \_\_\_\_ 2. Consents of all parties or counsel are attached.
  - \_\_\_\_ 3. The Petition seeks only a return hearing or argument date and no other relief.
- Opposing Counsel: \_\_\_\_\_ (if opposing party is unrepresented, list his/her current address and telephone): \_\_\_\_\_ (Telephone) \_\_\_\_\_

I HEREBY CERTIFY ALL OF THE ABOVE STATEMENTS ARE TRUE AND CORRECT

By \_\_\_\_\_  
 Attorney for: \_\_\_\_\_

(c). *Suggested Order.* Every motion, request and application shall have attached thereto a suggested order granting the relief that is requested by the moving party.

(d). *Service of Order Entered.* All orders entered by the Court after the presentation of a motion, petition, request or application shall be served upon all opposing parties or their counsel by the moving party within three (3) business days after the entry of the order by the Court. Service of a conformed order is sufficient. As a courtesy, the Clerk of Courts may furnish a copy of the actual order

at a later date, but the responsibility of the moving party to effectuate service is not relieved hereby.

**Explanatory Comment**

This local rule is intended to allow parties to bring before the court uncomplicated or uncontested matters. The court will not conduct argument or hold an evidentiary hearing at motions court on matters that are contested. In those cases an order will be entered directing the court administrator to schedule argument and/or an evidentiary hearing and the responding party will have twenty (20) days to respond consistent with the uniform notice period established by the Pennsylvania Orphans' Court Rules.

**CHAPTER VII—RULES RELATING TO PRE-HEARING PROCEDURE**

**Rule 7.1. Depositions, Discovery, Production of Documents and Perpetuation of Testimony.**

The procedure relating to depositions, discovery and production of documents shall be governed by special Order of Court consistent with the following:

- (1) Leave to take depositions and/or discovery or production of documents shall be granted only upon petition with good cause shown, except upon agreement of counsel.
- (2) In the case of a will contest, no discovery shall be allowed prior to the filing of the contest or caveat.

**CHAPTER IX—AUDITORS AND MASTERS**

**Rule 9.1.**

An auditor or master appointed pursuant to 20 Pa.C.S. § 751 shall give notice of scheduled hearing in writing at least twenty (20) days prior to the hearing.

**Rule 9.6. Notice of Filing Report.**

An auditor or master filing a report or an intention to file a report shall provide notice of the same to all parties or counsel for represented parties in writing by sending first class mail no later than the day the report is filed.

**Rule 9.7. Confirmation of Report.**

Any interested party shall have the right to file exceptions to the auditor's report or to a master's report within twenty (20) days after the date notice of the filing of the report is received by that party.

If no exceptions are filed within twenty (20) days after the service thereof, the Court may enter a decree confirming the auditor's report or approving the master's report and adopting its recommendations unless the time to file exceptions has been extended by the Court.

If exceptions are filed the matter shall go on the argument list as provided for in the Crawford County Civil Rules of Court and after disposition of any exceptions the Court will enter a confirmation either consistent with the report or with such modifications as the Court may deem appropriate after consideration of the exceptions.

**Rule 10.2. Proceedings before the Register of Wills.**

(a) Discovery before the Register of Wills, upon application to the Register by an interested party, shall be limited to the following: depositions, request for production of documents, request for admissions, subpoenas.

(b) Objections to the discovery before the Register of Wills shall be addressed to, and decided by, the Register of Wills or the Deputy Register or solicitor presiding over the hearing.

(c) Requests for additional discovery beyond this rule shall be made to a Judge of the Orphans Court Division by petition with proper notice.

[Pa.B. Doc. No. 17-504. Filed for public inspection March 24, 2017, 9:00 a.m.]

## LUZERNE COUNTY

### Adoption of New Rules of Judicial Administration Governing Court Reporting and Transcripts; Local Rules of Civil Procedure 4007 and 4008; No 1978 of 2017

#### Order

And Now, this 22nd day of February, 2017, the Luzerne County Court of Common Pleas adopts the following local rules governing court reporting and transcripts, Luzerne County Rules of Civil Procedure 4007 and 4008, respectively, for the 11th Judicial District of the Commonwealth of Pennsylvania:

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

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

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

3) Publish these Rules on the Luzerne County Court website at www.luzernecountycourts.com.

4) File one (1) copy shall be kept continuously available for public inspection and copying in the Office of Judicial Services and Records of Luzerne County and the Wilkes-Barre Law and Library Association.

5) File one (1) electronic copy of these Rules in Microsoft Word format only to law.library@luzernecounty.org for publication in the *Luzerne Legal Register*.

Said Local Rules of Judicial Administration shall be effective in the 11th Judicial District of the Commonwealth of Pennsylvania thirty (30) days after publication in the *Pennsylvania Bulletin* and upon publication on the Luzerne County website.

By the Court

RICHARD M. HUGHES, III,  
*President Judge*

#### Luz.Co.R.Civ.P. Rule 4007; Court Reporting and Transcripts

##### Rule 4007. Requests for Transcripts.

a) All requests for transcripts shall be submitted on a form provided by the District Court Administrator which will include current rates charged for transcripts and be available at all filing offices and on the Court's website. A party completing a Request for Transcript Form shall obtain a total estimated cost from the Court Reporter with the information to be contained in the request.

b) For an ordinary transcript, the party requesting a full or partial transcript shall file the original request with the Office of Judicial Records (Prothonotary, Clerk of Courts or Register of Wills).

The requesting party shall promptly serve time-stamped copies of the request upon:

- 1) The Presiding Judge;
- 2) The District Court Administrator;
- 3) The Court Reporter/s assigned to the proceeding; and,
- 4) All other counsel or self-represented parties in the proceeding.

c) Daily, expedited or same day transcripts require prior approval of the Presiding Judge.

d) When a request for transcript is made:

1) The requesting party ordering the transcript shall make payment in the amount of 95% of the estimated total cost of the transcript as a non-refundable deposit payment.

Deposit checks are to be made payable to the County of Luzerne and shall be delivered to the District Court Administrator or his designee.

2) Upon receipt of the 95% deposit, the Court Reporter/s assigned to the proceeding shall be directed by the District Court Administrator or his designee to prepare the transcript.

3) The Court Reporter/s shall notify the ordering party and the District Court Administrator or his designee upon completion of the transcript and shall indicate a balance due.

4) Checks for the final balance are to be made payable to the County of Luzerne and shall be delivered to the District Court Administrator or his designee.

Upon payment of the balance owed, the Court Reporter/s shall obtain the signature of the Presiding Judge on the original transcript and shall deliver the original transcript to the appropriate filing office. After the original transcript has been filed of record with the appropriate filing office, copies shall be delivered to the parties in the appropriate format. No person or other entity shall obtain, reproduce, distribute or copy any transcript or portion thereof except in accordance with this rule.

#### Luz.Co.R.Civ.P. Rule 4008; Costs Payable

##### Rule 4008. Costs payable by Requesting Party other than the Commonwealth or subdivision thereof.

###### a) Costs Payable

1) *Electronic Format*. The costs payable by the initial ordering party for a transcript delivered via electronic format shall be:

- i. For an ordinary transcript, \$2.50 per page
- ii. For an expedited transcript, \$3.50 per page
- iii. For a daily transcript, \$4.50 per page
- iv. For same-day delivery, \$6.50 per page
- v. For a realtime feed, \$1.00 per page

2) *Paper Format*. The costs payable by the initial ordering party for a transcript delivered via paper format shall be:

- i. For an ordinary transcript, \$2.75 per page
- ii. For an expedited transcript, \$3.75 per page
- iii. For a daily transcript, \$4.75 per page
- iv. For same-day delivery, \$6.75 per page

###### b) Economic Hardship



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

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

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

4) The application to waive all or a portion of costs for ordinary transcripts shall be supported by an affidavit substantially in the form required by Rule 240(h) of the Pennsylvania Rules of Civil Procedure. Such application should be prepared in the form of a Petition to Waive All or a Portion of the Transcript Costs and submitted with the request for transcript.

*c) Assignment and allocation of transcripts costs*

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

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

*d) Copies of transcript*

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

- i. \$0.75 per page bound, paper format; and,
- ii. \$0.50 per page electronic copy.

*e) Additional Costs*

1) A trial judge may impose a reasonable surcharge in cases such as mass tort, asbestos, medical malpractice or other unusually complex litigation, where there is a need for court reporters to significantly expand their dictionary. Such surcharges and the amount are at the discretion of the trial judge.

[Pa.B. Doc. No. 17-505. Filed for public inspection March 24, 2017, 9:00 a.m.]

**MONROE COUNTY**

**Amendment of Local Rules of Civil Procedure; 5 AD 2017**

**Order Pursuant to Pa.R.J.A. 103(d)**

And Now, this 6th day of March, 2017, it is *Ordered* that the following Rule of the Court of Common Pleas of the 43rd Judicial District of Pennsylvania, Monroe

County, is rescinded to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

Local Rule of Civil Procedure 250C. Costs of Transcript/Deposits of Fee for Transcript.

It Is Further Ordered that the District Court Administrator shall:

1. File one copy of this local rule with the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.

2. File two paper copies and one electronic copy of this local rule in a Microsoft Word format only on a CD-ROM to the Legislative Reference Bureau for publication in *Pennsylvania Bulletin*.

3. Provide one copy of this local rule to the Monroe County Law Library.

4. Keep such local rule changes, as well as all local civil rules, continuously available for public inspection and copying in the Office of the Prothonotary of Monroe County. Upon request and payment of reasonable cost of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule.

5. Arrange to have the local rule changes published on the Monroe County Bar Association website at www.monroebar.org.

6. Arrange to have the local rule changes, as well as all local rules, published on the 43rd Judicial District website at www.monroepacourts.us.

*By the Court*

MARGHERITA PATTI-WORTHINGTON,  
*President Judge*

**Amendments to Monroe County Local Rules**

**Monroe County Local Rule 250C. Costs of Transcript/Deposits of Fee for Transcript.—rescinded, effective \_\_\_\_\_**

[Pa.B. Doc. No. 17-506. Filed for public inspection March 24, 2017, 9:00 a.m.]

**JUDICIAL CONDUCT BOARD**

**Statement of Policy Regarding Disqualification Based on Campaign Contributions Under Rule 2.11(A)(4)**

The Judicial Conduct Board adopted a Statement of Policy Regarding Disqualification Based on Campaign Contributions Under Rule 2.11(A)(4), effective March 6, 2017.

**Judicial Conduct Board Statement of Policy Regarding Disqualification Based on Campaign Contributions Under Rule 2.11(A)(4)**

The Code of Judicial Conduct (Code) and the Rules Governing Standards of Conduct of Magisterial District Judges (Rules) were adopted by the Supreme Court in 2014. With the 2017 judicial election cycle approaching, the Board thought it appropriate to provide guidance on the topic of campaign contributions and the issue of disqualification as addressed in Rule 2.11(A)(4) of the Code and Rules. Many judicial officers at all levels of Pennsylvania's judiciary have asked questions relating to

the operation of this rule and how the Board will interpret and enforce it. For these reasons, the Board has adopted this “Statement of Policy” which sets forth the Board’s tentative intention with respect to how it will interpret and enforce this rule in the future. While the Board seeks to provide guidance with the issuance of this Statement of Policy, it is noted that it does not have the force and effect of law and is binding on neither the members of the judiciary nor the Board.<sup>1</sup>

#### *Executive Summary*

- When faced with a question of recusal or disqualification under Rule 2.11(A)(4), the nature of the inquiry is an objective one involving the public perception of large contributions and their effect on the judge’s ability to be impartial. If the amount of a contribution to a judicial candidate’s campaign raises a reasonable concern about the fairness or impartiality of the judge’s consideration of a case involving the contributor, disqualification is required.
- The focus of any inquiry under Rule 2.11(A)(4) is the contributions received by the campaign of the judge whose ability to preside is questioned.
- There is no amount specified in Rule 2.11(A)(4) over which disqualification is required.
- Regardless of proportional relationship to other contributions or the total amount raised, large contributions will raise reasonable concerns about the judge’s fairness based on the size alone and will trigger the assessment required under Rule 2.11(a)(4) and the Board will look unfavorably upon a judge’s strained views of the public perception of such large contributions.
- Disqualification under Rule 2.11(A)(4) is subject to informed waiver by the parties and their attorneys.
- A contribution of several thousand dollars will almost always require an analysis of whether disqualification is warranted; but such analysis may be avoided if the contribution is disclosed and the parties and their attorneys waive disqualification.
- Judges are not required to review their campaign finance reports to determine if they are disqualified, but that may be the prudent practice as judges may not remain purposely ignorant of campaign contributions in order to avoid compliance with Rule 2.11(A)(4).
- While there is no specific look-back period in Rule 2.11(A)(4), the effect of contributions will generally dissipate over time. The larger the contribution, the longer it will take to dissipate.
- Disqualification is not required under Rule 2.11(A)(4) simply because the amount of a contribution exceeds the

<sup>1</sup>This Statement of Policy addresses contributions made to judges’ campaign committees and not contributions to political action committees (PACs) that contribute to judges’ campaign committees. Regarding contributions to PACs and their relationship to this Rule, the reader is directed to Comment [6] following Rule 2.11 which provides:

Rule 2.11(A)(4) represents a first inroad into complex issues associated with the financing of judicial campaigns in the scheme prescribed by the Pennsylvania Constitution, per which judicial officers are elected by the citizenry. See Pa. Const. art. V, § 13. For example, the rule presently does not address a number of circumstances which have arisen in the context of public judicial elections, including the involvement of political action committees (“PACs”). Under the direction of an independent board of directors, such entities may aggregate then distribute individual contributions among judicial campaigns, political campaigns, their own operating expenses, and other expenditures. There is no attempt, under the present rule, to require disqualification on account of individual contributions made to a PAC, so long as the organization does not serve as the alter-ego of a specific donor or donors. Rulemaking, in this regard, would require further study and deliberation in order to appropriately balance all respective interests involved. Thus, the Court has reserved any treatment to a later time.

Code, Canon 2, Rule 2.11, Comment [6]; Rules, Canon 2, Rule 2.11, Comment [6].

amount that must be reported as a gift on the judge’s statement of financial interests.

- Contributions from several lawyers from the same law firm must be aggregated when conducting the assessment required by Rule 2.11(A)(4).

#### *General Principles and Observations*

Rule 2.11, relating to disqualification, provides, in pertinent part:

(A) A judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned, including but not limited to the following circumstances:

\* \* \* \* \*

(4) The judge knows or learns that a party, a party’s lawyer, or the law firm of a party’s lawyer has made a direct or indirect contribution(s) to the judge’s campaign in an amount that would raise a reasonable concern about the fairness or impartiality of the judge’s consideration of a case involving the party, the party’s lawyer, or the law firm of the party’s lawyer. In doing so, the judge should consider the public perception regarding such contributions and their effect on the judge’s ability to be fair and impartial. There shall be a rebuttable presumption that recusal or disqualification is not warranted when a contribution or reimbursement for transportation, lodging, hospitality or other expenses is equal to or less than the amount required to be reported as a gift on a judge’s Statement of Financial Interest.

Code of Judicial Conduct, Canon 2, Rule 2.11(A)(4); Rules Governing Standards of Conduct of Magisterial District Judges, Canon 2, Rule 2.11(A)(4).

As drafted, the overriding emphasis of the rule is the appearance that the amount of a campaign contribution might raise a concern about the judge’s impartiality. That this is the preeminent concern of the rule is evidenced by the fact that the word “impartiality” or “impartial” appears three times in the rule. As used in the Code and Rules, “impartial” or “impartiality” means “absence of bias or prejudice in favor of, or against, particular parties or classes of parties, as well as maintenance of an open mind in considering issues that may come before a judge.” Code of Judicial Conduct, Terminology, Impartial, impartiality, impartially; Rules Governing Standards of Conduct of Magisterial District Judges, Terminology, Impartial, impartiality, impartially.

The rule starts with the imperative that “[a] judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned.” Legal commentators have suggested that a simple application of this principle would dictate the proper result in most cases of disqualification occasioned by campaign contributions, noting that whether “impartiality ‘might reasonably be questioned’ . . . turn[s] on whether [a judge’s] participation would create the appearance of partiality in the mind of a reasonable, fully informed, objective observer.” Geyh, Alfani, Lubet and Shaman, *Judicial Conduct and Ethics (Fifth Ed.)*, § 4.16 Campaign Contributions, 4-73 (LexisNexis 2013).

The directive that a judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned is then followed by a non-exhaustive list of “circumstances” requiring disqualification, including the circumstance listed in subsection (A)(4) where “[t]he judge knows or learns that a party, a party’s lawyer, or the law firm of a party’s lawyer has



made a direct or indirect contribution(s) to the judge's campaign in an amount that would raise a reasonable concern about the fairness or impartiality of the judge's consideration of a case involving the party, the party's lawyer, or the law firm of the party's lawyer." This specific example where disqualification is required necessitates the judge's attention to campaign contributions from parties, their lawyers and their law firms of which the judge learns or has knowledge and a determination of whether the size of the contribution "would raise a reasonable concern about the fairness or impartiality of the judge's consideration of" a case involving the contributing party, lawyer or law firm. Like the introductory language discussed above, this language emphasizes the objective nature of the inquiry, namely: does the contribution raise a reasonable concern about the judge's impartiality? In making this determination, the rule says that the judge "should consider the public perception regarding such contributions and their effect on the judge's ability to be fair and impartial."

The focus of the inquiry required by this rule is the contributions received by the campaign or made in support of the judge whose ability to preside is questioned. The amount of direct contributions to or indirect expenditures in support of all of the candidates for a particular judgeship is not a factor in the determination of whether a contribution raises a reasonable concern about the fairness or impartiality of a judge's consideration of a case involving a contributor. As originally drafted, the provision that would become Rule 2.11(A)(4) required inquiry into "direct or indirect contribution(s) in relation to an election in which the judge is a candidate." The drafters of this provision suggested that a judge who was faced with a disqualification decision based on campaign contributions should consider, among other factors, "[t]he level of support or contributions given, directly or indirectly by a litigant in relation both to aggregate support (direct and indirect) for the individual judge's campaign (or opponent) and to the total amount spent by all candidates for that judgeship." Report of the Ad Hoc Committee on the Revisions to the Code of Judicial Conduct, Canon 2, Rule 2.11, Comment [7], p. 26. However, the original language was revised to its current form which directs the inquiry into "direct or indirect contribution(s) to the judge's campaign." Code of Judicial Conduct, Canon 2, Rule 2.11(A)(4); Rules Governing Standards of Conduct of Magisterial District Judges, Canon 2, Rule 2.11(A)(4). This substitution obviates the need for an examination into all the money contributed to or expended on behalf of or in opposition to all of the candidates who stood for election when the judge whose participation is under consideration was elected. The inquiry is simply: does the amount of the direct and indirect contributions to the judge's campaign raise a reasonable concern about the fairness or impartiality of the judge's consideration of a case involving the contributor who is either a party, the party's lawyer, or the law firm of the party's lawyer? If the answer is "yes," the judge is disqualified and may not sit on the case absent an informed waiver. See Code of Judicial Conduct, Canon 2, Rule 2.11(C); Rules Governing Standards of Conduct of Magisterial District Judges, Canon 2, Rule 2.11(C).

The timing of contributions and requests for disqualification have also been the subject of questions. Some have asked if there is a look-back period for campaign contributions. Different from Rule 2.13 which prohibits the appointment of a lawyer by a judge if the judge either knows or learns that the lawyer, or the lawyer's spouse or domestic partner, has contributed as a major donor to the

judge's election campaign within the prior two years before the appointment, Rule 2.11(A)(4) omits any temporal limitation. Compare Code of Judicial Conduct, Canon 2, Rule 2.11(A)(4); Rules Governing Standards of Conduct of Magisterial District Judges, Canon 2, Rule 2.11(A)(4), with Code of Judicial Conduct, Canon 2, Rule 2.13(B); Rules Governing Standards of Conduct of Magisterial District Judges, Canon 2, Rule 2.13(B). However, the drafters of Rule 2.11(A)(4) suggested that "[t]he timing of the support or contributions in relation to the case for which recusal or disqualification is sought" is among the factors to consider when addressing questions under this rule. Report of the Ad Hoc Committee on the Revisions to the Code of Judicial Conduct, Canon 2, Rule 2.11, Comment [7], p. 27. Accordingly, for most campaign contributions or independent expenditures, the effects of such contribution or expenditures on a judge's impartiality, just like a judge's prior association with a law firm or governmental entity whose lawyers appear before the judge, must be presumed to dissipate over time.

However, there could be a contribution or expenditure, either directly to a judicial candidate's committee or indirectly for the benefit of the candidate, which is so large and disproportionate to the amount of money otherwise raised by the judge's campaign or the total amount of money raised and spent in the election, that any taint would never truly dissipate. This situation is exemplified by the facts of *Caperton v. Massey Coal Company*, 556 U.S. 868, 129 S.Ct. 2252, 173 L.Ed.2d 1208 (2009). There, the Court found that due process required recusal where the CEO of a coal company which was involved in an appeal of an adverse \$50 million verdict, spent \$3 million in what would be considered indirect contributions for the benefit of a candidate for the West Virginia Supreme Court where the appeal was pending. In such a case, the judge should never sit in judgment on a case involving that supporter or his company, in the absence of an informed waiver by the parties and their counsel as provided in Rule 2.11(C).

Finally, it must be noted that, in adopting Rule 2.11(A)(4), the Supreme Court rejected the suggestion of the Model Code of Judicial Conduct that the rule establish a definite amount over which disqualification would be required. The Model Code suggests the following language: "A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances: . . . The judge knows or learns by means of a timely motion that a party, a party's lawyer, or the law firm of a party's lawyer has within the previous [insert number] year[s] made aggregate contributions to the judge's campaign in an amount that is greater than \$[insert amount] for an individual or \$[insert amount] for an entity." Relying on this suggestion, the Pennsylvania Bar Association Task Force on the Code of Judicial Conduct proposed the following rule to the Supreme Court: "A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances: . . . The judge knows or learns that a party, a party's lawyer, or the law firm of a party's lawyer has within the previous two years made aggregate contributions in support of or in opposition to the judge's campaign in an amount that is greater than \$2,500 from an individual or \$5,000 for an entity or organization." Pennsylvania Bar Association, *Report of the Task Force on the Code of Judicial Conduct*, Canon 2, Rule 2.11(A)(4), 19 (2013). The Court rejected this lan-

guage in favor of the language found in the current version of Rule 2.11(A)(4) quoted above.

In light of this history, while the Board has the responsibility to interpret and apply the provisions of the Code in the first instance and in the absence of any definitive decisions of the Court of Judicial Discipline or the Supreme Court, it is not at liberty to adopt an interpretation that would establish a fixed amount which, if exceeded, would require disqualification. While such a rule would be easier to apply (and would be the easiest with which judges could comply), the Supreme Court eschewed any such fixed rule, so the Board must try to establish standards by which to apply the rule as adopted.

#### *Interpretation and Application*

Like all of the rules found in the Code of Judicial Conduct and the Rules Governing Standards of Conduct of Magisterial District Judges, Rule 2.11(A)(4) must be given a reasonable interpretation. This premise is dictated by the Code and Rules themselves. As explained in the Preambles to both sets of rules,

[t]he Rules of this Code of Conduct are rules of reason that should be applied consistently with constitutional requirements, statutes, other court rules, and decisional law, and with due regard for all relevant circumstances. The Code is to be construed so as not to impinge on the essential independence of judges in making judicial decisions.

\* \* \* \* \*

Moreover, it is not intended that disciplinary action would be appropriate for every violation of the Code's provisions. Whether disciplinary action is appropriate, and the degree of discipline to be imposed, should be determined through a reasonable application of the text and should depend on such factors as the seriousness of the violation, the intent of the judge, whether there is a pattern of improper activity, and the effect of the improper activity on others or on the judicial system.

Code of Judicial Conduct, Preamble [5] and [6]; Rules Governing Standards of Conduct of Magisterial District Judges, Preamble [5] and [6]. By adopting these guidelines, the Board hopes to apply Rule 2.11(A)(4) consistently through a reasonable application of its text.

#### *1. Amount of Contribution Requiring Disqualification*

As noted above, there is no fixed amount for contributions that will automatically require a judge's disqualification. Nevertheless, there are guidelines which judge's may follow and which will focus any inquiry by the Board when faced with a campaign contribution/disqualification issue.

When a judge knows or learns that a party or the party's lawyer or law firm has contributed to the judge's campaign, the judge must make a reasonable effort to determine the amount of the contribution or contributions (as where both a party and the party's lawyer have made contributions). The judge must also determine if other members of the party's law firm or its political action committee have made contributions.

Once the amount of the contribution or contributions is known, the judge must determine if the total amount would raise a reasonable concern about the fairness or impartiality of the judge's consideration of a case involving the contributor, giving due consideration to the public perception regarding the contribution and the effect on

the judge's ability to be fair and impartial. In assessing the "public perception" of the amount of the contribution, the judge should consider the amount of the contribution(s) in relation to the total amount of contributions received by the judge in the election cycle in which the contribution(s) at issue was made and decide if the amount was in line with other amounts contributed by others during the same election cycle. In some instances, the amount will be recognizably large and so disproportionate from other contributions that the size alone will raise a reasonable concern about the judge's fairness and impartiality in presiding over the matter.

In making this assessment, among the factors that the judge should consider are the office being sought when the contribution was made. For example, a judge elected as a magisterial district judge in a rural area of the Commonwealth would not be expected to raise the same amount as a judge elected to and serving on one of the Commonwealth's appellate courts. Contributions of \$2,000 might be commonplace for appellate court candidates but highly unusual in common pleas and magisterial district court campaigns. Contributions of \$1,000 might not be unusual in campaigns for common pleas candidates. Smaller contributions in the several hundred-dollar range might be the norm in contested races for magisterial district judge. The differences in the races would most likely result in a different public perception relating to the size of contributions, it being reasonably understood that a statewide appellate court campaign would attract larger contributions than a race for magisterial district judge. Generally, the Board will view contributions beyond these amounts as triggering the rule's obligations. Such contributions in the Board's view will require an analysis under the rule by the judge and may require disqualification.

In determining the objective "public perception" of the amount of the contribution, the Board will apply a reasonable person standard and will not be guided by what some might consider reasonable by those regularly involved in political campaigns. A judge's strained view of the public perception of a sizable contribution when faced with a disqualification issue will not be considered favorably by the Board. In the Board's view, regardless of the office held by the judge, a contribution of several thousand dollars will almost always require an analysis of whether disqualification is warranted because of the public perception resulting from such a large contribution and its effect on the judge's ability to be fair and impartial. Under Rule 2.11(C), discussed below, such analysis may be avoided if the contribution is disclosed and the parties and their attorneys waive disqualification.

#### *2. Judge's Knowledge of Contributions*

Judges are not necessarily required to review their campaign finance reports from the years in which they were elected, reelected or retained in order to determine if they are disqualified from sitting on cases. Like all candidates for elective office, judicial candidates and their campaign committees are required to file periodic campaign finance reports throughout their campaigns and after the election. Those reports are available to the public, including to lawyers and litigants. The obligation to disqualify is based on what the judge "knows or learns." What a judge "knows" according to the Code and Rules is "[a]ctual knowledge of the fact in question." Code of Judicial Conduct, Terminology; Rules Governing Standards of Conduct of Magisterial District Judges, Terminology. The Code and Rules further provide, however, that "[a] person's knowledge may be inferred from the circumstances." *Id.*

Many judges do not know the identities of the people who contributed to their campaigns or the amounts contributed, having left that responsibility to their campaign committees. While judges may seek to insulate themselves in this regard in order to maintain the appearance of impartiality, they are ultimately responsible for the actions of their committees, including compliance with the Code or Rules and the applicable campaign finance laws. See Canon 4, Rule 4.4(A) and Comment [2]. The Code and Rules encourage judges to instruct their committees “to be especially cautious in connection with . . . contributions [from lawyers and others who might appear before a successful candidate], so that they do not create grounds for disqualification or recusal if the candidate is elected to judicial office. See Rule 2.11.” See Canon 4, Rule 4.4, Comment [3].

Judges may not remain purposely ignorant of campaign contributions in order to avoid compliance with Rule 2.11(A)(4). They are required to sign the campaign finance reports listing all of the contributions to their campaign committees and the Board will presume that they know the amounts reported on them when confronted with claims arising under this rule. A judge’s professed ignorance of a contribution from a party, the party’s lawyer, or the lawyer’s firm will not absolve the judge of potential liability for an infraction of this rule, particularly where the contribution or sum of the contributions is in an amount that would clearly trigger the evaluation demanded by the rule. While there is no fixed amount that triggers this obligation, judges should consider the public perception when making this determination. If the amount is large by any standard, the judge must act.

Judges should keep in mind that different from a request for recusal that may be waived if not raised in a timely fashion, issues that arise under the Code and Rules are not subject to strict pleading rules. Even in the absence of a motion to recuse, if a judge sits on a case in which one of the parties or one of the lawyers or law firms involved gave a contribution in an amount that warranted analysis under this rule and that information is brought to the Board’s attention after the fact, the judge may face a disciplinary inquiry and possible disciplinary action for not having conducted the proper analysis under the rule and for not having disqualified from the case. The issue at that stage is not the resolution of the case, but the public perception created by the judge sitting on the case at all because of the size of the contribution.

The Comment to Rule 2.11 explains that “[a] judge should disclose on the record information that the judge believes the parties or their lawyers might reasonably consider relevant to a possible motion for disqualification, even if the judge believes there is no basis for disqualification.” Canon 2, Rule 2.11, Comment [5]. Such a disclosure obligation would arise if the judge knows of a contribution “in an amount that would raise a reasonable concern.” Any large contribution would raise a reasonable concern and, while the judge is not necessarily required to review his or her campaign finance reports from the years in which he or she was elected, reelected or retained in order to determine if he or she is disqualified from sitting on a case, that may be the better and more prudent practice. The Board will look favorably upon those situations where judges made appropriate disclosures even though the judges ultimately decided that disqualification was not required.

Of course, a party or a party’s lawyer may access the judge’s campaign finance reports and discover that the

party’s opponent or the opponent’s lawyer or law firm contributed to the judge during the judge’s election, reelection or retention campaign. If that information is brought to the judge’s attention in a motion for recusal or disqualification or otherwise, the judge must then assess the situation because the judge has “learned” that the lawyer, law firm or party was a contributor. The judge would then be obliged to conduct the analysis discussed above.

A different situation presents itself in relation to contributions made to a sitting judge standing for reelection or reelection or election to a higher court. As noted above, campaign contributions are reported periodically during the campaign and after its conclusion. If a judge’s committee receives a contribution from a lawyer, law firm or litigant in a proceeding before the judge at a time before the filing of the campaign finance report on which the contribution is required to be listed, the judge may have a disclosure obligation and failure to do so could result in disciplinary action.

### 3. *Look-back Period*

As noted above, different from Rule 2.13 relating to administrative appointments which establishes a two-year period after a judge’s campaign during which a judge is generally prohibited from appointing a lawyer to a position if the lawyer, the lawyer’s spouse or domestic partner, has contributed as a major donor to the judge’s election campaign, Rule 2.11(A)(4) contains no specific time period. However, it is clear that the drafters of Rule 2.11 intended a limited look-back period when a judge is required to determine if he or she is disqualified because of a campaign contribution.

In enforcing this rule, the Board will presume that the effect of a contribution on a judge’s impartiality will dissipate over time. However, since the alternative language proposed by the PBA Task Force would have included a two-year look-back period and that language was rejected by the Supreme Court in favor of the current verbiage in Rule 2.11(A)(4), it would be inappropriate for the Board to adopt a strict time limit. Generally speaking, however, the Board will expect judges to conduct the analysis required by this rule whenever a campaign contribution-related disqualification issue is raised in any proceeding within two years of the end of the election in which the campaign contribution was made. In examining complaints under this rule, the Board will look to the amounts of the contributions and the timing of the contributions in relation to when the matter comes before the judge.

The size of the contribution will play a role in any determination under this rule. The larger the contribution, the longer the period in which the judge will be required to consider the issue of disqualification under this rule. Concomitantly, the smaller the contribution, the shorter the period. Some contributions could be so large that the effect of the contribution on public perception will never dissipate and the judge should never sit on that contributor’s cases absent an informed waiver under Rule 2.11(C).

### 4. *Contributions in Excess of “Gift” Reporting Requirement*

Rule 2.11(A)(4) clearly states that there is a rebuttable presumption that disqualification or recusal is not required if the amount of a contribution is less than the amount that a judge has to report as a gift on the judge’s annual Statement of Financial Interests. For 2016, that amount is \$250. This presumption does not equate to an



obligation to recuse or disqualify any time the judge knows or learns of a contribution that exceeded the amount triggering the reporting requirement. Nor does it necessarily impose any obligation on the part of the judge to disclose all contributions that exceed that amount or to conduct the analysis required by the rule.

That a judge “should disclose on the record information that the judge believes the parties or their lawyers might reasonably consider relevant to a possible motion for disqualification, even if the judge believes there is no basis for disqualification,” as explained in the Comment to Rule 2.11, does not necessarily require that the judge disclose every contribution in excess of the gift amount. Such an obligation arises only if the information might “reasonably” give rise to a motion for recusal or disqualification. In assessing whether or not disclosure or disqualification is required for a contribution of more than the gift amount requires a determination of whether the size of the contribution “would raise a reasonable concern about the fairness or impartiality of the judge’s consideration of” a case involving the contributor. As explained above, this is an objective inquiry into whether the contribution raises a reasonable concern about the judge’s impartiality considering the public perception regarding such contributions and their effect on the judge’s ability to be fair and impartial. Disqualification is only mandated when the amount of the contribution raises “a reasonable concern about the fairness or impartiality of the judge’s consideration of a case involving the party, the party’s lawyer, or the law firm of the party’s lawyer.” As is explained below, disqualification may be avoided by informed waiver by the parties and their attorneys.

Of course, if the judge’s campaign committee only raised a small amount of money, a contribution in an amount less than or equal to the amount that must be reported on a Statement of Financial Interests as a gift might require closer examination by the judge. Like all rules of general application, the particular circumstances might change the equation and the result.

##### 5. Contributions by Several Lawyers from the Same Law Firm

Rule 2.11(A)(4) clearly applies to contributions by the individual lawyer representing the party in court and those by the lawyers in the firm with which the lawyer is affiliated. It is possible that a judge might “know” of contributions by the lawyers in a law firm (even if the judge did not know the specific amounts), if the law firm hosted a fund-raising event for the judge during the judge’s candidacy. On the other hand, the judge could “learn” of such law firm-related contributions if a party or lawyer raised the issue in a motion. In either of those circumstances, the judge would have to assess the situation under the standards set forth above, considering the amounts of the contributions from all of the lawyers in the firm.<sup>2</sup> If the firm has multiple offices, the judge will have to determine the contributions from lawyers from all of the firm’s offices. This results from the language of Rule 2.11(A)(4) itself and the definition of “aggregate” contained in the “Terminology” section of the New Code and Rules. To the extent possible, the judge must try to determine the total contributions from all of the lawyers in the firm of the lawyer at the time that the issue of disqualification arises. This review must include direct

contributions to the judge’s campaign committee (including “in-kind” contributions) and indirect contributions where the contribution is not to the judge’s campaign committee, but is made with the understanding that it will be used to support the judge’s election (which could include money expended to defeat the judge’s opponent). In cases involving protracted litigation, the issue of disqualification based on campaign contributions to the judge may arise whenever a new lawyer enters an appearance in the case or whenever a lawyer for a party changes firms.

##### 6. Waivers

Any disqualification under Rule 2.11(A)(4) is subject to a waiver. Rule 2.11(C) provides:

A judge subject to disqualification under this Rule, other than for bias or prejudice under paragraph (A)(1), may disclose on the record the basis of the judge’s disqualification and may ask the parties and their lawyers to consider, outside the presence of the judge and court personnel, whether to waive disqualification. If, following the disclosure, the parties and lawyers agree, without participation by the judge or court personnel, that the judge should not be disqualified, the judge may participate in the proceeding. The agreement shall be incorporated into the record of the proceeding.

Canon 2, Rule 2.11(C). The rule is virtually identical for magisterial district judges, except for the last sentence which states: “The agreement, in writing and signed by all parties and their lawyers, shall be attached to the record copy of the complaint form.”

As noted previously, the Comment to Rule 2.11 explains that “[a] judge should disclose on the record information that the judge believes the parties or their lawyers might reasonably consider relevant to a possible motion for disqualification, even if the judge believes there is no basis for disqualification,” and the Board will look favorably upon those situations where judges have made appropriate disclosures even though the judges ultimately decided that disqualification was not required. In addressing possible waivers under this provisions, judges must be careful to not to ambush litigants and their lawyers. The judge should make the proper disclosure as soon as the judge becomes aware of a possible problem and must then afford the parties and their lawyers sufficient time, without involvement by the judge or court personnel, to reasonably consider the situation and decide if waiver is appropriate. For judges covered by the Code of Judicial Conduct, any agreement to waive the disqualification must be incorporated into the record of the proceeding. This may be accomplished by stating the agreement on the stenographic or other official record and having the parties and their lawyers express their assent. For those judges bound by the Rules Governing Standards of Conduct of Magisterial District Judges, since theirs are not courts of record, the agreement must be reduced to a writing signed by all the parties and their lawyers and attached to the record copy of the complaint form. If properly done before any court, such a record will ward off any future appellate challenge and will insulate the judge from disciplinary action for an alleged violation of Rule 2.11.

[Pa.B. Doc. No. 17-507. Filed for public inspection March 24, 2017, 9:00 a.m.]

<sup>2</sup> As noted in footnote 1, above, this Statement of Policy addresses contributions made to judges’ campaign committees and not contributions to political action committees (PACs) that contribute to judges’ campaign committees.



# PROPOSED RULEMAKING

## DEPARTMENT OF TRANSPORTATION

[ 67 PA. CODE CH. 175 ]

### Vehicle Equipment and Inspection

The Department of Transportation (Department), under the authority in 75 Pa.C.S. §§ 4103, 4301, 4501, 4551, 4721 and 6103, proposes to amend Chapter 175 (relating to vehicle equipment and inspection) to read as set forth in Annex A.

#### *Purpose of Chapter*

The purpose of Chapter 175 is to implement 75 Pa.C.S. Part IV (relating to vehicle characteristics) and provide clear standards for the inspection of vehicles.

#### *Purpose of this Proposed Rulemaking*

The purpose of this proposed rulemaking is to delete outdated procedures, modernize language and include provisions that reflect modern vehicles and associated equipment. Additional proposed amendments include: adding sanctions to enforce existing regulations and ensure safe vehicles remain the primary focus; providing clarification to inspection mechanics regarding frequently asked questions; and adding language that accurately reflects the current inspection process.

#### *Summary of Significant Amendments*

Proposed amendments to § 175.2 (relating to definitions) update, amend, add and delete definitions.

Proposed amendments to Chapter 175, Subchapter B (relating to official inspection stations) reflect the requirement that a station shall have a valid Pennsylvania sales tax number and a valid Employer Identification Number or Social Security number to be appointed. Proposed amendments require that the Department be added as the certificate holder on the required bond or insurance and that lapse of coverage will result in suspension. The approval process is proposed to be updated to reflect current practices. Requirements regarding the test drive of vehicles with adaptive controls are proposed to be added.

Proposed amendments to Chapter 175, Subchapter C (relating to certificate of inspection) allow the station, not the mechanic, to accept and record the financial responsibility requirement when presented on an electronic device. Language throughout is proposed to be amended to reflect current practices.

Proposed amendments to Chapter 175, Subchapter D (relating to schedule of penalties and suspensions: official inspection stations and certified safety inspectors) increase the suspension time for egregious violations and add additional sanctions for revoked sales tax numbers and the lapse of insurance coverage.

Proposed amendments to Chapter 175, Subchapter E (relating to passenger cars and light trucks) modernize the inspection process, reflect current equipment on modern vehicles and provide broader language that will allow the regulations to keep up with changing technology. Clarification is provided on airless tires and tire size. Lighting technology is addressed to ensure they meet modern standards. Language is proposed to be added to allow for the capability to prove financial responsibility

through electronic devices. Safety issues are addressed to reflect what the industry is encountering to ensure that only safe vehicles are operated on highways. The current regulations do not allow for the introduction and approval of new devices and technologies and proposed amendments throughout are intended to modernize regulations to reflect industry trends.

Proposed amendments to Chapter 175, Subchapter G (relating to recreational, semi and utility trailers) delete the reference to proof of financial responsibility as this is no longer a requirement.

#### *Persons and Entities Affected*

This proposed rulemaking affects vehicle inspection station owners and personnel, as well as licensed operators of vehicles.

#### *Fiscal Impact*

Implementation of this proposed rulemaking will not require the expenditure of additional funds by the Commonwealth or local municipalities. The proposed amendments will not require the completion of any additional forms. Additional reports or paperwork will not be required.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 10, 2017, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees. A copy of this material is available to the public upon request.

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

#### *Effective Date*

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

#### *Sunset Provisions*

The Department is not establishing a sunset date for these regulations, since these 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 effectiveness.

#### *Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Anita M. Wasko, Director, Bureau of Motor Vehicles, 1101 South Front Street, 4th Floor, Harrisburg, PA 17104 within 30 days of the publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

Contact Person

The contact person for technical questions about this proposed rulemaking is Kay Kishbaugh, Manager, Vehicle Inspection Division, 1101 South Front Street, 4th Floor, Harrisburg, PA 17104, (717) 783-4597.

LESLIE S. RICHARDS, Secretary

Fiscal Note: 18-466. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE VII. VEHICLE CHARACTERISTICS

CHAPTER 175. VEHICLE EQUIPMENT AND INSPECTION

Subchapter A. GENERAL PROVISIONS

§ 175.2. Definitions.

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

\* \* \* \* \*

Allowable working pressure—The pounds per square inch for which the container was constructed or, if conditions have changed, the maximum pressure at specified temperatures permitted at the most recent inspection by a [ certified ] safety inspector.

\* \* \* \* \*

Cargo lamp—A lamp mounted on a multipurpose passenger vehicle, truck or bus that provides illumination to load or unload cargo.

[ Certified inspection mechanic—A person who holds a valid certification card issued by the Bureau certifying that the person is qualified, has passed all requirements to inspect specific vehicles and holds a valid driver’s license for the correct class of vehicle.

Certified inspector—A person who holds a certificate issued by the Boiler Division in the Bureau of Occupation and Industrial Safety within the Department of Labor and Industry certifying that the person is qualified to inspect unfired pressure vessels. ]

Classic motor vehicle—The term as defined in 75 Pa.C.S. § 102.

\* \* \* \* \*

Inspection/Maintenance (I/M) registration indicator—An indicator on the registration card which identifies the vehicle as a subject vehicle which shall be emission inspected annually.

[ Inspection station supervisor—A person designated by the Department to investigate, inspect and supervise the operation of inspection stations. ]

License plate lamp—A lamp used to illuminate the license plate on the rear of the vehicle.

\* \* \* \* \*

Multi-purpose passenger vehicle—A passenger car [ which is ] constructed on a truck chassis or [ which ] that has special features for off-road use in addition to highway use.

\* \* \* \* \*

Pole trailer—A trailer, including those with a variable wheelbase, attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular-shaped loads, including poles, pipes or structural members capable of sustaining themselves as beams between the supporting connections.

Quality Assurance Officer—A person designated by the Department to investigate, inspect, audit and supervise the operation of inspection stations (safety, emission and enhanced) and training schools.

Rake—On motorcycles, the angle, measured in degrees, of a motorcycle’s steering axis in relation to a line [ which ] that is perpendicular to the vehicle wheel base; on passenger cars or trucks, the ground clearance at the front or rear of a vehicle, reduced or increased, giving a tilted appearance.

\* \* \* \* \*

Safety insert tab—A numbered tab, applied to the Safety Certificate of Inspection, which indicates the month in which the safety certificate of inspection expires.

Safety inspector—A person who holds a valid certification card issued by the Bureau certifying that the person is qualified, has passed all requirements to inspect specific vehicles and holds a valid driver’s license for the correct class of vehicle.

School bus—The term as defined in 75 Pa.C.S. § 102.

\* \* \* \* \*

[ Snow plow ] Snowplow lamp—A lamp used in substitution of headlamps on vehicles equipped with [ snow plows ] snowplows.

Special mobile equipment—The term as defined in 75 Pa.C.S. § 102.

Specially constructed vehicle—The term as defined in 75 Pa.C.S. § 102.

Stop lamp—A lamp at the rear of the vehicle [ which ] that indicates the brake is being applied by the operator to slow or stop the vehicle.

Street rod—The term as defined in 75 Pa.C.S. § 102.

Subject vehicle—A gasoline powered vehicle with a gross vehicle weight rating of 9,000 pounds or less, moved upon a highway and registered or titled in a designated area, as defined in Chapter 177 (relating to emission inspection program), except any of the following:

\* \* \* \* \*

(xi) A vehicle being repossessed by a financier or collector/repossessor [ through the use of ] using a miscellaneous motor vehicle business registration plate.

(xii) A new vehicle while it is in the process of manufacture, including testing and not in transit from the manufacturer to a purchaser or dealer.

(xiii) A military vehicle used for training by a private, nonprofit, tax exempt military educational institution when the vehicle does not travel on public roads in excess

of 1 mile and when the property on both sides of the public road is owned by the institution.

(xiv) A school bus over 11,000 pounds [ **gross vehicle weight rating** ] **GVWR**.

\* \* \* \* \*

*Temporary inspection approval indicator*—An adhesive insert affixed to the current certificate of safety inspection, as viewed from inside the vehicle, used to designate vehicles [ **which** ] **that** have successfully passed a required periodic safety inspection, but do not display a renewed emission certificate of inspection.

*Tire width*—The term as defined in 75 Pa.C.S. § 102.

*Trail*—The distance measured in inches between the point at which the steering axis of a motorcycle intersects with the ground in front of the motorcycle and the point at which the forward limit of the [ **wheel base** ] **wheel-base** intersects with the surface below the motorcycle.

\* \* \* \* \*

*Turn signal*—A lamp showing to front and rear [ **for the purpose of** ] indicating an intention to turn either [ **to the right or left or for** ] **right or left**, pulling into traffic or changing lanes.

*UL*—The Underwriter’s Laboratories, Inc.

*Utility trailer*—The term as defined in 75 Pa.C.S. § 102.

*VIN—Vehicle identification number*—The term as defined in 75 Pa.C.S. § 102.

*Vehicle*—The term as defined in 75 Pa.C.S. § 102.

*Vehicle Inspection Division*—The area of the Bureau [ **which** ] **that** administers vehicle equipment and inspection matters.

§ 175.4. **Vehicles required to be inspected.**

A registered vehicle moved upon a highway [ **shall** ] **must** bear a valid certificate of inspection except for the following:

\* \* \* \* \*

(7) A vehicle being repossessed by a financier or [ **collector-repossessor** ] **collector-repossessor** through the use of miscellaneous motor vehicle business registration plates.

\* \* \* \* \*

§ 175.6. **Annual inspection.**

Other vehicles, including motor homes, emergency vehicles and private noncommercial vehicles used to transport students, shall be inspected annually. Motor homes and emergency vehicles built on a truck chassis shall be inspected [ **according to** ] **annually, in accordance with** the appropriate truck inspection procedure based on the registered gross weight of the vehicle.

§ 175.7. **Inspection of vehicle reentering this Commonwealth.**

A vehicle subject to inspection [ **which** ] **that** has been outside this Commonwealth continuously for 30 days or more and [ **which, at the time of reentering** ] **that at the time of re-entering** this Commonwealth[ , ] does not bear a currently valid certificate of inspection[ , **is not** ] **is** required to be inspected [ **until** ] **within** 10 days after reentering this Commonwealth.

§ 175.8. **Newly-purchased vehicles.**

(a) *Vehicles without a valid certificate of inspection.* A vehicle [ **which** ] **that** does not display a valid certificate of inspection at the time of sale, resale or entry into this Commonwealth shall be inspected within 10 days of sale, resale or entry into this Commonwealth, whichever occurs later. The inspection shall be coordinated with the staggered registration system regardless of the date of a previous inspection in this or another jurisdiction.

(b) *Vehicles with a valid certificate of inspection.* A vehicle [ **which** ] **that** displays a valid certificate of inspection at the time of sale or resale may be driven until the inspection certificate expires.

(c) *Vehicles subject to a semiannual inspection and mass transit vehicles.* Vehicles subject to a semiannual inspection and mass transit vehicles are exempt from the provision of subsection (a) [ **which** ] **that** requires coordination of inspection expiration with the staggered registration system.

§ 175.9. **Vehicles registered in another state.**

A vehicle registered in another state may be inspected. A certificate of inspection [ **shall be** ] **is** issued only if the vehicle meets inspection requirements.

§ 175.10. **Vehicles requiring emission inspection due to address change.**

A subject vehicle required to participate in the Emission I/M Program because of a vehicle registration change of address shall be phased into the emission inspection program at the time of the expiration of the current safety certificate of inspection.

§ 175.11. **Coordination of safety and emission inspection.**

\* \* \* \* \*

(d) A temporary inspection approval indicator may be used to designate vehicles [ **which** ] **that** have successfully passed the required periodic safety inspection, but must display a renewed emission certificate of inspection, or obtain an official waiver, prior to placement of the renewed safety certificate of inspection.

\* \* \* \* \*

**Subchapter B. OFFICIAL INSPECTION STATIONS**

§ 175.21. **Appointment.**

(a) *Authority.* For the purpose of establishing a system of official inspection stations, the Bureau will issue a certificate of appointment to a privately owned facility within this Commonwealth that complies with the requirements of [ **the Vehicle Code** ] **75 Pa.C.S. (relating to Vehicle Code)** and this title. An official inspection station is authorized to inspect vehicles and issue official certificates of inspection. See 75 Pa.C.S. § 4721 (relating to appointment of official inspection stations).

(b) *Certificate of appointment.* The certificate of appointment will be issued only when the Bureau is satisfied that the station is properly equipped and has certified personnel to make inspections and adjustments. Only those stations fulfilling Department requirements and complying with this chapter will be issued a certificate of appointment. Prior involvement with a suspended inspection station may be [ **sufficient** ] cause to deny appointment. **A station applying for reappointment after a period of suspension shall enroll in the Department’s e-Safety program prior to reappointment,**



and shall maintain its participation in the e-Safety program as a condition of maintaining its certificate of appointment. The certificate of appointment, at all times [ shall ], must be conspicuously displayed at the [ place ] station for which it is issued. See 75 Pa.C.S. § 4722 (relating to certificate of appointment).

(c) *Certificate not assignable.* A certificate of appointment [ shall be ] is valid only for the person in whose name it is issued and for transaction of business at the place designated therein. A certificate of appointment [ shall not be ] is not assignable to another person or location.

(d) *Valid certificate required.* No person shall in any manner represent a place as an official inspection station unless the station is operating under a valid certificate of appointment issued by the Bureau.

(e) *Inspection stations with common access.* No certificate of appointment may be issued for operation by an official inspection station on the premises of another official inspection station [ which ] that utilizes the same access. This prohibition does not apply if the inspection stations have separate internal accesses, though sharing common external access.

(f) *Suspended inspection stations.* No certificate of appointment shall be issued for operation of an official safety inspection station on the premises of an official safety inspection station [ which ] that has been suspended, if the owner of the suspended station continues to conduct any type of business [ which ] that utilizes the same access. This prohibition [ shall ] does not apply if the station and the other business each have a separate internal access, though sharing a common external access.

[ (g) *Cancellation of appointments.* A certificate of appointment previously issued for a station which does not comply with the restrictions contained in subsection (e) or (f) will be cancelled April 28, 1983. ]

#### § 175.22. Making application.

(a) *Form.* The applicant shall file one copy of Form MV-427, Application for Designation as an Official Inspection Station, with the Bureau. A separate application shall be made for each place of business.

(b) *Bond or proof of insurance.* [ Requirements shall be as follows: ] All of the following are required:

(1) An applicant for a certificate of appointment shall furnish a bond on a form prescribed by the Department or proof of insurance as required [ by ] under 75 Pa.C.S. § 4722(c) (relating to certificate of appointment).

(2) The bond or insurance [ shall be in the amount of \$10,000 ] is required for each place of business and shall provide compensation to a vehicle owner for damage their vehicle may sustain while it is in possession of the inspection station.

(3) The bond or proof of insurance shall be renewed each year. The Department must be listed as the certificate holder on the bond or insurance policy.

(4) Cancellation of the bond or insurance shall automatically void the certificate of appointment. Inspections shall cease until the Bureau receives a new bond or proof of insurance and the station has applied for reappointment.

(c) *Specification of type.* The application [ shall ] must indicate the type of inspection station authorization applied for; that is, Commonwealth, general, fleet, recreational and utility trailer, or motorcycle.

(d) *Applicant.* The applicant shall be the owner of the business or, in the case of a corporation, some other person specifically authorized to sign the application. The applicant shall be authorized to conduct business in this Commonwealth and shall provide a valid State sales tax identification number and a valid Employer Identification Number or Social Security number to the Department prior to authorization.

(1) If a natural person, the applicant shall be 18 years of age or older.

(2) If the applicant is a corporation, partnership or association, the application shall be signed by an officer, partner, associate or another person specifically authorized to sign the application.

(i) The person who signs the application shall be 18 years of age or older.

(ii) Except in the case of an executive officer, partner or associate, written evidence of the authority of the person—for example, station manager—to sign the application [ shall ] must be attached thereto and attested to by a partner or a corporation or association officer.

#### § 175.23. Approval.

(a) *Investigation.* [ An inspection station supervisor will conduct an investigation of each applicant to determine full compliance with the Vehicle Code and this chapter. ] Upon submission of application or reapplication, the Bureau will conduct a review of the information provided. Subject to initial approval by the Bureau, a Quality Assurance Officer will conduct an investigation of the physical location and equipment to determine full compliance with 75 Pa.C.S. (relating to Vehicle Code) and this chapter.

(b) *English comprehension.* The applicant and each [ inspection mechanic ] safety inspector shall be sufficiently versed in the English language to read and understand this title.

(c) *Issuance of certificate of appointment.* A certificate of appointment will be provided only upon approval of the application by the Bureau and upon a successful site inspection by the Quality Assurance Officer. [ Upon approval of the application by the Bureau, a certificate of appointment shall ] A certificate of appointment will be issued to the applicant for the place of business located within this Commonwealth, as set forth in the application. No vehicle inspections shall be [ made ] conducted unless a certificate of appointment has been issued to and is prominently displayed at the official inspection station.

#### § 175.24. Required certificates and station signs.

After appointment, the owner of each inspection station shall prominently display signs required by the Bureau, including all of the following:

(1) A certificate of appointment for each type of station approved for the location.

(2) A sign clearly stating the fee for the certificate of inspection separate from the fee for inspection. The fee for inspection shall be the same whether the vehicle passes or fails. The fee for inspection [ shall ] must



include the cost of **the inspection, the electronic processing of inspection data and** labor for the inspection, including pulling wheels, but it **[ shall ] may** not include the cost of parts, repairs or adjustments. The sign **[ shall ] must** clearly indicate the fee for different types of vehicles—for example, passenger cars, trucks and trailers—to the extent that the fee varies among vehicles. Fleet and Commonwealth stations are exempt from this requirement.

(3) A current list of certified **[ inspection mechanics, Form TS-443 ] safety inspectors on a Department-approved form.**

(4) An official inspection station sign outside the garage, clearly visible to the public. This sign **[ shall ] must** have a keystone design **[ which ] that** is 24 inches high and 21 inches wide. The station number plate **[ shall ] must** be 2 3/4 inches high and 13 3/8 inches wide. The background **[ shall ] must** be navy blue with gold lettering. If hung from a bracket, the sign **[ shall ] must** be double faced. A previously issued sign will still be permitted **providing that the sign remains clearly legible. Signage that has deteriorated or been defaced shall be replaced.** Fleet and Commonwealth stations are exempted from this requirement.

**§ 175.25. Inspection area.**

(a) *General.* The following requirements apply to inspection areas:

(1) Except as provided in subsection (b)(1)(iii) and (3), the inspection area **[ shall ] must** be entirely within a sound, enclosed building; **[ shall ] must** be in good repair; and shall be kept in good condition.

(2) An anticipated alteration or change affecting the condition or size of the inspection area shall be reported to the **[ inspection station supervisor at once ] Quality Assurance Officer immediately.**

(3) The floor **[ shall ] must** be of a hard surface and in sound condition. Dirt floors will not be approved.

(4) The floor of the inspection area **[ shall ] must** be level. No more than 1% slope from front to rear or side to side is acceptable.

(5) The inspection area **[ shall ] must** be free from obstructions, including shelves, **[ work benches ] workbenches**, partitions, displays, machinery and stairways. If the inspection area or any part is located outside the building, the area **[ shall ] must** also be kept clear of snow or other substances **[ which ] that** would curtail or interfere with inspections. **Work areas must remain free of debris with the required tools easily accessible.**

(6) Hoists and lifts are permitted in the inspection area if a thorough and proper inspection can be performed.

(b) *Minimum requirements.* The following minimum dimensions apply to inspection areas:

(1) *Commonwealth, fleet and general inspection stations:*

(i) Twelve feet wide by 22 feet long, if the station uses an approved headlight aimer or tester.

(ii) Twelve feet wide by 43 feet long, if the station uses an approved **[ headlight aiming ] headlight-aiming screen.**

(iii) A motor carrier vehicle may be inspected either as single unit or in combination if, in the case of a station

**[ meets ] meeting** the requirements of subparagraph (i), the inspection area has an additional unobstructed length of 42 feet or, in the case of a station **[ meets ] meeting** the requirements of subparagraph (ii), an additional unobstructed length of 21 feet.

(2) *Motorcycle inspection stations:*

(i) Ten feet wide by 18 feet long, if the station uses an approved headlight tester.

(ii) Ten feet wide by 32 feet long, if the station uses an approved **[ headlight aiming ] headlight-aiming screen.**

(3) *Trailer inspection stations:* 12 feet wide by 55 feet long.

(c) *Inspections conducted in inspection area.* An inspection shall be conducted entirely within the inspection area with the exception of the road test.

**§ 175.26. Tools and equipment.**

(a) *General requirements.* An inspection station **[ shall ] must** have tools and equipment in good operating condition sufficient to inspect each type of vehicle to be inspected, including the following:

\* \* \* \* \*

(18) An approved headlight testing device—SAE approved No. J600a for photo-electric type and J602c for mechanic aimers. Not required for recreational and utility trailer stations.

**[ (19) A paper punch with a minimum diameter or width of 1/4 inch and a maximum diameter or width of 3/8 inch. ]**

(b) *Discontinued testers.* An inspection station equipped with discontinued testers may continue to use them as long as they are in good working order and capable of testing all types of headlights.

**§ 175.27. Hours.**

(a) An inspection station **[ shall ] must** be open for business a minimum of 40 hours, Monday through Friday between 7 a.m. and 5 p.m. This section may be waived by the Bureau upon written request of the inspection station owner and prior approval of the **[ inspection station supervisor ] Quality Assurance Officer.** To be considered for a waiver of this section, the inspection station **[ shall ] must** be open for business at least 10 business hours between 7 a.m. and 8 p.m., Monday through Friday. A request for a waiver of this section shall be submitted on a form provided by the Department. A waiver of this section may be denied or revoked for any of the following reasons:

\* \* \* \* \*

(4) The Department or a designee is unable **[ , on two attempts on 2 different business days, ]** to perform an official visit, including a periodic records audit, during the hours specified in the approved waiver.

\* \* \* \* \*

**§ 175.28. Certified [ inspection mechanics ] safety inspectors.**

(a) *General.* An official inspection station **[ shall ] must** have at least one certified **[ inspection mechanic ] safety inspector.** Every inspection shall be performed by a certified **[ inspection mechanic ] safety inspector.** The **[ mechanic ] safety inspector** shall only inspect the type of vehicle for which he is certified

and for which he holds a valid driver's license, except as otherwise provided in 75 Pa.C.S. § 4726(a) (relating to certification of mechanics). **[ The mechanic ] With the exception of verifying financial responsibility in an electronic format, the safety inspector** signing the inspection sticker shall conduct and be responsible for the entire inspection of the vehicle, including the **[ road ] test drive**, except that the Department may exempt a **[ mechanic ] safety inspector** from the requirement to perform a **[ road ] test drive** because of a physical disability. See 75 Pa.C.S. § 4726. **In the event the vehicle to be inspected has adaptive controls, if the safety inspector is unable or not allowed to perform the test drive, the safety inspector may not perform the inspection. The vehicle shall be inspected by a safety inspector capable of conducting the test drive with the adaptive controls or defer the inspection to another station or the entity that installed the adaptive devices.**

(b) *Multiple stations.* A certified **[ inspection mechanic ] safety inspector** may work part time at more than one official inspection station if the **[ mechanic ] safety inspector** notifies the **[ inspection station supervisor ] Quality Assurance Officer** and the Vehicle Control Division of the names and station numbers of all current employers. Failure to do so may result in suspension of the **[ mechanic's ] safety inspector's** inspection privileges.

(c) *Number of inspections.* A certified **[ mechanic ] safety inspector** may not inspect more than:

- (1) Two vehicles other than motorcycles per hour.
- (2) Three motorcycles per hour.

(d) *Certification requirements.* A **[ mechanic ] safety inspector** desiring to maintain certification or to become certified:

- (1) Shall be 18 years of age or older.
- (2) Shall, as provided in subsection (a), have a valid driver's license for each class of vehicle **[ which the mechanic ] that the safety inspector** will inspect; except that a certified **[ mechanic ] safety inspector** who inspects school buses is not required to hold a school bus driver endorsement. For the purposes of this chapter, a valid driver's license does not include a learner's permit, a probationary license held by a driver for less than 3 years, an occupational limited license or an interlock license. A **[ mechanic ] safety inspector** exempted from the requirement to perform the **[ road test shall also be ] test drive is also** exempt from the requirement of this paragraph.
- (3) Shall have completed an approved certification course and successfully completed the required examination.
- (4) Shall pass the required tactile test administered by a certified/qualified automotive instructor at an approved education facility.

(e) *Recertification.* A **[ mechanic ] safety inspector** shall be certified for no more than 5 years. **[ Mechanics may renew their mechanic ] A safety inspector may renew his safety inspector** certification by passing the required examination within 180 days of receipt of notice from the Department that the **[ mechanic ] safety inspector** card is due to expire.

(f) *Prior certification.* A **[ mechanic ] safety inspector** card without an expiration date shall remain valid for 180 days after the date of notice to the **[ mechanic ] safety inspector** to attend the certification course. Failure to complete the certification course and pass the required tests within 180 days will result in cancellation.

(g) *[ Mechanic ] Safety inspector license codes.* A **[ mechanic ] safety inspector** will be issued codes from the following table for the types of vehicle inspections and equipment testing the **[ mechanic ] safety inspector** is authorized to perform:

Code	Authorized Inspection or Testing
1	Inspection of passenger cars, trucks 17,000 pounds or less and trailers less than 10,000 pounds
2	Inspection of motorcycles
3	Inspection of trucks over 17,000 pounds, trailers over 10,000 pounds and buses
4	Inspection of <b>all</b> vehicles
5	Inspection under codes 1 and 2
6	Inspections under codes 2 and 3
7	Inspections under codes 1 and 3
9	Testing and calibration of electronic (nonradar) speed timing devices that measure elapsed time between two sensors
A	Testing and calibration of electronic (radar) speed timing devices
B	Testing and calibration of stopwatches
C	Testing and calibration of speedometers
D	Testing and calibration of electronic (nonradar) speed timing devices that calculate average speed between two points
J	Enhanced vehicle safety inspection in conjunction with inspection under existing <b>[ mechanic ] safety inspector</b> license codes in this table for the purpose of authorizing the issuance of a branded Pennsylvania certificate of title

(h) *[ Mechanic ] Safety inspector card.* The valid **[ mechanic ] safety inspector** card shall be carried by the **[ mechanic ] safety inspector** when performing an inspection.

(i) *Certified document reviewer.* The Department may certify **[ nonmechanics ] nonsafety inspectors** to perform document review for **[ the purpose of ]** authorizing the issuance of a branded Pennsylvania certificate of title.

**§ 175.29. Obligations and responsibilities of stations.**

(a) *Personal liability.* It is the responsibility of the owner of an inspection station to do all of the following:

- (1) To conduct the business of the official inspection station honestly and in the best interests of this Commonwealth, in accordance with **[ the provisions of ]** 75 Pa.C.S (relating to Vehicle Code) and this chapter, and, except in the case of a fleet or Commonwealth inspection station, to make every reasonable effort to inspect all vehicles upon request.

(2) To make official inspection regulations and supplements available for the use of certified [ **inspection mechanics** ] **safety inspectors** and other employees involved in inspection.

(3) [ **To notify the inspection station supervisor and the Vehicle Control Division when a certified mechanic is hired.** ] **To notify the Quality Assurance Officer and the Vehicle Inspection Division when a certified safety inspector is hired.**

(4) To keep inspection records and required work orders available for examination and audit by the [ **inspection station supervisor and other authorized persons** ] **Quality Assurance Officer or an authorized representative of the Department.**

\* \* \* \* \*

(b) *Change of ownership.* The following apply to change of ownership:

(1) In the case of a change of ownership, the certificate of appointment, all unissued certificates of inspection[ , ] and all inspection material shall be surrendered immediately to the [ **inspection station supervisor** ] **Quality Assurance Officer.** The new owner shall submit a Form MV-427 application to the Bureau. An investigation of the premises will be conducted by the [ **inspection station supervisor** ] **Quality Assurance Officer.**

\* \* \* \* \*

(c) *Change of location.* In the case of a change of location of an inspection station, all of the following apply:

(1) A Form MV-427 application shall be completed and submitted to the Bureau.

(2) An investigation of the premises will be conducted by the [ **inspection station supervisor** ] **Quality Assurance Officer.**

(3) Certificates of inspection will be audited by the [ **inspection station supervisor** ] **Quality Assurance Officer** and shall be retained by the station owner.

(4) No inspections shall be made at the new location until it has been investigated and approved and a new certificate of appointment issued by the Bureau.

(5) If the new location is not approved at the time of the investigation, the [ **inspection station supervisor** ] **Quality Assurance Officer** will pick up all current certificates of inspection and will retain them until the new location is approved.

(d) *Discontinuance of business.* Inspections shall be discontinued in any of the following circumstances:

(1) If the owner vacates, abandons or discontinues the inspection business. Immediate notice shall be provided to the Bureau and the [ **inspection station supervisor** ] **Quality Assurance Officer.** The [ **inspection station supervisor** ] **Quality Assurance Officer** will pick up the certificate of appointment and all certificates of inspection, records and other inspection materials, and return them to the Bureau.

(2) If the owner is deceased. If a member of the family or partner wishes to continue the business, a new application for appointment shall be submitted to the Bureau.

(3) If the owner voluntarily discontinues the operation of an inspection station, the owner shall immediately notify the [ **inspection station supervisor** ] **Quality Assurance Officer.** Remaining inspection materials

shall be returned to the [ **inspection station supervisor** ] **Quality Assurance Officer.**

(e) *Notice required.* [ **The following events shall be reported at once to the inspection station supervisor and the Bureau; however, it is not necessary to discontinue inspections.** ] **The following events shall be reported immediately to the Quality Assurance Officer and the Bureau:**

(1) Whenever certificates of inspection are damaged, lost or stolen. **Lost or stolen stickers shall be immediately reported to local law enforcement or the Pennsylvania State Police.**

\* \* \* \* \*

§ 175.30. Commonwealth inspection stations.

\* \* \* \* \*

(c) *Certified [ **inspection mechanic** ] **safety inspector.*** Each official Commonwealth inspection station shall have at least one [ **inspection mechanic** ] **safety inspector** certified to inspect each type of vehicle [ **which** ] **that** will be inspected.

\* \* \* \* \*

§ 175.31. Fleet inspection stations.

(a) *Eligibility.* Eligibility requirements are as follows:

(1) A fleet inspection station owner shall own or lease at least 15 or more vehicles.

(2) The certificate of appointment [ **shall** ] **will** authorize inspection of only those vehicles registered or leased by the fleet inspection station owner. Privately owned or registered vehicles of company officers and [ **employees** ] **employees** may not be inspected at a fleet inspection station even if they are used for business purposes.

(3) The inspection certificate [ **shall** ] **will** be cancelled if the number of vehicles owned or leased falls below 15, except for a temporary delay in ordering or receiving additional vehicles to supplement the fleet.

(b) *Certified [ **inspection mechanic** ] **safety inspector.*** Each fleet inspection station shall have at least one [ **inspection mechanic** ] **safety inspector** certified to inspect each type of vehicle [ **which** ] **that** will be inspected.

(c) *Requirements.* Requirements [ **shall** ] include **all of** the following:

(1) An applicant for a fleet inspection station shall meet the requirements of this chapter, unless specifically exempted.

(2) In addition to the minimum inspection area requirements of § 175.25(b)(1)(i) (relating to inspection area), the inspection area shall be large enough to accommodate the largest vehicle to be inspected at the fleet inspection station.

**Subchapter C. CERTIFICATE OF INSPECTION**

§ 175.41. Procedure.

(a) *Unauthorized display of certificate of inspection.* No certificate of inspection or temporary inspection approval indicator may be marked or affixed to a vehicle unless the vehicle has successfully passed inspection, meeting the requirements of 75 Pa.C.S. (relating to Vehicle Code) and this chapter.

(b) *Type.* A certificate of inspection shall be selected for the particular type of vehicle being inspected according to this chapter. The certificate of inspection shall be exam-



ined before using. If found to be incorrect, the [ **inspection station supervisor and** ] **Quality Assurance Officer** or the Vehicle Inspection Division shall immediately be notified. **A temporary inspection approval indicator shall be used to designate a vehicle that has successfully passed the required periodic safety inspection. The vehicle must display a renewed emission certificate of inspection before a new safety certificate of inspection sticker may be affixed to the vehicle.**

[ (1) **TS-460 shall be used for motor vehicles except motorcycles and motor-driven cycles.**

(2) **TS-463 shall be used for trailers, motorcycles and motor-driven cycles.**

(3) **A temporary inspection approval indicator shall be used to designate a vehicle which has successfully passed the required periodic safety inspection, but which shall display a renewed emission certificate of inspection before a new safety certificate of inspection sticker may be affixed to the vehicle. ]**

(c) *Required information.* The information on the rear of the certificate of inspection shall be completed in its entirety in permanent ink. The odometer reading is not required to be completed for trailers and motorcycles.

\* \* \* \* \*

**§ 175.42. Recording inspection.**

\* \* \* \* \*

(c) *Records retention.*

(1) The original official inspection report sheet (Form MV-431 or MV-480) **or electronic version** shall be retained as a garage record and [ **kept on file** ] **maintained** at the station for audit. At the close of each inspection period, the [ **official inspection report sheet** ] **hard copy MV-431 or MV-480** shall be placed in the station's files, even though all spaces may not have been used, and a new inspection report sheet shall be started for the new inspection period.

(2) A work order signed by the [ **inspecting mechanic** ] **safety inspector** as required under this section shall be available for inspection upon request by the [ **inspection station supervisor** ] **Quality Assurance Officer** or an authorized representative of the Department.

(d) *Content.*

(1) *Stations utilizing Form MV-431 or MV-480.* The paper inspection report sheet (Form MV-431 for passenger cars, trucks and buses or MV-480 for motorcycles and trailers) shall be neat and legible and completed in its entirety. Details pertinent to every vehicle inspected, including rejections, shall be recorded on the report sheet at the time of inspection. Items inspected, adjusted or repaired shall be recorded. If the report sheet lists a piece of equipment [ **which** ] **that** does not apply to the specific type of vehicle being inspected, a dash shall be placed in the column to indicate it has not been overlooked or neglected. Certificates of inspection issued shall be listed in numeric order.

\* \* \* \* \*

(2) *Stations utilizing an electronic data collection and storage program.* The inspection record shall be completed in its entirety. Details pertinent to every vehicle inspected, including rejections, shall be recorded at the time of inspection. Items inspected, adjusted or repaired shall

be recorded. If the inspection record lists a piece of equipment [ **which** ] **that** does not apply to the specific type of vehicle being inspected, it shall be designated in the inspection record as "N/A" to indicate it has not been overlooked or neglected.

(i) For those vehicles [ **which** ] **that** pass the safety inspection but do not yet display a renewed emission certificate of inspection as required, stations shall record a pending or incomplete safety inspection without issuing a safety certificate of inspection.

\* \* \* \* \*

**§ 175.43. Security.**

\* \* \* \* \*

(c) *Removal.* Except as provided in paragraphs (1) and (3), a certificate of inspection may not be removed from a vehicle for which the certificate was issued, except to replace it with a new certificate of inspection issued under this chapter and Chapter 177 (relating to emission inspection program).

(1) A person replacing or repairing a windshield in a manner that requires removal of a certificate of inspection shall, at the option of the registrant of the vehicle, cut out the portion of the windshield containing the certificate of inspection and deliver it to the registrant of the vehicle or destroy the certificate. The vehicle may be driven up to 5 days if it displays the portion of the old windshield containing the certificate. Within the 5-day period, an official inspection station may affix to the vehicle another certificate of inspection for the same period without reinspecting the vehicle in exchange for the portion of the old windshield containing the certificate of inspection. Example: A # 1 certificate of inspection shall be replaced with a # 1 certificate of inspection. The replacement may be made any time prior to the expiration of the certificate of inspection. A fee of no more than \$2 plus the fee paid to the Department for the certificate may be charged for exchanging the certificate of inspection.

(i) A replacement certificate of inspection may not be issued in the following circumstances[ . ]:

(A) Acceptable proof of financial responsibility is not provided. For the purpose of this chapter, financial responsibility shall be proven by one of the following documents:

(I) A valid **paper or electronic** financial responsibility identification card issued in accordance with 31 Pa. Code (relating to insurance).

(II) The declaration page of a valid insurance policy.

(III) A valid self-insurance identification card.

(IV) A valid binder of insurance issued by an insurance company licensed to sell motor vehicle liability insurance in this Commonwealth.

(V) A valid insurance policy issued by an insurance company licensed to sell motor vehicle liability insurance in this Commonwealth.

(VI) **Proof of insurance in an electronic format on an electronic device. For inspection purposes, hard copy proof of insurance is not necessary. The station may verify and record proof of financial responsibility when presented electronically.**

(B) The vehicle is in an obviously unsafe operating condition.

\* \* \* \* \*



§ 175.44. Ordering certificates of inspection.

\* \* \* \* \*

(c) *Additional instructions.* [ The ] All of the following also apply:

(1) When special delivery is desired, a separate check shall be enclosed for postage. Do not enclose cash or add the amount for postage to the check for certificates of inspection.

(2) Each sticker requisition [ shall ] must be accompanied by a separate check. Certificates of inspection may be ordered on one requisition form. Checks shall be made payable to the "Department of Transportation" or [ "PENNDOT." ] "PennDOT."

\* \* \* \* \*

Subchapter D. SCHEDULE OF PENALTIES AND SUSPENSIONS: OFFICIAL INSPECTION STATIONS AND CERTIFIED [ MECHANICS ] SAFETY INSPECTORS

§ 175.51. Cause for suspension.

(a) *Schedule.* The complete operation of an official inspection station is the responsibility of the owner. Failure to comply with the appropriate provisions of 75 Pa.C.S. (relating to Vehicle Code) and these regulations will be considered sufficient cause for suspension of inspection privileges or revocation of the certificate of appointment, or both. A violator is also subject to criminal prosecution.

Type of Violation	Duration of Suspension		
	1st Violation	2nd Violation	3rd and Subsequent Violation
(1) <i>Category 1</i>			
(i) Issuance or possession of altered, forged, stolen or counterfeit certification of inspection	1 year	Permanent	
(ii) Furnish, lend, give, sell or receive a certificate of inspection without inspection	1 year	Permanent	
(iii) Faulty inspection of equipment or parts	[ 2 ] 6 months	1 year	[ 3 years ] Permanent
(2) <i>Category 2</i>			
(i) Fraudulent recordkeeping	1 year	Permanent	
(ii) Improper recordkeeping	2 months	1 year	3 years
(iii) Failure to verify registration, title, manufacturer's statement of origin, financial responsibility information, or inspecting a vehicle with an expired registration or when valid proof of financial responsibility has not been submitted. <b>The station may verify and record proof of financial responsibility when presented electronically.</b>	[ 2 ] 4 months	[ 4 ] 6 months	1 year
(iv) Failure to affix certificate of inspection immediately upon successful completion of the inspection	[ 2 ] 6 months	[ 4 months ] 1 year	[ 1 year ] Permanent
(v) Improperly assigning certificate of inspection	2 months	4 months	1 year
(vi) Failure to produce records, certificates of inspection, signature cards, certificate of appointment or [ mechanic ] safety inspector card upon demand by [ inspection station supervisor ] Quality Assurance Officer or authorized representative of the Department	[ 2 months or until produced ] Until produced plus 2 months	[ 6 months or until produced ] Until produced plus 6 months	[ 1 year or until produced ] Until produced plus 1 year
(vii) Improper certificate of inspection security	[ Warning ] 2 months	4 months	1 year
(viii) Careless recordkeeping	Warning	4 months	6 months
<b>(ix) Failure to report lost or stolen stickers</b>	<b>2 months</b>	<b>6 months</b>	<b>1 year</b>
(3) <i>Category 3</i>			
(i) Inspection by [ mechanic ] safety inspector with suspended, revoked, cancelled or recalled operating privilege	[ 2 ] 6 months	[ 6 months ] 1 year	[ 1 year ] Permanent
(ii) Inspecting more than three motorcycles or two other vehicles per hour	4 months	6 months	1 year

<i>Type of Violation</i>	<i>Duration of Suspension</i>		
	<i>1st Violation</i>	<i>2nd Violation</i>	<i>3rd and Subsequent Violation</i>
(iii) Inspection by uncertified [ <b>mechanic</b> ] <b>safety inspector</b>	[ 4 ] 6 months	[ 6 months ] 1 year	[ 1 year ] Permanent
(4) <i>Category 4</i>			
(i) Misstatement of fact	2 months	4 months	1 year
(ii) Performing or indicating unnecessary repairs for the purpose of passing an inspection	4 months	6 months	1 year
(iii) Performing repairs for the purpose of passing an inspection without vehicle owner authorization	4 months	6 months	1 year
(iv) Unclean inspection area	2 months	4 months	6 months
(v) Required tools or equipment missing or broken	Warning, <b>only</b> if tools are repaired or replaced <b>within 20 days</b> ; if not, suspension until tools are repaired or replaced	2 months or until tools are repaired or replaced, whichever is greater	6 months or until tools are repaired or replaced, whichever is greater
(vi) Bad check or failure to satisfy monetary obligations to the Department	Warning, if amount due is paid within 10 days from date notified[ . <b>If</b> ]; if not, suspension until amount due is paid	[ 2 ] 3 months or until amount due is paid, whichever is greater	6 months or until amount due is paid, whichever is greater
(vii) Failure to report discontinuance of business	1 year <b>from date discontinuance is discovered</b>	[ 3 years ] Permanent from date discontinuance is discovered	[ Permanent ]
(viii) Failure to notify the Department of changes of ownership, location or other changes affecting an official inspection station	4 months	6 months	1 year
(ix) Failure to satisfy monetary penalties for violations of Chapter 177 (relating to emission inspection program) within 90 days of notification	Suspension until amount due is paid	2 months or until amount due is paid, whichever is greater	6 months or until amount due is paid, whichever is greater
(x) Failure to maintain bond or insurance, or lapse in the station's insurance policy	Until proof of insurance or bond is provided to the Department plus 3 months	Until proof of insurance or bond is provided to the Department plus 6 months	Until proof of insurance or bond is provided to the Department plus 1 year
(xi) Failure to maintain tax identification number	Until proof of tax identification number is provided to the Department plus 3 months	Until proof of tax identification number is provided to the Department plus 6 months	Until proof of tax identification number is provided to the Department plus 1 year
	<i>1st through 3rd Violations</i>	<i>4th Violation</i>	<i>5th and Subsequent Violation</i>
[ (ix) ] (xii) Failure to give a written receipt or work order to customer, or to list required information on work order	[ 2 months ] Counseling	[ 4 ] 6 months	1 year
[ (x) ] Failure to satisfy monetary penalties for violations of Chapter 177 (relating to emission inspection program) within 90 days of notification	Suspension until amount due is paid	2 months or until amount due is paid, whichever is greater	6 months or until amount due is paid, whichever is greater ]

(b) *Assignment of points.* The Department will permit the station owner to consent to the acceptance of a point assessment for the station in lieu of suspension [ , ] if the station owner, manager, supervisor or other management level [ **employee** ] **employee** was without knowledge of the violation, and should not have known of the violation.

(1) The station owner bears the burden of proving that it provided proper supervision of the [ **employee** ] **employee** who committed the violation, but that supervision could not have prevented the violation.

(2) By accepting the assessment of points the station owner waives the right to appeal the Department's determination in the case to a court of record. If the station owner refuses to accept the point assessment, the Department will issue the suspension indicated in this subchapter.

(c) *Point determination.* When offering a point assessment, in lieu of a suspension, the Department will calculate points in the following manner:

(1) One point will be assessed for every 2 months of suspension [ **which** ] **that** the Department would otherwise impose.

(2) A point assessment will not exceed eight points for a single violation.

(3) If an inspection station is currently serving a suspension for a violation of this chapter, no point assessment will be made. A subsequent violation which occurs while a current suspension is being served will result in a suspension that will run consecutively with the current suspension.

(d) *Point suspension.* The Department will suspend the privileges of an official inspection station for an accumulation of points whenever the station accumulates ten or more points.

**[ (1) The first occurrence of an accumulation of ten points or more shall result in a suspension for a period of 2 months for each point over nine points; the second occurrence of an accumulation of ten points or more shall result in a suspension for a period of 4 months for each point over nine points; the third occurrence of an accumulation of ten points or more shall result in a suspension for a period of 6 months for each point over nine points.**

**(2) The fourth occurrence for an accumulation of ten or more points shall result in a permanent suspension. ]**

**(1) The first occurrence of an accumulation of ten points or more will result in a suspension for 2 months for each point over nine points.**

**(2) The second occurrence of an accumulation of ten points or more will result in a suspension for 4 months for each point over nine points.**

**(3) The third occurrence of an accumulation of ten points or more will result in a suspension of 1 year.**

**[ (3) ] (4)** Only suspensions issued as the result of an accumulation of points shall be counted in determining whether a suspension for point accumulation is a second [ , **third or fourth** ] **or third** suspension.

**[ (4) ] (5)** If the point record of a station has been reduced to zero, a subsequent accumulation of points that

will result in the suspension of the station will be considered first, second [ , ] **or third [ and fourth ]** suspensions.

(e) *Restoration of suspensions.* Stations and [ **mechanics** ] **safety inspectors** that have had their privilege to inspect suspended [ **shall** ] **will** be restored as follows:

(1) A station that has been suspended as a result of a point accumulation [ **shall** ] **will** have its point total reduced to six points upon restoration.

(2) Additional points assessed against the station since the last violation resulting in a suspension will be added to the point record unless the station has served an additional suspension under subsection (c)(3).

(3) A certified [ **inspection mechanic** ] **safety inspector** that has been suspended under this chapter will be restored at the termination of the suspension.

(4) Prior to restoration, the station shall meet the reapplication requirements of § 175.52 (relating to reapplication) to ensure timely restoration.

(f) *Removal of points.* Points assessed against a station [ **shall** ] **will** be removed at the rate of two points for each 12 consecutive months in which the station has not had additional violations charged against it that could result in additional points. The 12-month period starts at the date of the last violation resulting in points or from the date of restoration of a suspension resulting from an accumulation of points, whichever occurred last.

(g) *Subsequent violations.* Determination of second and subsequent violations is made on the basis of previous violations in the same category within a 3-year period.

(h) *Multiple violations.* In the case of multiple violations [ **which** ] **that** are reviewed and considered at one Departmental hearing, the Department will impose separate penalties for each violation as required by the schedule. The Department may direct that a suspension be served concurrently. If the Department permits a station to accept points in lieu of a suspension, the points will be assigned for the more serious violation affecting each vehicle. Violations affecting more than one vehicle will be treated as separate violations.

(i) *Sale of business.* An inspection station may be sold, transferred or leased to a new owner, and an application for appointment will be considered while the station is suspended or restored pending an appeal unless sold, transferred or leased to a person affiliated with the station or related to the station owner.

(j) *Confiscated materials.* Certificates of inspection and records confiscated as the result of an investigation will be retained by the [ **inspection station supervisor** ] **Quality Assurance Officer**. Certificates of inspection, certificates of appointment, [ **mechanic** ] **safety inspector** certification cards and records confiscated as the result of a suspension will be returned to the Department. **[ The Department will refund 75% of the purchase price for certificates of inspection confiscated as the result of a suspension. ]**

(k) *Official documents.* Whenever an inspection station or [ **mechanic is suspended or cancelled** ] **safety inspector is suspended**, the Department may order the surrender, upon demand, to [ **an Inspection Station Supervisor** ] **a Quality Assurance Officer** or authorized representative of the Department of any of the following items:

- (1) Inspection records.
- (2) A certificate of appointment.
- (3) Signature cards.
- (4) Unused certificates of inspection.
- (5) Unused monthly insert tabs.
- (6) A [ **mechanic** ] **safety inspector** certification card.

§ 175.52. Reapplication.

After a suspension has been served, inspection privileges will not be restored until an application for reappointment has been received by the Department. Upon receipt of [ **an** ] **a complete** application for reappointment following suspension of 3 months or more, a complete and thorough investigation by the [ **inspection station supervisor** ] **Quality Assurance Officer** will be conducted to determine if **the** applicant qualifies for reappointment under Subchapter B (relating to official inspection stations). Other applications for reappointment are subject to investigation at the discretion of the Department. [ **The station shall submit an application for appointment 30 days prior to the restoration date to ensure timely restoration.** ]

**Subchapter E. PASSENGER CARS AND LIGHT TRUCKS**

§ 175.64. Braking systems.

\* \* \* \* \*

(b) *Service brakes.* A vehicle specified under this subchapter shall be equipped with a service brake system. See 75 Pa.C.S. § 4502 (relating to general requirements for braking systems).

\* \* \* \* \*

(4) Metal from a shoe **or pad** may not contact the brake drums or rotors.

(5) [ **Brake lines shall be approved for use as brake lines.** ] **The hydraulic hoses or tubing must be approved for use as brake lines according to Society of Automotive Engineers standards for hydraulic brake line use.**

\* \* \* \* \*

§ 175.65. Tires and wheels.

\* \* \* \* \*

(e) *Nonpneumatic tires.* A passenger car or light truck operated on highway may not be equipped with nonpneumatic tires (**solid**) except an antique vehicle with nonpneumatic tires if originally equipped by the manufacturer.

(f) *Airless tires.* A passenger car or light truck operated on a highway may not be equipped with airless tires unless they are specifically designed and approved by the United States Department of Transportation for highway use.

[ (f) ] (g) *Ice grips or studs.* A tire may not be equipped with ice grips or tire studs or wear-resisting material [ **which have** ] **that has** projections exceeding 2/32 inch beyond the tread of the traction surface of the tire.

[ (g) ] (h) *Tires and rims.* The axles of a vehicle specified under this subchapter shall be equipped with

the number and type of tires and rims with a load rating equal to or higher than those offered by the manufacturer.

[ (h) ] (i) *Spacers.* [ **Spacers or similar devices thicker than 1/4 inch may not be installed to increase wheel track.** ] **Spacers or similar devices over 1/4 inch in thickness may not be used to increase wheel track unless originally equipped by the manufacturer.**

§ 175.66. Lighting and electrical systems.

\* \* \* \* \*

(c) *Headlamp system.* A vehicle specified under this subchapter [ **which** ] **that** is driven on a highway shall have a two- or four-headlamp system. See 75 Pa.C.S. § 4303(a) (relating to general lighting requirements).

\* \* \* \* \*

(7) A vehicle specified under this subchapter shall be equipped with a beam indicator[ , **which shall be lighted** ] **that shall be lit** whenever the high beam of light from the headlamp is in use and [ **shall** ] **may** not otherwise be lighted. An indicator [ **shall** ] **must** be located so that when [ **lighted** ] **lit** it is readily visible without glare to operator of vehicle.

(d) *Total candlepower.* The total candlepower for headlamps and auxiliary lamps [ **shall** ] **may** not exceed 150,000.

(e) *Other required lamps.* A vehicle specified under this subchapter [ **shall** ] **must** have at least one red stop lamp on each side of rear of vehicle, which [ **shall** ] **must** be illuminated immediately upon application of the service brake.

(f) *Illumination except headlamps, fog lamps and auxiliary driving lamps.* A vehicle specified under this subchapter [ **shall** ] **must** be equipped with parking lamps, stop lamps, tail lamps, turn signal lamps and hazard warning lamps designed for that specific function[ , **which** ] **that** under normal atmospheric conditions shall be capable of being seen and distinguished during nighttime operation at a distance of 500 feet. See 75 Pa.C.S. § 4303(b)—(d).

\* \* \* \* \*

(l) *Auxiliary driving lamps and fog lamps.* Auxiliary driving lamps and fog lamps may be installed on a passenger vehicle or light truck if the lamps comply with **all of** the following:

(1) **Auxiliary driving lamps and front fog lamps must be white or selective yellow within the limits specified in Society of Automotive Engineers lighting standards.**

[ (1) ] (2) Auxiliary driving lamps may not be substituted for headlamps. Auxiliary driving lamps may only be used with high headlamp beams.

[ (2) ] (3) Fog lamps may not be substituted for headlamps.

[ (3) ] (4) Auxiliary driving lamps and fog lamps shall be mounted on the front, spaced at least 20 inches apart from center to center and at height not more than 42 inches above level surface upon which the vehicle stands nor lower than the lowest chassis part. [ **Rear** ] **Red**



rear fog lamps, if originally installed or offered as optional equipment, are acceptable.

[ (4) ] (5) Auxiliary driving lamps and fog lamps shall be aimed when the vehicle and lamp assembly are in the straight ahead position with the beam not above horizontal centerline of lamp at 25 feet.

[ (5) ] (6) A vehicle specified under this subchapter may have only one pair of approved auxiliary driving lamps and **front** fog lamps.

[ (6) ] (7) Auxiliary driving lamps and fog lamps may not be placed in front of a required lamp.

[ (7) ] (8) Auxiliary driving lamps may not be used on snowplows as a substitute for headlamps obscured by blade. A substitute for headlamps used on the vehicle [ **shall** ] **must** be complete, approved headlamps having both high and low beams.

[ (8) ] (9) Snowplow lamps shall be installed as follows:

(i) These lamps shall be wired through a double throw switch so that both sets of lights will not operate at same time.

(ii) Snowplow lamps shall be aimed so that the high intensity beam does not project to the left of the extreme left side of the vehicle nor higher than the center of the lamp at a distance of 25 feet in front of the vehicle. In no case shall the high intensity portion of a beam be higher than 42 inches above the level upon which the vehicle stands at a distance of 75 feet ahead. Lamps shall be spaced at a distance of not less than 20 inches apart and shall be symmetrically located on each side of the vehicle centerline.

[ (9) ] (10) In accordance with 75 Pa.C.S. § 4303(f) [ **(relating to general lighting requirements)** ], roof or roll bar mounted off-road lights may be installed if they are not used on a highway or [ **trafficway** ] **traffic way** and are covered with an opaque covering at all times while operating on the highway or [ **trafficway** ] **traffic way**. Vehicles equipped with roof or roll bar mounted off-road lights [ **shall** ] **must** have a switch that indicates to the driver, through the use of a pilot light, that the lights are on when so switched.

[ (10) ] (11) White or clear cargo lamps are permitted if available as original equipment or installed in a manner [ **which** ] **that** expressly illuminates the cargo area of a multipurpose passenger vehicle, truck or bus.

[ (11) ] (12) Guidance laser systems used during highway maintenance operations, such as line painting and snow plowing, are authorized if they comply with 21 CFR 1040.10 (relating to laser products) for Class IIIa laser products and Occupational Health and Safety Administration Standard 1926.54 and are installed and operated in accordance with manufacturer's requirements. Guidance laser systems may not emit red or blue light visible to other motorists.

(m) *Antique vehicle lighting exemption.* An antique vehicle, if operated exclusively between the hours of sunrise to sunset and not during periods of reduced visibility or insufficient illumination, is exempt from requirements of this section except requirements pertaining to stop lamps.

(n) *Battery fastening.* A vehicle specified under this subchapter shall be equipped with a system specifically designed for the secure fastening of the battery.

### § 175.67. Glazing.

\* \* \* \* \*

(d) *Obstructions.* A vehicle specified under this subchapter shall have glazing free from obstructions as described in § 175.80 (relating to inspection procedure).

(1) With the exception of materials in paragraph [ (4) ] (5), signs, posters or other materials whose design prevents a driver from seeing through the material may not be placed on the windshield, a side wing, a side window or rear window so as to obstruct, obscure or impair the driver's clear view of the highway or an intersecting highway. Under FMVSS No. 205, these restrictions do not apply to the rear side windows, rear wings or rear window of trucks or multipurpose passenger vehicles.

(2) With the exception of materials in paragraph [ (4) ] (5), signs, posters or other materials whose design prevents a driver from seeing through the material may not be placed on a rear side window, rear wing or rear window of a passenger car which either covers more than 20% of the exposed portion of the windows or wings, or extends more than 3 1/2 inches above the lowest exposed portion of the windows or wings.

**(3) An object or material may not be hung, placed or attached in a position that obstructs, obscures or impairs the driver's vision through the windshield wiper path, excluding a certificate of inspection.**

[ (3) ] (4) This subsection also applies to glass etchings, except those used for vehicle identification.

[ (4) ] (5) A [ **sun screening** ] **sunscreening** device or other material [ **which** ] **that** does not permit a person to see or view the inside of the vehicle is prohibited, unless otherwise permitted by FMVSS No. 205, or a certificate of exemption has been issued in compliance with § 175.265 (relating to exemption provisions). See Table X for specific requirements for vehicles subject to this subchapter. Passenger car requirements relating to the rear window are delineated by vehicle model year in Table X.

[ (5) ] (6) Vehicles specified under this subchapter may not have an obstruction forward of the windshield [ **which** ] **that** extends more than 2 inches upward into the horizontally projected vision area of the windshield with the exception of windshield wiper components.

### § 175.68. Mirrors.

(a) *Condition of mirrors.* Mirrors [ **shall** ] **must** be in safe operating condition as described in § 175.80 (relating to inspection procedure).

(b) *Rearview mirrors.* A vehicle specified under this subchapter [ **shall** ] **must** be equipped with at least one rearview mirror or similar device [ **which** ] **that** provides the driver an unobstructed view of the highway to the rear of the vehicle for a distance of not less than 200 feet. A mirror may not be cracked, broken or discolored.

(c) *Obstructions.* On a vehicle specified under this subchapter, a rearview mirror [ **shall** ] **must** be free from obstructions as described in § 175.80.

(1) A vehicle specified under this subchapter having a sign, load or material [ **which** ] **that** obstructs, obscures or impairs the driver's clear view of the highway or an intersecting highway [ **shall** ] **must** have two outside

rearview mirrors, one on the driver's side and one on the passenger's side, each with a minimum reflective surface of 19.5 square inches.

(2) [ **Rear window louvers are permitted only if the vehicle has at least two outside rearview mirrors, one on the driver's side and one on the passenger's side, each with minimum reflective surfaces of 19.5 square inches. ] An object or material may not be hung, placed or attached to obstruct, obscure or impair the driver's vision through the rear window, with the exception of a temporary registration permit, unless the vehicle is equipped with at least two outside rearview mirrors, one on the driver's side and one on the passenger's side, each with a minimum reflective surface of 19.5 square inches.**

(3) Rearview mirrors, each with a minimum reflective surface of 19.5 square inches, shall be installed on both sides of a vehicle for which a certificate of exemption for a [ **sun screening ] sunscreening** device or other material has been issued. A vehicle [ **for which ] that** a certificate of exemption [ **has been issued ] is issued** for medical reasons, may be equipped with only a left outside rearview mirror, unless the vehicle was originally equipped with an outside rearview mirror on both sides of the vehicle.

(4) [ **No object or material may be hung from the rearview mirror and no object or material may be hung, placed or attached in a position so as to materially obstruct, obscure or impair the driver's vision through the windshield or constitute a safety hazard. ] An object or material may not be hung from the rearview mirror to extend below the rearview mirror.**

(5) This subsection also applies to glass etchings, except those used for vehicle identification.

(d) *Motor homes.* A motor home [ **shall ] must** be free from obstructions as described in this subchapter.

(1) A vehicle manufactured as or permanently converted into a motor home with a GVW of 11,000 pounds or less may have windows—approved glass only—transparent screens and roll-up shades or curtains installed if the shades and curtains are securely fastened in the completely opened position to avoid covering a portion of window while the vehicle is being operated on the highway. Venetian blinds may not cover a window while the vehicle is [ **operated on the highway ] in operation.**

(2) If a window is covered for installation of a wardrobe, cupboard or other convenience, it shall be factory installed or otherwise permanently installed—optional equipment or facsimile only. Two outside mirrors shall be installed to afford the operator a clear view 200 feet to the rear of the vehicle.

**§ 175.71. Windshield wipers.**

(a) *Condition of windshield wipers.* A wiper system [ **shall ] must** be in safe operating condition as described in § 175.80 (relating to inspection procedure).

(b) *Cleaning.* A vehicle specified under this subchapter [ **shall ] must** be equipped with a wiper system capable of cleaning rain, snow and other moisture from windshield and constructed [ **so as ]** to be operated by a switch conveniently located for use by the driver while in normal operating position.

(1) Wipers shall operate as specified by the manufacturer or a minimum of 45 cycles per minute if not specified.

(2) [ **A vehicle specified under this subchapter originally equipped with two wiper blades and two wiper arms—driver and passenger side—shall have them in place and in good working order. ] A vehicle specified under this subchapter may not have less than the quantity of windshield wiper arms and windshield wiper blades as originally equipped by the manufacturer.**

**§ 175.72. Fuel systems.**

(a) *Condition of fuel systems.* All components in a fuel system shall be in safe operating condition as described in § 175.80 (relating to inspection procedure).

(b) *Fuel system requirements.* The fuel system components [ **shall be leakproof and shall be ] must be leak-proof and** fastened securely to the vehicle with fasteners designed for that purpose.

(c) *Accelerator operation.* An accelerator control system [ **shall ] must** return the engine throttle to the idle position when the operator removes the actuating force from the accelerator control.

(d) *Filler cap.* A fuel system [ **shall ] must** be equipped with a filler cap **or equivalent fuel filler neck-sealing device.**

(e) *Alternate fuel systems.* See Subchapter M (relating to alternate fuel systems and controls).

**§ 175.75. Exhaust systems.**

(a) *Condition of exhaust system.* All components of the exhaust system [ **shall ] must** be in safe operating condition as described in § 175.80 (relating to inspection procedure).

(b) *Exhaust system requirements.* A vehicle specified under this subchapter [ **shall ] must** be constructed, equipped, maintained and operated to prevent engine exhaust gases from penetrating and collecting in any part of the vehicle occupied by the driver or a passenger, in addition to requirements of this title for an emission control system and smoke control for a diesel-powered vehicle.

(1) A vehicle specified under this subchapter [ **shall ] must** be equipped with a muffler or other effective noise-suppressing system in good working order and in constant operation. A muffler or exhaust system may not be equipped with a cutout, bypass or similar device [ **and a ]**. A muffler may not show evidence of external repair.

(2) The exhaust system of a vehicle may not be modified in a manner [ **which ] that** will amplify or increase noise emitted by the motor of a vehicle above the maximum level permitted by Chapter 157 (relating to established sound levels).

\* \* \* \* \*

**§ 175.76. Horns and warning devices.**

(a) *Condition of horns and warning devices.* All components of a horn or warning device [ **shall ] must** be in safe operating condition as described in § 175.80 (relating to inspection procedure).

(b) *Horn and warning device requirements.* A vehicle specified under this subchapter [ **shall ] must** have a

horn or other warning device [ **which** ] **that** is audible under normal conditions at a distance of not less than 200 feet. No vehicle shall be equipped with a siren, bell, whistle, or similar device emitting an unreasonably loud or harsh sound except emergency vehicles and vehicles equipped with an anti-theft device.

§ 175.77. **Body.**

\* \* \* \* \*

(d) *Protruding objects.* There may be no torn metal, glass [ **or** ], other loose or dislocated parts, **or materials** protruding from the body of the vehicle.

(e) *Fender flares.* A vehicle may be equipped with fender flares [ **not to exceed 3 inches** ] **as described in § 175.80.**

\* \* \* \* \*

§ 175.78. **Chassis.**

(a) *Condition of chassis.* All items on the chassis [ **shall** ] **must** be in safe operating condition as described in § 175.80 (relating to inspection procedure).

(b) *Vehicle frame.* A vehicle frame [ **shall** ] **or unibody must** be in solid condition.

(c) *Motor mounts.* [ **Motor mounts may not be broken, cracked or missing.** ] **Motor mounts must be in safe operating condition as described in § 175.80.**

(d) *Flooring and floor beds.* Flooring and floor beds [ **shall** ] **must** be of a construction to support occupants and cargo which the vehicle is capable of carrying and may not have openings through which exhaust gases could enter passenger compartment.

(e) *Bumpers.* A vehicle specified under this subchapter [ **shall** ] **must** be equipped with bumpers of a type used as original equipment, or suitable replacement [ **which** ] **that** is equal to or greater in strength than that provided by the vehicle manufacturer, securely attached to the chassis or frame. See 75 Pa.C.S. § 4536 (relating to bumpers).

(1) A bumper [ **shall** ] **must** be of at least equivalent strength and mounting as the original equipment.

(2) No portion of a bumper may be broken, torn or protruding to create a hazard.

(3) A bumper **or bumper cover** may not extend beyond the [ **body line** ] **bodyline** or be longer than **the** original equipment, whichever is greater.

(4) A wood plank bumper is permitted on a road service truck or wrecker if it is firmly attached to a regular bumper or equivalent steel backing.

(5) Some part of the main horizontal bumper bar on passenger vehicles shall fall within 16—20 inches above ground level.

(6) Some part of the main horizontal bumper bar on multipurpose passenger vehicles and light trucks shall fall within 16—30 inches above ground level.

(7) **A bumper cover must be securely fastened, and may not be broken, torn or protruding to create a hazard.**

(f) *Seats.* A vehicle specified under this subchapter shall be equipped with a seat for an operator [ **which** ] **that** is firmly anchored to the frame or a support.

(1) [ **Metal springs may not protrude from the driver's seat.** ] **Metal, springs or other materials may not protrude from any seat cushion or seat back that constitutes a hazard to the vehicle occupant.**

(2) A seat adjusting mechanism may not move from a set position when so adjusted.

(g) [ **Safety** ] *Seat or safety belts.* A vehicle specified under this subchapter [ **shall** ] **must** be equipped with **seat or safety belts** of a type used as original equipment securely attached to the frame or structure. If attached to sheet metal, they [ **shall** ] **must** have backing plates. **Seat or safety belts must be in safe operating condition as described in § 175.80.**

[ (1) **Safety belt webbing may not be frayed.**

(2) **Belt buckles shall operate properly.** ]

(h) *Body mounts.* [ **Body mounts may not be broken, cracked, deteriorated or missing.** ] **Body mounts must be in safe operating condition as described in § 175.80.**

§ 175.80. **Inspection procedure.**

(a) *External inspection.* An external inspection shall be performed as follows:

(1) Verify ownership, legality and proof of financial responsibility. [ **For the purpose of this subchapter, ownership and legality shall be proven by a vehicle registration card, certificate of title or manufacturer's statement of origin. When a vehicle being held for resale is presented for inspection by a dealer licensed to sell vehicles in this Commonwealth, a VIN-specific auction slip or VIN-specific secure power of attorney evidencing the dealership's acquisition of the vehicle, or both, may be presented instead of a vehicle registration card, certificate of title or manufacturer's statement of origin.** ] **For the purpose of this subchapter, ownership and legality shall be proven by a valid vehicle registration, valid temporary registration, a valid temporary registration renewal from the Department's online vehicle registration service issued for the vehicle being inspected, certificate of title or manufacturer's statement of origin. When a dealer licensed to sell vehicles in this Commonwealth presents a vehicle held for resale for inspection, a VIN-specific auction slip or VIN-specific secure power of attorney evidencing the dealership's acquisition of the vehicle, or both, may be presented instead of a valid vehicle registration, valid temporary registration, a valid temporary registration renewal from the Department's online vehicle registration service, certificate of title or manufacturer's statement of origin. Reject if one or more of the following apply:**

(i) When vehicle ownership and legality are demonstrated by presentation of a **valid vehicle registration, valid temporary registration, a valid temporary registration renewal from the Department's online vehicle registration service, certificate of title, manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney;**

(A) The VIN **on the vehicle** is not in agreement with the certificate of title, manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of



attorney. Exception: If only one digit is incorrect or two digits are transposed, and the owner provides evidence that the appropriate Department form has been completed to correct the error or transposition.

**(B) For registered vehicles, the license plate is not in agreement with the valid vehicle registration, valid temporary registration or a valid temporary registration renewal from the Department's online vehicle registration service. Exception: If only one digit is incorrect or two digits are transposed, and the owner provides evidence that the appropriate Department form has been completed to correct an error or transposition.**

**(C) The VIN plate is not securely fastened or is defaced, misplaced or missing.**

**[ (B) ] (D)** The license plate is hanging loosely from its mounting bracket.

**[ (C) ] (E)** The license plate is **covered or** obscured so that the numbers **or letters** cannot be identified.

**[ (D) ] (F)** The license plate lamp, if originally so equipped, does not illuminate the license plate.

**[ (iii) ] (ii)** Acceptable proof of financial responsibility is not provided. For the purpose of this chapter, financial responsibility shall be proven by one of the following documents:

(A) A valid **paper or electronic** financial responsibility identification card issued in accordance with 31 Pa. Code (relating to insurance).

(B) The declaration page of a valid insurance policy.

(C) A valid self-insurance identification card.

(D) A valid binder of insurance issued by an insurance company licensed to sell motor vehicle liability insurance in this Commonwealth.

(E) A valid insurance policy issued by an insurance company licensed to sell motor vehicle liability insurance in this Commonwealth.

(2) Check glazing.

(i) Reject if any of the following apply:

(A) Approved safety glazing is not used in every windshield, window and wing.

(B) A sign, poster or other material whose design prevents a driver from seeing through the material, obstructs, obscures or impairs the driver's clear view of the highway or an intersecting highway. Under FMVSS No. 205, this restriction does not apply to the rear side windows, rear wings or rear window of trucks or multi-purpose passenger vehicles.

(C) A sign, poster or other material, whose design prevents a driver from seeing through the material, extends more than 3 1/2 inches from the lowest exposed portion of the rear window, rear side windows or rear wings of a passenger car.

(D) A vehicle displays a sticker other than those prescribed under § 175.67(c) (relating to glazing), or displays a parking sticker in a location described in § 175.67(d).

(E) Glass is shattered **[ or ]**, broken or has exposed sharp edges.

(F) The windshield is removed.

**(G) [ There are defects in an acute area of the windshield—center of the critical area on the driv-**

**er's side of the vehicle directly in the driver's normal line of vision, 8 1/2 inches wide and 5 1/2 inches high—or discolorations or hazardous cracks to the front, right, left or rear of the driver which would interfere with the driver's vision. ] There are cracks, defects or discolorations in the windshield wiper path of the windshield, or discolorations or hazardous cracks to the front, right, left or rear of the driver that are more than 3/4 inch in length or diameter, or that interfere with the driver's vision.**

(H) Glass etchings, except those used for vehicle identification, are on the windshield or front side windows.

(I) Glass etchings extend more than 3 1/2 inches from the lowest exposed portion of rear window, rear side windows or rear wings.

(ii) This paragraph does not prohibit the use of a product or material along the top edge of a windshield as long as the product or material is transparent and does not encroach upon the AS-1 portion of the windshield as provided by FMVSS No. 205, and the product or material is not more than 3 inches from the top of the windshield.

(3) Check the windshield wiper system and reject if any of the following apply:

(i) The wipers do not operate as specified by manufacturer, or 45 cycles per minute if not specified.

(ii) The wiper blades are **smaller than originally equipped**, torn, or smear or streak the windshield after five cycles.

(iii) **[ There is only one wiper where two are required. ] The quantity of wiper blades and wiper arms is less than the quantity originally equipped by the vehicle manufacturer.**

(iv) The wipers do not return to the rest position.

(v) The windshield washers, if originally so equipped, do not operate.

(4) Check the door operation, including the tailgate, and reject if one or more of the following apply:

(i) The doors, except a tailgate on a pick-up truck, are not on the vehicle if originally fitted by the manufacturer.

(ii) The doors **[ , including the tailgate, ]** do not open and **securely** close **[ securely ] from mechanisms inside and outside the vehicle**, unless the vehicle has been manufactured or modified to the extent that there is no roof or side **or if child safety locks are engaged. Note: The rear side doors on emergency vehicles as defined in 75 Pa.C.S. § 102 (relating to definitions) are exempted from this requirement.**

(iii) **The tailgate, if present, does not securely close.**

(5) Check outside mirrors and reject if one or more of the following apply:

(i) The mirror is cracked, broken or discolored.

(ii) The mirror will not hold adjustment.

(iii) A vehicle does not have **all outside** rearview mirrors as originally equipped by the manufacturer.

(iv) Outside rearview mirrors, with a minimum reflective surface as described in § 175.68 (relating to mirrors), are not installed on both sides of the vehicle if a certificate of exemption for a **[ sun screening ] sun-screening** device or other material has been issued by the Department. See § 175.264 (relating to mirrors). A



vehicle for which a certificate of exemption has been issued for medical reasons may be equipped with only a left outside rearview mirror, unless originally equipped with an outside rearview mirror on both sides of the vehicle.

- (v) The mirrors, if originally so equipped, are missing.
- (6) Check fenders, hood and trunk lid and reject if one or more of the following apply:
  - (i) A fender—front or rear—has been removed.
  - (ii) The fenders are not of a type and size used as original equipment.
  - (iii) The hood does not cover the entire motor compartment or cannot be fully closed.
  - (iv) The trunk lid is not present or does not close securely.
  - (v) **[ The fender flares exceed 3 inches in width. ] Fender flares used to cover tire tread cause the vehicle to exceed the allowable vehicle width of less than 96 inches.**
- (7) Check the flooring and floor beds, **including the cargo area**, and reject if one or more of the following apply:
  - (i) They are not in a condition to support the occupants and cargo.
  - (ii) The floor pan is **[ rusted through so as to cause hazard to occupants or ] corroded or configured** to permit exhaust gases to enter **any** passenger compartment.
  - (8) Check the bumpers, **visually accessible portion**, and reject if one or more of the following apply:
    - (i) The bumper **and bumper covers**, if required as original equipment, **[ is ] are** not on the vehicle.
    - (ii) The bumpers **and bumper covers** are not firmly attached to the frame or chassis.
    - (iii) Some part of the **[ main ] originally positioned** horizontal bumper bar on passenger vehicles does not fall within 16—20 inches above ground level. **Additional bumper material added to the originally positioned horizontal bumper bar is not to be used when taking this measurement.**
    - (iv) Some part of the **[ main ] originally positioned** horizontal bumper bar on multipurpose passenger vehicles and light trucks does not fall within 16—30 inches above ground level. **Additional bumper material added to the originally positioned horizontal bumper bar is not to be used when taking this measurement.**
    - (v) A broken or torn portion **[ is protruding so as to create hazard ] protrudes, creating a hazard.**
    - (vi) The bumpers **or bumper covers** extend beyond **[ body line ] the bodyline** or are longer than originally equipped, whichever is greater.
    - (vii) **A bumper cover is not securely fastened, protrudes or contains exposed sharp edges and is not attached in solid condition.**
  - (9) Check the lamps and lenses and reject if one or more of the following apply:
    - (i) An exterior bulb or sealed beam, if originally equipped or installed, fails to light properly **or fails to direct light properly**, except ornamental lights.

(ii) The turn signal lamps **and hazard warning lamps** do not flash between 60—120 flashes per minute.

(iii) The turn signal lamps do not properly indicate right or left or hold in position when **[ so ]** switched or do not self-cancel, if originally designed to do so.

(iv) The back-up lamps do not turn off automatically when the vehicle goes forward, there is no indicator on **the** dash that lights or there is no audible warning signal.

(v) **[ The lamp shows a color contrary to the lighting chart. ] A lamp is located or shows color contrary to the lighting chart and Society of Automotive Engineers lighting code tables II—IV.**

(vi) The lamp or filament indicated at the switch position does not light when the correct switch indicates the lamp should be on.

(vii) **[ The lamp has a missing or broken lens. ] A lamp or lens is loose, missing or broken.**

(viii) **[ A required lamp is missing. ] A required lamp or housing contains water, debris, excessive condensation or is repaired in a temporary manner.**

(ix) **[ The auxiliary equipment is placed on, in or in front of a lamp. ] Auxiliary equipment or a device is placed on, in or in front of a lamp to obscure, change the color or obstruct the beam.**

(x) The fog lamps operate with the high beams of the headlamps or are substituted for the low beams.

(xi) The auxiliary driving lamps operate with the low beam of a standard headlamp system or alone.

(xii) The headlamps are out of adjustment as follows:

(A) Mechanical aimer:

(I) The horizontal aim is more than 4 inches to the left or right.

(II) The vertical aim is higher or lower than 4 inches from center.

(B) Screen or **[ photo electric ] photoelectric** type tester. See Charts 1—3 (relating to headlight aiming screen distance and marking identification; high beam inspection limits; and low beam inspection limits).

(I) Turn the lamps on high beam and reject if the center of the beam is horizontally more than 4 inches to the right or left of “straight ahead” or if center of light beam is vertically more than 4 inches above or below horizontal line.

(II) Turn the lamps on low beam and reject if the upper edge of the beam is more than 4 inches above or below horizontal center line of headlamp or if inner edge of beam is more than 4 inches to the right or left of the vertical line.

(xiii) **The automatic headlamp aiming system malfunction indicator light displays “check headlights” or similar warning indicator, and one or more headlamps cannot be aimed as required.**

(10) Check for protruding **[ metal ] material** and reject if torn metal, glass, or other loose or dislocated parts **or material** protrude from a surface of the vehicle **[ so as to create ] creating** a hazard.

(11) **Check the exterior body components and reject if one or more of the following apply:**

(i) **Torn metal, broken glass, other loose or damaged material, or dislocated parts are present on the exterior of the vehicle creating a hazard such as sharp edges, or are in a deteriorated or dangerous condition, or a temporary repair that does not provide adequate structural support. Surface corrosion is not cause for rejection.**

(ii) **Holes are present that allow exhaust gases to enter the passenger compartment.**

[ (11) ] (12) Check the fuel tank cap and reject if the fuel tank filler cap, **if originally equipped**, is missing.

[ (12) ] (13) Check the shock absorbers **or struts** and reject if **[ the vehicle continues free rocking motion greater than three cycles after release, indicating loss of the shock absorber function. ] one or more of the following apply:**

(i) **The vehicle continues free rocking motion greater than three cycles after release, indicating loss of the shock absorber or strut function.**

(ii) **There are loose or missing bushings that affect the proper function of the shock absorbers or struts.**

(b) *Internal inspection.* An internal inspection shall be performed as follows:

(1) Check steering column and reject if one or more of the following apply:

(i) **[ Freeplay ] Measured freeplay** exceeds the following allowances:

<i>Wheel diameter</i>	<i>Freeplay</i>
16 inches or less	2 inches
18 inches	2 1/4 inches
20 inches	2 1/2 inches
22 inches	2 3/4 inches

(ii) **[ The gear box is loose on the frame. ] The tilt or telescopic steering wheel does not hold adjustment.**

(iii) **[ The energy-absorbing column is defective. ] The steering column is loose or displays movement.**

(iv) The steering wheel, except if specially designed for handicapped drivers, is not circular or equivalent in strength to original equipment or has **[ an ] a measured** outside diameter less than 13 inches.

(v) The front wheels cannot be turned to the full right or left position without binding or interference.

(vi) The flexible steering coupler **[ —rag joint—is badly misaligned— ], rag joint or universal/flex joint is badly misaligned**, twisted or out of alignment between attaching collars.

(vii) The number of turns of the steering wheel from a straight ahead tire position to the right stop is not equal to the number of turns to the left stop within a tolerance of 1/4 turn.

(2) Check the high beam and turn signal indicator lamps and reject if the indicator lamps are not working.

(3) Check the horn and reject if any of the following apply:

(i) There is no horn or other acceptable audible warning device.

(ii) The horn or other warning device is not audible under normal conditions for distances of not less than 200 feet.

(iii) The vehicle is equipped with a siren, bell, whistle, or device emitting harsh or unreasonably loud sound, except for emergency vehicles and vehicles equipped with an anti-theft device.

(4) Check the brake pedal and reject if one or more of the following apply:

(i) The brake pedal travel exceeds 80% of the total available travel unless originally designed to do so.

(ii) The brake pedal fades while the vehicle is stopped unless originally designed to do so.

(iii) There is excessive friction in pedal linkage or components, pedal levers are misaligned or improperly positioned, or the pedal pad is missing **or damaged to the extent that the underlying pedal is exposed.**

(iv) A brake warning lamp or other device indicates a malfunction of the braking systems unless the vehicle is equipped with an antilock braking system **[ (ABS) which ]** that is designed to revert to standard braking operation and no **[ driveability ] drivability** deficiency or loss of braking performance is present.

(5) Check the parking brake operation and reject if the pedal or lever reaches its limit of travel before parking brakes are set, **or the pedal is damaged to the extent that the underlying pedal is exposed.**

(6) Check the **[ seat and ] seats and seat or** safety belts, if originally equipped, and reject if one or more of the following apply:

(i) **[ The driver's seat or back rest is not firmly attached. ] All seats, including the backrest, are not firmly attached.**

(ii) **[ The metal spring protrudes from driver's seat. ] Any metal or spring protrudes from any seat cushion or seat back.**

(iii) The **driver's** seat-adjusting mechanism slips out of set position.

(iv) There is no **seat or** safety belt for each seating location, if the vehicle was originally so equipped, or if seats have been added.

(v) **[ The safety ] A seat or safety** belt webbing is frayed.

(vi) The **seat or safety** belt buckles do not operate properly.

(vii) **[ The belt anchorages are broken. ] The seat or safety belt anchors are broken, missing, not securely fastened or are severely deteriorated.**

(viii) A passive seat **or safety** belt restraint system is inoperative **in that it is not able to be locked in position at the "B" pillar.**

(7) Check the inside mirror and reject if one or more of the following apply:

(i) The mirror is cracked, broken or discolored.

(ii) The mirror will not hold adjustment.

(iii) An object or material is hung from or blocking **the** inside mirror.

(iv) The mirror, if originally so equipped, is missing.

(8) Check front windshield defroster system, if so equipped, and reject if defroster fan does not function.

(c) *Under the hood inspection.* An under the hood inspection shall be performed as follows:

(1) Check the hood and reject if any of the following apply:

(i) The latch does not hold securely in the fully closed position.

(ii) The latch release mechanism or its parts are broken, missing or so poorly adjusted that the hood cannot [ **be closed** ] close properly.

(iii) The double latch mechanism is not operating as originally equipped.

**(iv) Oil or any combustible fluid leaks on vehicle components in sufficient quantity to constitute a fire hazard.**

(2) Check the motor mounts, either here or during the beneath vehicle inspection, and reject if the motor mounts are broken, cracked [ **or missing** ], **missing or are not functioning as designed.**

(3) Check the fuel systems and controls and reject if any of the following apply:

(i) There is [ **liquid** ] fuel leakage at any point in system.

(ii) A part of **the** fuel line is not securely fastened.

(iii) A fuel tank or line was not specifically designed or manufactured as a fuel tank or line.

(iv) A fuel line is in contact with high temperature surfaces or moving parts.

(v) A fuel tank or line intrudes into a driver, passenger or cargo compartment except if the vehicle was originally so designed. If the vehicle is equipped with an alternate fuel system, see Subchapter M (relating to alternate fuel systems and controls).

(vi) The throttle does not return to the idle position when the actuating force is removed.

(vii) The firewall has any holes or cracks [ **which** ] **that** would permit fumes to enter driver and passenger compartments.

**(viii) Any fuel line, including tubing or hose that is chafed, worn, or restricted or repaired in a temporary manner and poses a risk of failure.**

**(ix) Visually accessible metal tubing is flaking, pitting or bulging, and poses a risk of failure.**

(4) Check the exhaust system and reject if there is an exhaust leak **in any under the hood components.**

(5) Check the brake system and reject if any of the following apply:

(i) The master cylinder leaks.

(ii) The power brake lines or hydraulic hoses or lines leak or are disconnected, flattened [ **or restricted** ], **restricted, crimped or corroded to the point of flaking, bulging or pitting, and pose a risk of failure or are not approved for use as brake lines.**

(iii) **Components are not approved for use on hydraulic brake lines according to Society of Automotive Engineers standards for hydraulic brake lines use.**

[ **(iii)** ] **(iv)** The hydraulic booster for the power brake system is leaking or inoperative or has excessively worn belts that would prevent proper operation of the pump.

**(v) Power assist unit for the power brake system is inoperative, leaking or worn preventing proper operation of the system.**

(6) Check the battery **if visually accessible** and reject if the battery is not securely fastened with a device specifically designed for that function.

**(7) Reject if oil or any combustible fluid leaks on vehicle components in sufficient quantity to constitute a fire hazard.**

(d) *Visual inspection of **the** emission control system.* Vehicles registered in counties where there is not an emission inspection program under Chapter 177 (relating to emission inspection program)[ , ] shall be checked visually for the presence of emission control components. These components may be original vehicle equipment or an equivalent aftermarket replacement component meeting the same standards. In addition to the exceptions under § 175.4 (relating to vehicles required to be inspected), this subsection does not apply to vehicles registered as collectible or classic motor vehicles as defined in 75 Pa.C.S. § 102 [ **(relating to definitions)** ].

(1) The visual inspection shall be performed through direct observation or through indirect observation, using a mirror or other visual aid.

(2) Provided that the make and model year of the vehicle would have originally been equipped with the device, reject if one or more of the following apply:

(i) The catalytic converter has been removed, disconnected or is the wrong type for the certified vehicle configuration.

(ii) [ **Exhaust** ] **The exhaust** gas recirculation [ **(EGR)** ] valve has been removed, disconnected or is the wrong type for the certified vehicle configuration.

(iii) [ **Positive** ] **The positive** crankcase ventilation [ **(PCV)** ] valve has been removed, disconnected or is the wrong type for the certified vehicle configuration.

(iv) [ **Fuel** ] **The fuel** inlet restrictor has been removed, disconnected or is the wrong type for the certified vehicle configuration.

(v) [ **Air** ] **The air** pump has been removed, disconnected or is the wrong type for the certified vehicle configuration.

(vi) [ **Evaporative** ] **The evaporative** control system components have been removed, disconnected or are the wrong type for the certified vehicle configuration.

(e) *Beneath the vehicle inspection.* A beneath the vehicle inspection shall be performed as follows:

(1) Inspect **all external surfaces of** the tires and wheels and reject if one or more of the following apply:

(i) A tire has two [ **adjacent treads with** ] **or more grooves that measure** less than 2/32-inch tread remaining at any point **other than a wear bar**—less than 4/32-inch tread on the front tires of the vehicles having a gross weight in excess of 10,000 pounds.

[ **(ii) A tire is worn so that the tread wear indicators contact the road in any two adjacent grooves.** ]



(ii) Any overall outside tire's diameter is smaller than the vehicle manufacturer's recommended minimum size or below the vehicle manufacturer's recommended load rating.

(iii) A tire is repaired on a sidewall.

[ (iii) ] (iv) A part of ply or cord is exposed.

[ (iv) ] (v) A tire has been repaired with a blow-out patch or boot.

[ (v) ] (vi) There is a bump, bulge or separation anywhere on the external surface of a tire.

[ (vi) ] (vii) A tire is marked "not for highway use," "for racing purposes only" or "unsafe for highway use," or has a similar designation.

[ (vii) ] (viii) There are other conditions or markings such as cracking or dry rotting reasonably believed to render the tire unsafe for highway use.

[ (viii) ] (ix) A tire has been regrooved or recut below the original tread design depth except special [ taxicab tires which ] tires that are identified as having extra undertread rubber.

[ (ix) ] (x) A tire's tread extends beyond the outer edge of the wheel housing, inclusive of fender flares.

[ (x) ] (xi) The tires used on the same axle are not the same size or type of construction—bias, belted, radial or snow.

[ (xi) ] (xii) The wheel nuts or bolts are missing, loose or have improper thread engagement.

[ (xii) ] (xiii) The stud or bolt holes are worn out of round.

[ (xiii) ] (xiv) Part of the wheel is bent, cracked, welded or [ damaged so as to affect ] otherwise damaged, affecting the safe operation of the vehicle.

[ (xiv) ] (xv) The rear wheel does not track the front wheel in [ straight ahead ] a straight-ahead position, as originally designed.

[ (xv) ] (xvi) The [ wheel base ] wheelbase on one side differs from the [ wheel base ] wheelbase on the other side by more than 1 inch, unless the vehicle's design specifications indicate different left and right wheel base dimensions.

[ (xvi) ] (xvii) Studded tires are in use after April 15 and before November 1.

[ (xvii) ] (xviii) Retreads are on the front axle of a taxi.

[ (xviii) ] (xix) The diameter of duals is not within [ 3/8-inch ] 3/8 inch of each other.

[ (xix) ] (xx) An axle has missing tires or rims.

[ (xx) ] (xxi) A tire makes contact with the body or chassis.

[ (xxi) ] (xxii) Spacers or adapters over 1/4 inch in thickness are used to increase wheel track, unless originally equipped by the manufacturer.

[ (xxii) A tire is smaller than the manufacturer's recommended minimum size or below the manufacturer's recommended load rating. ]

(2) Inspect the steering system and reject if one or more of the following apply:

(i) Steering gear [ box is loose on frame ] is loose on its mounting, or is binding or leaking preventing proper operation of the system.

(ii) Measured movement at the front or rear of a tire is greater than [ 1/4-inch. Eliminate ] manufacturer's specifications using the manufacturer's recommended procedure. In the absence of a manufacturer's specification, measured movement at the front or rear of a tire is greater than 1/4 inch. If there is no manufacturer's recommended procedure, eliminate all wheel bearing movement by applying the service brake; then, with the vehicle raised and wheels in the straight ahead position, grasp the front and rear of the tire and attempt to move the assembly right and left without moving the steering gear. Measure the movement.

(iii) The linkage components are not secured with cotter pins or other suitable devices.

(iv) The steering stops allow the tire to rub on the frame or chassis parts.

(v) The front wheels are incapable of being turned to the right and left steering stops without binding or interference.

(vi) The steering damper has severe leakage, not slight dampness.

(vii) Any constant velocity joint is loose, noisy or demonstrates a drivability problem during the test drive.

(viii) The steering assembly and steering mechanism is not in safe operating condition according to manufacturer's recommended procedures.

(3) Inspect the suspension system and reject if one or more of the following apply:

(i) The measured ball joint movement is in excess of the manufacturer's specifications using the manufacturer's recommended procedures.

(ii) The shock absorbers or struts are missing.

(iii) The shock absorbers or strut bearing plate, mounting bolts or mounts are broken.

(iv) The shock absorbers or struts have severe leakage—not slight dampness.

(v) The sway or stabilizer bar [ is ] and mounting components are loose, missing or broken.

(vi) The coil spring or [ main ] leaf spring is broken, if originally equipped.

(vii) [ The spring attaching part is loose, badly worn, broken or missing. ] The coil spring, leaf spring, torsion bar or mounting components is loose, badly worn, broken, missing or corroded.

(viii) Spring shackle kits or blocks are used to lower the suspension of the front of the vehicle.

(ix) Spring shackle kits are more than 2 inches over original equipment.

(x) Blocks are used on front axle to raise the vehicle.

(xi) [ Blocks used on rear axle exceed 5 inches over original equipment. ] A block used on a rear axle exceeds 5 inches over original equipment or multiple blocks are used.



(4) Inspect the floor and reject if any of the following apply:

(i) The floor bed, **rocker panels** or inner panels have openings **[ which ] that** would allow exhaust gases to enter either the occupant compartment or trunk.

(ii) The floor bed **[ is not sufficient to hold the weight of ] does not provide adequate structural support** for the driver, passengers and cargo.

(5) Inspect the vehicle frame and reject if one or more of the following apply:

(i) The vehicle frame **or unibody** is not in solid condition.

(ii) **[ The repairs ] Repairs** are made with tape, tar paper or cloth, or are made in another temporary manner **that does not provide adequate structural support**.

(iii) **[ The frame components are missing, cracked, rotted or broken or are in deteriorated or dangerous condition. ] The frame or unibody components (such as cross members, body/cab mount supports, truck frame cross supports, A-frame, radiator supports, engine/transaxle supports or other components providing structural support) are missing, cracked, corroded (not surface corrosion), or broken or are in a deteriorated or dangerous condition.**

(iv) Body mounts do not hold as required.

(v) A body mount is broken, cracked, deteriorated or missing.

(vi) The difference **[ in the body floor and ] from the body floor** to the top of the frame rail exceeds 4 inches.

(6) Inspect exhaust system and reject if one or more of the following apply:

(i) The vehicle has no muffler or muffler has external repair.

(ii) There are loose or leaking joints.

(iii) There are holes, cracks or leaking seams in **the** exhaust system, **to include the exhaust manifold**.

(iv) There is a muffler **catalytic converter or similar device** cutout **[ or similar device ]**.

(v) Part of the exhaust system passes through the occupant compartment.

(vi) The elements are not securely fastened with proper clamps and hangers.

(vii) **[ The exposed exhaust system does not have adequate heat shield or protective system. ] Any exposed portion of the exhaust system, including those through truck beds, does not have an adequate heat shield or protective system to prevent contact with people or cargo.**

(viii) The exhaust does not discharge **completely** to the outside edge of the vehicle body **behind the passenger compartment or to the rear of the vehicle**, including a truck bed, or as originally designed.

(ix) **The catalytic converter has had an external repair, been removed, disconnected or has an external repair.**

(7) Inspect the **service** braking system. Remove **[ at least one front and one opposite rear wheel and ] all wheels and** reject if one or more of the following apply:

(i) The hydraulic hoses or tubing **are not approved for use as brake lines**; leaks; is flattened, restricted, insecurely fastened or improperly retained; or has exposed cords.

(ii) The wheel cylinder **[ leaks ] has visible external leakage without the removal of the dust cover**, has missing parts, is improperly retained or is not functioning.

(iii) The caliper leaks, has missing parts, is improperly retained or **[ is ] caliper components are** not functioning **properly**.

(iv) The lining is broken; not firmly attached to shoe **or pad backing**; or contaminated with oil, grease or another substance that would affect proper brake operation.

(v) There is mechanical damage other than wear.

(vi) The **measured** inside diameter of the drum is greater than **the** maximum diameter stamped on **the** drum or greater than **[ .090 ] 0.090** inch over original drum diameter for unmarked drums.

(vii) The **measured** disc thickness is less than **the** minimum stamped on **the** assembly or less than **the** manufacturer's specifications.

(viii) The **measured** bonded linings are less than 2/32 inch at the thinnest point.

(ix) The **measured** riveted linings are less than 1/32 inch above **the** rivet head at **the** thinnest point.

(x) The drums or rotors **[ are scored deeper than .015 inch ] have scoring or pitting measuring deeper than 0.015 inch.**

(xi) **Repairs are made with components that are not approved for use on hydraulic brake lines according to Society of Automotive Engineers standards for hydraulic brake line use.**

(xii) **Brake pads or shoes do not make full contact with the rotor or drum, as originally designed.**

(xiii) **The brake line or brake hose is crimped, is corroded (not surface corrosion) to the point of flaking, bulging or pitting and poses a risk of failure.**

(xiv) **The braking performance is affected by a backing plate that is broken, corroded or missing, if originally equipped. Surface corrosion is not cause for rejection.**

(8) Inspect the fuel system and reject if any of the following apply:

(i) There is fuel leakage.

(ii) **[ Part ] Any part** of the system is not securely fastened.

(iii) The system is not properly routed.

(iv) **Fuel tank mounting components are severely corroded (not surface corrosion) to the point of flaking or pitting and pose a risk of failure.**

(v) Metal tubing is flaking or bulging and poses a risk of failure.

(vi) Any fuel tank or fuel line is not specifically designed or manufactured as a fuel tank or fuel line.

(f) [ Road test. Perform road test and reject if one or more of the following apply: ] Test drive. A test drive of not less than 1 mile shall be performed as the final step in the inspection procedure and prior to the issuance of the certificate of inspection. Reject if one or more of the following apply:

(1) The parking brake fails to exhibit normal resistance when an attempt is made to move the vehicle both forward and backward from a stopped position.

(2) The automatic transmission [ will ] does not hold in the park position, if originally equipped.

(3) The vehicle is not capable of stopping within the maximum stopping distance prescribed in Table I (relating to brake performance) or swerves so that any part leaves the 12-foot lane.

(4) There is a malfunction of the braking or steering mechanism, particular shimmy, wander, pull or [ another ] any other questionable operating behavior that affects safe operation of the vehicle.

(5) The speedometer does not operate.

(6) The odometer does not operate, except on a motor vehicle at least 25 years old.

(7) The vehicle cannot be driven both forward and backward.

(8) The starter inhibitor system does not function, as originally equipped.

(9) The windshield defroster does not provide adequate heat to defrost the windshield.

Subchapter G. RECREATIONAL, SEMI AND UTILITY TRAILERS

§ 175.130. Inspection procedure.

(a) External inspection. An external inspection of a trailer over 3,000 pounds registered gross weight shall be performed as follows:

(1) Verify ownership[ , ] and legality [ and proof of financial responsibility ]. For the purpose of this subchapter, ownership and legality shall be proven by a vehicle registration card, certificate of title or manufacturer's statement of origin. When a vehicle being held for resale is presented for inspection by a dealer licensed to sell vehicles in this Commonwealth, a VIN-specific auction slip or VIN-specific secure power of attorney evidencing the dealership's acquisition of the vehicle, or both, may be presented instead of a vehicle registration card, certificate of title or manufacturer's statement of origin. Reject if one or more of the following apply:

\* \* \* \* \*

[Pa.B. Doc. No. 17-508. Filed for public inspection March 24, 2017, 9:00 a.m.]

GAME COMMISSION

[ 58 PA. CODE CHS. 131 AND 141 ]

Preliminary Provisions; Hunting and Trapping

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 31, 2017, meeting to amend §§ 131.2, 141.22, 141.43—141.45, 141.47 and 141.67 to authorize the use of air guns and semiautomatic rifles for designated species of wildlife and hunting seasons, and to expand muzzleloader hunting opportunities to include breech-loading black powder firearms for designated species of wildlife and hunting seasons and aperture sights for flintlock muzzleloading deer season.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the January 31, 2017, meeting of the Commission. Comments can be sent until March 24, 2017, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

In relevant part, the act of November 21, 2016 (P.L. 1317, No. 168) (Act 168) made two significant changes to section 2308 of the act (relating to unlawful devices and methods). Act 168 eliminated the Commonwealth's historic prohibition against the use of air guns for hunting. Act 168 also effectively eliminated the Commonwealth's historic prohibition against the use of semiautomatic rifles for hunting. It is important to note that Act 168 was not extended to authorize the Commission to allow use of semiautomatic handguns.

In an effort to expand hunting opportunities in this Commonwealth, the Commission proposes amend §§ 131.2, 141.22, 141.43—141.45, 141.47 and 141.67 to authorize the use of air guns and semiautomatic rifles for designated species of wildlife and hunting seasons. These proposed amendments will also expand muzzleloader hunting opportunities to include breech-loading black powder firearms for designated species of wildlife and hunting seasons and aperture sights for flintlock muzzleloading deer season.

Section 2102(d) of the code (relating to regulations) authorizes the commission to "promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used." The amendments to §§ 131.2, 141.22, 141.43—141.45, 141.47 and 141.67 are proposed under this authority.

2. Regulatory Requirements

This proposed rulemaking will amend §§ 131.2, 141.22, 141.43—141.45, 141.47 and 141.67 to authorize the use of air guns and semiautomatic rifles for designated species of wildlife and hunting seasons, and to expand muzzleloader hunting opportunities to include breech-loading black powder firearms for designated species of wildlife and hunting seasons and aperture sights for flintlock muzzleloading deer season.

3. Persons Affected

Persons wishing to use air guns, semiautomatic rifles or breech-loading black powder firearms to hunt or take

game or wildlife in this Commonwealth may be affected by this proposed rulemaking.

4. *Cost and Paperwork Requirements*

This proposed rulemaking should not result in additional cost or paperwork.

5. *Effective Date*

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding this proposed rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

R. MATTHEW HOUGH,  
*Executive Director*

**Fiscal Note:** 48-410. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 131. PRELIMINARY PROVISIONS**

**§ 131.2. Definitions.**

In addition to the definitions contained in section 102 of the act (relating to definitions), the following words and terms, when used in this part or in the act, have the following meanings, unless the context clearly indicates otherwise:

*Act*—Title 34 of the *Pennsylvania Consolidated Statutes* (relating to [ **the** ] Game and Wildlife Code).

**Aggregate ammunition capacity**—A firearm’s total cumulative ammunition capacity that includes the ammunition capacity of both the chamber and magazine.

**Air gun**—A firearm operated by air or gas cylinder by which a projectile can be discharged or propelled.

*Antlered deer*—

(i) In Wildlife Management Units 1A, 1B, 2A, 2B and 2D, a deer having three or more points on one antler, not including brow tines which is the point immediately above the antler burr.

\* \* \* \* \*

*Meat or animal products*—For the purpose of section 2361(a)(13) of the act (relating to unlawful acts concerning taking of furbearers), meat or animal products include artificial representations or facsimiles.

**Muzzleloading firearm**—

(i) A firearm designed and manufactured to be loaded with loose ammunition components (projectile and propellant charge) from the muzzle or forward, open end of the firearm’s barrel.

(ii) The term includes breech-loading rifles and handguns that fire loose ammunition components comparable to a muzzleloading firearm.

(iii) The term does not authorize a firearm that accepts cartridge ammunition.

*Plugged shotgun*—For the purpose of section 2308(a)(4) of the act, any shotgun containing a one-piece plug, stop

or filler in the magazine to reduce ammunition capacity that is incapable of removal without disassembling the shotgun or magazine.

\* \* \* \* \*

**CHAPTER 141. HUNTING AND TRAPPING**

**Subchapter B. SMALL GAME**

**§ 141.22. Small game seasons.**

(a) *Permitted devices.* It is lawful to hunt small game, except woodchucks, **during any small game season** with the following devices:

(1) A manually operated [ **rifle or** ] or **semiautomatic rifle or manually operated** handgun. The firearm must be [ **.23** ] **.22** caliber or less, that [ **projects** ] **propels** single-projectile ammunition.

(2) A manually operated or semiautomatic centerfire shotgun or muzzleloading shotgun. The firearm must be 10 gauge or less, that [ **projects** ] **propels** multiple-projectile shotgun ammunition not larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 [ **(relating to nontoxic shot)** ] **(relating to approval of nontoxic shot types and shot coatings)**. **A centerfire shotgun’s magazine capacity may not exceed two rounds. The shotgun’s total aggregate ammunition capacity may not exceed three rounds.**

(3) A muzzleloading rifle or handgun. The firearm must be .40 caliber or less, that [ **projects** ] **propels** single-projectile ammunition.

(4) A bow and arrow.

(5) A crossbow and bolt.

(6) A raptor. The raptor [ **must** ] **shall** be lawfully possessed under a falconry permit [ **pursuant to** ] **under** section 2925 of the act (relating to falconry permits).

(7) **An air gun. The firearm must be between .177 and .22 caliber, inclusive, that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.**

(b) *Prohibitions.* [ **It** ] **While hunting small game during any small game season, except woodchucks, it is unlawful to:**

(1) Use or possess single-projectile ammunition larger than [ **.23** ] **.22** caliber or multiple-projectile shotgun ammunition larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 [ **(relating to nontoxic shot)** ], except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(2) Possess a firearm while hunting with a raptor, except as authorized under section 2525 of the act.

(3) Discharge a firearm within 150 yards of a Commission vehicle releasing pheasants.

(4) Use or possess a device **or ammunition** not provided for in the act or in this section, **except as authorized under section 2525 of the act.**



(5) Hunt in a party of more than six persons. This does not apply to waterfowl or dove hunters when hunting from a blind or other stationary position.

(c) [ **Woodchucks (Groundhogs).** ] **Woodchuck (Groundhog) season.**

(1) *Permitted devices.* It is lawful to hunt woodchucks **during woodchuck season** with the following devices:

(i) A manually operated [ **rifle or handgun** ] or **semi-automatic centerfire rifle or manually operated handgun that propels single-projectile ammunition.**

(ii) A manually operated or semiautomatic centerfire shotgun or muzzleloading shotgun. The firearm must be 10 gauge or less that propels multiple-projectile shotgun ammunition not larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 [ **(relating to nontoxic shot)** ]. A centerfire shotgun's magazine capacity may not exceed two rounds. The shotgun's total aggregate ammunition capacity may not exceed three rounds.

(iii) A muzzleloading rifle or handgun **that propels single-projectile ammunition.**

(iv) A bow and arrow.

(v) A crossbow and bolt.

(vi) A raptor. The raptor [ **must** ] **shall** be lawfully possessed under a falconry permit [ **pursuant to** ] **under section 2925 of the act [ (relating to falconry permits) ].**

(vii) **An air gun. The firearm must be .22 caliber or larger that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.**

(2) *Prohibitions.* While hunting woodchucks **during woodchuck season**, it is unlawful to [ **use or possess a device or ammunition not provided for in this section.** ]:

(i) **Use or possess multiple-projectile shotgun ammunition larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134, except as authorized under section 2525 of the act.**

(ii) **Possess a firearm while hunting with a raptor, except as authorized under section 2525 of the act.**

(iii) **Use or possess a device or ammunition not provided for in the act or in this section, except as authorized under section 2525 of the act.**

#### Subchapter C. BIG GAME

#### § 141.43. Deer.

(a) *Archery deer season.*

(1) *Permitted devices.* It is lawful to hunt deer during the archery deer season with any of the following devices:

(i) A bow and arrow. A bow must have a peak draw weight of at least 35 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(ii) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(2) *Prohibitions.* While hunting deer during the archery deer season, it is unlawful to:

(i) Use or possess a firearm. Exceptions:

(A) A person may possess certain firearms during the archery deer season under the authorizations of section 2525 of the act (relating to possession of firearm for protection of self or others).

(B) A person may possess and use both a bow or crossbow and a muzzleloading firearm during the overlaps of the early archery and muzzleloader deer seasons and the late archery and flintlock muzzleloading deer seasons if that person is in possession of both a valid archery deer license and a valid muzzleloader deer license and meets the greater protective material requirements for the muzzleloader deer season, if applicable.

(ii) Use [ **a device** ] or **possess a device or ammunition** not provided for in the act or in this subsection, **except as authorized under section 2525 of the act.**

(b) *Flintlock muzzleloading deer season.*

(1) *Permitted devices.* It is lawful to hunt deer during the flintlock muzzleloading deer season with a flintlock muzzleloading firearm. The firearm must be an original or similar reproduction of muzzleloading firearm manufactured prior to 1800. The firearm's ignition mechanism must consist of a hammer containing a naturally occurring stone that is spring propelled onto an iron or steel frizzen which, in turn, creates sparks to ignite a priming powder. The firearm must have open **or aperture** sights and be a .44 caliber or larger single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single-projectile ammunition.

(2) *Prohibitions.* While hunting deer during the flintlock muzzleloading deer season, it is unlawful to:

(i) Use manmade materials attached to the hammer or frizzen to create sparks.

(ii) Use telescopic sights.

(iii) Use or possess multiple projectile ammunition or ammunition other than required by section 2322(a)(4) of the act (relating to prohibited devices and methods), **except as authorized under section 2525 of the act.**

(iv) Use [ **a device** ] or **possess a device or ammunition** not provided for in the act or in this subsection, **except as authorized under section 2525 of the act.**

(c) *Muzzleloading deer season.*

(1) *Permitted devices.* It is lawful to hunt deer during the muzzleloading deer season with a muzzleloading firearm. [ **The firearm's ignition mechanism must consist of a percussion cap, primer or flintlock fired design.** ] The firearm must be a .44 caliber or larger single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single-projectile ammunition.

(2) *Prohibitions.* While hunting deer during the muzzleloading deer season, it is unlawful to:

(i) Use or possess multiple projectile ammunition or ammunition other than required by section 2322(a)(4) of the act, **except as authorized under section 2525 of the act.**



(ii) Use [ a device ] or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(d) *Regular and special firearms deer seasons.*

(1) *Permitted devices.* It is lawful to hunt deer during the regular and special firearms deer seasons with any of the following devices:

(i) [ A manually operated, centerfire firearm. ] A manually operated or semiautomatic, centerfire rifle or manually operated, centerfire handgun that propels single-projectile ammunition. The semiautomatic rifle's magazine capacity may not exceed five rounds. The firearm's total aggregate ammunition capacity may not exceed six rounds. The allowance for semiautomatic rifles under this subparagraph becomes effective July 1, 2017, and expires June 30, 2020, unless the Commission authorizes its continued legal effectiveness prior to June 30, 2020.

(ii) A manually operated or semiautomatic, centerfire shotgun that propels single-projectile ammunition. The semiautomatic shotgun's magazine capacity may not exceed five rounds. The firearm's total aggregate ammunition capacity may not exceed six rounds. The allowance for semiautomatic shotguns under this subparagraph becomes effective July 1, 2017, and expires June 30, 2020, unless the Commission authorizes its continued legal effectiveness prior to June 30, 2020.

[ (ii) ] (iii) A bow and arrow as permitted under subsection (a)(1)(i).

[ (iii) ] (iv) A crossbow and bolt as permitted under subsection (a)(1)(ii).

[ (iv) ] (v) A muzzleloading firearm as permitted under subsection (b)(1) or (c)(1).

(2) *Prohibitions.* While hunting deer during the regular and special firearms deer seasons, it is unlawful to:

(i) Use or possess multiple projectile ammunition or ammunition other than required by section 2322(a)(4) of the act, except as authorized under section 2525 of the act.

(ii) Use [ a device ] or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(e) *Cooperating while hunting during any deer season.* Holders of any of the appropriate licenses or stamps may cooperate while hunting antlered or antlerless deer if pertinent provisions of the act and this section are met.

(f) *.22 caliber or less rimfire required for furbearers.* When using a firearm only a rimfire rifle or handgun .22 caliber or less may be used to dispatch legally trapped furbearers during the regular or special firearms deer seasons.

#### § 141.44. Bear.

(a) *Archery bear season.*

(1) *Permitted devices.* It is lawful to hunt bear during the archery bear season with any of the following devices:

(i) A bow and arrow. A bow must have a peak draw weight of at least 35 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(ii) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(2) *Prohibitions.* While hunting bear during the archery bear season, it is unlawful to:

(i) Use or possess a firearm or while in possession of a firearm, except as otherwise authorized by section 2525 of the act (relating to possession of firearm for protection of self or others).

(ii) Use [ a device ] or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(iii) Disturb, wound or kill a bear in a den.

(iv) Assist, conspire or use a device to locate a bear to which a transmitter has been attached.

(b) *Muzzleloading bear season.*

(1) *Permitted devices.* It is lawful to hunt bear during the muzzleloading bear season with a muzzleloading firearm. [ The firearm's ignition mechanism must consist of a percussion cap, primer or flintlock fired design. ] The firearm must be a .44 caliber or larger single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single-projectile ammunition.

(2) *Prohibitions.* While hunting bear during the muzzleloading bear season, it is unlawful to:

(i) Use or possess multiple projectile ammunition or ammunition other than required under section 2322(a)(4) of the act (relating to prohibited devices and methods), except as authorized under section 2525 of the act.

(ii) Use [ a device ] or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(iii) Disturb, wound or kill a bear in a den.

(iv) Assist, conspire or use a device to locate a bear to which a transmitter has been attached.

(c) *Regular and extended firearms bear seasons.*

(1) *Permitted devices.* It is lawful to hunt bear during the regular and extended firearms bear seasons with any of the following devices:

(i) [ A manually operated, centerfire firearm. ] A manually operated or semiautomatic, centerfire rifle or manually operated, centerfire handgun that propels single-projectile ammunition. The semiautomatic rifle's magazine capacity may not exceed five rounds. The firearm's total aggregate ammunition capacity may not exceed six rounds. The allowance for semiautomatic rifles under this subparagraph becomes effective July 1, 2017, and expires June 30, 2020, unless the Commission authorizes its continued legal effectiveness prior to June 30, 2020.

(ii) A manually operated or semiautomatic, centerfire shotgun that propels single-projectile ammunition. The semiautomatic shotgun's magazine capacity may not exceed five rounds. The firearm's total aggregate ammunition capacity may not exceed six rounds. The allowance for semiautomatic shotguns under this subparagraph becomes effective July 1, 2017, and expires June 30, 2020,

unless the Commission authorizes its continued legal effectiveness prior to June 30, 2020.

[ (ii) ] (iii) A bow and arrow as permitted under subsection (a)(1)(i).

[ (iii) ] (iv) A crossbow and bolt as permitted under subsection (a)(1)(ii).

[ (iv) ] (v) A muzzleloading firearm as permitted under subsection (b)(1).

(2) *Prohibitions.* While hunting for bear during the regular and extended firearms bear seasons, it is unlawful to:

(i) Use or possess multiple projectile ammunition or ammunition other than required under section 2322(a)(4) of the act, **except as authorized under section 2525 of the act.**

(ii) Use [ **a device** ] or possess a device or ammunition not provided for in the act or in this subsection, **except as authorized under section 2525 of the act.**

(iii) Disturb, wound or kill a bear in a den.

(iv) Assist, conspire or use a device to locate a bear to which a transmitter has been attached.

#### § 141.45. Turkey.

(a) *Fall turkey season.*

(1) *Permitted devices.* It is lawful to hunt turkey during the fall turkey season with any of the following devices:

(i) [ **A firearm. A manually operated centerfire, rimfire or muzzleloading firearm using single-projectile ammunition, except as otherwise prohibited in paragraph (2)(i).** ] A manually operated or semiautomatic rifle or manually operated handgun that propels single-projectile ammunition. The semiautomatic rifle's magazine capacity may not exceed five rounds. The rifle's total aggregate ammunition capacity may not exceed six rounds. The allowance for semiautomatic rifles under this subparagraph becomes effective July 1, 2017, and expires June 30, 2020, unless the Commission authorizes its continued legal effectiveness prior to June 30, 2020.

(ii) [ **A shotgun.** ] A manually operated or semiautomatic, centerfire shotgun or muzzleloading shotgun [ **using shot** ] that propels single-projectile ammunition or multiple projectile shotgun ammunition no larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 [ **(relating to nontoxic shot)** ] (relating to approval of nontoxic shot types and shot coatings). A centerfire semiautomatic shotgun's magazine capacity may not exceed two rounds. The shotgun's total aggregate ammunition capacity may not exceed three rounds.

(iii) **A muzzleloading rifle or handgun that propels single-projectile ammunition.**

[ (iii) ] (iv) A bow and arrow. A bow must have a peak draw weight of at least 35 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

[ (iv) ] (v) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(2) *Prohibitions.* While hunting turkey during the fall turkey season, it is unlawful to:

(i) Use [ **a manually operated centerfire, rimfire or muzzleloading** ] or possess a firearm using single projectile ammunition in Wildlife Management Units 2B, 5B, 5C and 5D, **except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).**

(ii) Use drives or any method other than hand or mouth calling.

(iii) Use or possess an electronic caller or a live turkey as a decoy.

(iv) Use [ **a device** ] or possess a device or ammunition not provided for in the act or in this subsection, **except as authorized under section 2525 of the act.**

(b) *Spring turkey season.*

(1) *Permitted devices.* It is lawful to hunt turkey during the spring turkey season with any of the following devices:

(i) A manually operated or semiautomatic, centerfire shotgun or muzzleloading shotgun using shot ammunition no larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 [ **(relating to nontoxic shot)** ]. **A centerfire shotgun's magazine capacity may not exceed two rounds. The shotgun's total aggregate ammunition capacity may not exceed three rounds.**

(ii) A bow and arrow as permitted under subsection (a)(1)(iii).

(iii) A crossbow and bolt as permitted under subsection (a)(1)(iv).

(2) *Prohibitions.* While hunting turkey during the spring turkey season, it is unlawful to:

(i) Use or possess a centerfire, rimfire or muzzleloading firearm [ **using** ] that propels single projectile ammunition, **except as authorized under section 2525 of the act.**

(ii) Use or possess single projectile ammunition, except arrows or bolts, **except as authorized under section 2525 of the act.**

(iii) Use drives or any method other than hand or mouth calling.

(iv) Use or possess an electronic caller or a live turkey as a decoy.

(v) Use [ **a device** ] or possess a device or ammunition not provided for in the act or in this subsection, **except as authorized under section 2525 of the act.**

#### § 141.47. Elk.

(a) *Permitted devices.* It is lawful to hunt elk during the elk season with any of the following devices:

(1) A manually operated or semiautomatic, centerfire rifle or **manually operated, centerfire** handgun. The firearm must be a .27 caliber or larger firearm that

propels single-projectile ammunition 130 grains or larger. **The semiautomatic rifle's magazine capacity may not exceed five rounds. The rifle's total aggregate ammunition capacity may not exceed six rounds. The allowance for semiautomatic rifles under this paragraph becomes effective July 1, 2017, and expires June 30, 2020, unless the Commission authorizes its continued legal effectiveness prior to June 30, 2020.**

(2) A manually operated or semiautomatic, centerfire shotgun. The firearm must be a 12 gauge or larger firearm that propels single-projectile ammunition. **The semiautomatic shotgun's magazine capacity may not exceed five rounds. The shotgun's total aggregate ammunition capacity may not exceed six rounds. The allowance for semiautomatic shotguns under this paragraph becomes effective July 1, 2017, and expires June 30, 2020, unless the Commission authorizes its continued legal effectiveness prior to June 30, 2020.**

(3) A muzzleloading firearm. The firearm must be .50 caliber or larger **single-barrel** firearm that propels single-projectile ammunition 210 grains or larger.

(4) A bow and arrow. A bow must have a peak draw weight of at least 45 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 1 inch and may not exceed 3.25 inches in length.

(5) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 1 inch and may not exceed 3.25 inches in length.

(b) *Prohibitions.* While hunting elk during the elk season, it is unlawful to:

(1) Use or possess multiple projectile ammunition or ammunition other than that required under section 2322(a)(4) of the act (relating to prohibited devices and methods), **except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).**

(2) Use [ a device ] or possess a device or ammunition not provided for in the act or in this section, **except as authorized under section 2525 of the act.**

(3) Fail to mark the kill site after lawful harvest in accordance with Commission instructions provided during the elk season orientation.

(4) Drive or herd elk.

(5) Hunt within the Hick's Run no hunt zone, [ this being ] the area immediately adjacent to and north of Route 555, between Hick's Run Road and Huston Hill Road and within [ .3 ] 0.3 mile of Route 555.

#### Subchapter D. FURBEARERS

§ 141.67. Furbearer [ hunting ] seasons.

[ It is unlawful to take furbearers using shot larger than # 4 buckshot. ]

(a) *Permitted devices.* It is lawful to hunt or take furbearers during any furtaking season with the following devices:

(1) A manually operated or semiautomatic rifle or manually operated handgun that propels single-projectile ammunition.

(2) A manually operated or semiautomatic, centerfire shotgun or muzzleloading shotgun. The firearm must be 10 gauge or less, that propels single-projectile ammunition or multiple-projectile shotgun ammunition not larger than # 4 buckshot. A centerfire shotgun's magazine capacity may not exceed two rounds. The shotgun's total aggregate ammunition capacity may not exceed three rounds.

(3) A muzzleloading rifle or handgun that propels single-projectile ammunition.

(4) A bow and arrow.

(5) A crossbow and bolt.

(6) An air gun. The firearm must be .22 caliber or larger that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.

(b) *Prohibitions.* While hunting furbearers during any furbearer hunting or trapping season, it is unlawful to:

(1) Use or possess multiple-projectile shotgun ammunition larger than # 4 buckshot, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(2) Use or possess a device or ammunition not provided for in the act or in this section, except as authorized under section 2525 of the act.

[Pa.B. Doc. No. 17-509. Filed for public inspection March 24, 2017, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P.L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P.L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P.L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending March 14, 2017.

Under section 503.E of the Department of Banking and Securities Code (71 P.S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file comments in writing with the Department of Banking and Securities, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

### BANKING INSTITUTIONS

#### Conversions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
3-8-2017	<i>From:</i> Mars National Bank Mars Butler County  <i>To:</i> Mars Bank Mars Butler County	Filed

Application for approval to convert from a National bank to a Pennsylvania State-chartered commercial bank.

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
3-9-2017	Univest Bank and Trust Co. Souderton Montgomery County	3601 Market Street Philadelphia Philadelphia County	Opened
3-10-2017	Riverview Bank Marysville Perry County	1542 East 3rd Street Williamsport Lycoming County	Approved

##### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
3-3-2017	Mifflinburg Bank & Trust Mifflinburg Union County	<i>To:</i> 7874 State Route 304 Mifflinburg Union County  <i>From:</i> 214 Vine Street New Berlin Union County	Effective

##### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
3-7-2017	S&T Bank Indiana Indiana County	180 Saint Mary's Street Loretto Cambria County	Closed
3-7-2017	S&T Bank Indiana Indiana County	205 East Market Street Blairsville Indiana County	Closed



**CREDIT UNIONS****Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
3-10-2017	TruMark Financial Credit Union Fort Washington Montgomery County	23 Nut Road Phoenixville Montgomery County	Approved
3-7-2017	1st Ed Credit Union Chambersburg Franklin County	2463 Loop Road Chambersburg Franklin County	Opened

**Branch Relocations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
3-10-2017	Healthcare First Credit Union Johnstown Cambria County	<i>To:</i> 353 Market Street Johnstown Cambria County  <i>From:</i> 321 Main Street Johnstown Cambria County	Approved

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

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 17-510. Filed for public inspection March 24, 2017, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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#### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Waste; Discharge into Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. In accordance with 25 Pa. Code § 92a.32(d), the proposed

discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the United States Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for public hearings on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

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

### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0093882 (Industrial)	West Mifflin Garage 345 Sixth Avenue Pittsburgh, PA 15222-2527	Allegheny County West Mifflin Borough	Unnamed Tributaries of Thompson Run & Streets Run (19-A)	No

Draft NPDES permit PA0093882 was issued on July 12, 2016, for stormwater discharges to an Unnamed Tributary of Thompson Run and an Unnamed Tributary of Streets Run. Public comments submitted during the 30-day comment period revealed that TMDL limits for total iron were not appropriate at Outfall 002 because the applicable TMDLs do not require reductions of instream iron concentrations within the affected stream segment. Accordingly, the Department has reverted to the previously imposed total iron limitations at Outfall 002. All other proposed effluent limitations have remained the same as published in the Draft Permit.

The Total Iron effluent limits at Outfall 002 are shown below.

<i>Parameters</i>	<i>Previously Proposed Limits (mg/L)</i>		<i>Currently Proposed Limits (mg/L)</i>	
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>
Iron, Total	1.5	3.0	3.5	7.0

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0247898— SEW	Commerce Commons Dev David L. Fite Realty Ltd. 103 Fite Wate, Suite D Quarryville, PA 17566	Lancaster/ East Drumore Township	South Fork Big Beaver Creek/7K	Y
PA0087190— SEW	St. Thomas Township Munic Authority 175 St. Thomas Edenville Road St. Thomas, PA 17252	Franklin/ St. Thomas Township	Wilson Run/WWF	Y
PA0082015— SEW	Meadows Sewer Company Country Manor West MHP PO Box 604 Exton, PA 19341	Cumberland/ Middlesex Township	Conodoguinet Creek/WWF	Y
PA0027596— IW	New Enterprise Stone & Lime Company, Inc. PO Box 77 New Enterprise, PA 16664	Blair/Taylor Township	Halter Creek/WWF	Y

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

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

**PA0098558**, Sewage, SIC Code 7033, **Fox Den Acres Enterprises Inc.**, 390 Wilson Fox Road, New Stanton, PA 15672. Facility Name: Fox Den Acres Campground STP. This existing facility is located in Hempfield Township, Westmoreland 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 Sewickley Creek, is located in State Water Plan watershed 19-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.049 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)						
Jan 1 - Apr 30	0.049	XXX	XXX	XXX	XXX	XXX
pH (S.U.)						
Jan 1 - Apr 30	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen						
Jan 1 - Apr 30	XXX	XXX	4.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Jan 1 - Apr 30	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids						
Jan 1 - Apr 30	XXX	XXX	XXX	30.0	XXX	60.0
Ammonia-Nitrogen						
Jan 1 - Apr 30	XXX	XXX	XXX	7.0	XXX	14.0

The proposed effluent limits for Outfall 001 are based on a design flow of 0.049 MGD.—Limits.

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

The proposed effluent limits for Outfall 002 are based on a design flow of 0.049 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Flow (MGD)						
Jan 1 - Apr 30	0.049	XXX	XXX	XXX	XXX	XXX
pH (S.U.)						
Jan 1 - Apr 30	XXX	XXX	6.0	XXX	9.0 Max	XXX
Dissolved Oxygen						
Jan 1 - Apr 30	XXX	XXX	4.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Jan 1 - Apr 30	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids						
Jan 1 - Apr 30	XXX	XXX	XXX	30.0	XXX	60.0
Ammonia-Nitrogen						
Jan 1 - Apr 30	XXX	XXX	XXX	7.0	14.0	XXX

The EPA Waiver is in effect.



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

**PA0046272**, Sewage, SIC Code 4952, **Porter-Tower Joint Municipal Authority**, 860 West Grand Avenue, Tower City, PA 17980. Facility Name: Porter-Tower WWTP. This existing facility is located in Porter Township, **Schuylkill County**.

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

The receiving stream, Wiconisco Creek, is located in State Water Plan watershed 06C and is classified for Warm Water Fishes, Migratory Fishes. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.722 MGD.

Parameter	Mass Units (lbs/day) <sup>(1)</sup>		Effluent Limitations			
	Average Monthly	Weekly Average	Minimum	Concentrations (mg/L)		
				Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	150	241	XXX	25	40	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Influent	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids						
Influent	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids	181	271	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Total Residual Chlorine	XXX	XXX	XXX	XXX	XXX	1.6
Aluminum, Total	XXX	XXX	XXX	Report	XXX	XXX
Iron, Dissolved	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
Manganese, Total	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX

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

Parameter	Mass Units (lbs/day) <sup>(1)</sup>		Effluent Limitations		
	Monthly	Annual	Minimum	Monthly Average	Maximum
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrite-Nitrate 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	7,854	XXX	XXX	XXX
Net Total Phosphorus	Report	1,047	XXX	XXX	XXX

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

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

- Chesapeake Bay Nutrient Requirements

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

The EPA Waiver is not in effect.

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

**PA0038385**, Sewage, SIC Code 4225, **DLA Installation Support @ Susquehanna**, DS-FS 5750 3rd Street Building 750, New Cumberland, PA 17070-5076. Facility Name: Defense Distribution Center, Susquehanna. This existing facility is located in Fairview Township, **York County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.2 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Ultraviolet light intensity (%)	XXX	XXX	Report	XXX	XXX	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4.0

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

Parameters	Mass Units (lbs/day)		Monthly	Concentrations (mg/L)		Instant. Maximum
	Monthly	Annual		Monthly Average	Maximum	
Ammonia—N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen <sup>3</sup>	Report	9,132	XXX	XXX	XXX	XXX
Net Total Phosphorus <sup>3</sup>	Report	1,218	XXX	XXX	XXX	XXX

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

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

The EPA Waiver is not in effect.

### 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. 1116406 A-1**, Sewage, **Southmont Borough**, 148 Wonder Street, Johnstown, PA 15905.

This proposed facility is located in Southmont Borough, **Cambria County**.

Description of Proposed Action/Activity: Proposed construction of sanitary sewer rehabilitation project to replace existing defective sewers in the Phase 2 Area of Southmont Borough.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a potential funding source.

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

**WQM Permit No. 4417201**, CAFO, **Ronald and Timothy Goss**, 123 Decatur Road, McClure, PA 17841.

This proposed facility is located in Decatur Township, **Mifflin County**.

Description of Proposed Action/Activity: Seeking approval for construction of swine barn.

#### **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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD150003	Terry O'Neill 425 Rock Raymond Road Downingtown, PA 19335	Chester	East Brandywine Township	East Branch Brandywine Creek HQ-TSF-MF

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

*Lehigh County Conservation District, Lehigh Ag Center, Suite 102, 4184 Dorney Park Rd., Allentown, PA 18104.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390023	Mack Trucks, Inc. 3350 Gehman Road Macungie, PA 18062	Lehigh	Lower Macungie Township	Swabia 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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI036716004	Hedgeford, LLC 227 Granite Run Drive Suite 100 Lancaster, PA 17601	York County	Windsor Township	Kreutz Creek (WWF)

### **STATE CONSERVATION COMMISSION**

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

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

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

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

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

CAFO NMP

Public Notice Spreadsheet—Applications (Submission)

<i>Agricultural Operation (Name and Address)</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units (AEUs)</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>New or Renewal</i>
Blue Springs Farm, LLC	Somerset	6.4	684.89	Swine	None	New
Goss Family Farms 123 Decatur Rd. McClure, PA 17841	Mifflin	316	1,197.74 69	Finisher Swine Beef	NA	renewal
Dream Farms 13689 Dream Highway Newburg, PA 17240	Franklin	250	2,295.0	Heifers	NA	Renewal

WATER ALLOCATIONS

**Applications received under the act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth**

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

**WA 25-63D, Water Allocations. Erie City Water Authority**, 240 West 12th Street, Erie, PA 16501, Millcreek Township, **Erie County**. Water Allocation Permit application requesting a modification to the existing water allocation permit to allow for the inclusion of Millcreek Township in the existing water distribution system. The permitted amount of 62.0 MGD from Lake Erie will remain the same.

**WA 37-155A, Water Allocations. Pennsylvania American Water Company**, 2736 Ellwood Road, New Castle, PA 16101, Shenango Township, **Lawrence County**. Water Allocation Permit application requesting a modification to the existing water allocation permit to allow for the inclusion of additional portions of Shenango Township in the existing water distribution system. The permitted amount of 10.0 MGD from the Shenango River will remain the same.

**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.*

**35 Erick Road**, 35 Erick Road, Lancaster, PA 17601, City of Lancaster, **Lancaster County**. Liberty Environmental, 50 North 5th Street, 5th Floor, Reading, PA 19601, on behalf of 35 Erick Road, LLC, 2450 Marietta Avenue, Lancaster, PA 17601, submitted a Notice of Intent to Remediate site soil contaminated with inorganics and SVOCs from historic fill. The site will be remedi-



ated to the Non-Residential Statewide Health and Site Specific Standards and remain nonresidential. The Notice of Intent to Remediate was published in the *LNP* on February 22, 2017.

**Myrle Aument Property**, 1197 Pennsy Road, Pequea, PA 17565, Martic Township, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Myrle Aument, 1197 Pennsy Road, Pequea, PA 17565, submitted a Notice of Intent to Remediate site soil contaminated with No. 2 fuel oil. The site will be remediated to the Residential Statewide Health Standard and remain residential. The Notice of Intent to Remediate was published in the *LNP* on March 7, 2017.

*Southeast Regional Office: Regional Manager, Environmental Cleanup and Brownfields, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5960. Charline Bass.*

**5400 Tulip Street**, 5400 Tulip Street, City of Philadelphia, **Philadelphia County**. Richard S. Werner, PG, Environmental Inc., 2002 Renaissance Blvd, Suite 110, King of Prussia, PA 19406 on behalf of Joe DePascale, Philadelphia-Harbison, LP, 166 Nassau Street, Princeton, NJ 08542 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of pah, arsenic, lead, trichloroethene and vocs. The proposed future use of the property will be non-residential for commercial/retail purposes. The Notice of Intent to Remediate was published in the *Philly Weekly* on February 4, 2016. PF618998.

**Paaring Southampton Road Armory**, 2700 South Southampton Road, City of Philadelphia, **Philadelphia County**. Toby Tucker, Converse Consultants, 2738 West College Avenue, State College, PA 16801, David W. Swetland, P.G., Converse Consultant, 2738 West College Avenue, State College, PA 16801 on behalf of Joan Anderson, PA DMVA, Environmental Section, Building 0-11, Fort Indiantown Gap, Annville, PA 17003-5002 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of no. 2 fuel oil. The proposed future use of the property is non-residential. The Notice of Intent to Remediate was published in the *Philadelphia Daily News* on December 7, 2015. PF707867.

**Custom Particle Reduction Inc.**, 5189 Stump Road, Plumstead Township, **Bucks County**. Jaclyn Baron, UHL & Associates, Inc., 278 North Union Street, Suite 106, Lambertville, NJ 08530 on behalf of Dennis K. Rice, RCP Partnership, 5189 Stump Road, Plumsteadville, PA 18949 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the other organics. The intended future use of the site is residential. The Notice of Intent to Remediate was published in the *Intelligencer* on February 4, 2016. PF7807249.

#### **HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES**

**Applications received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.*

**PAR000544486. Elcon Recycling Service, LLC**, 100 Dean Sievers Place, Morrisville, PA 19067. This submittal

is for the Elcon Recycling Services, LLC Phase II RCRA Part B Permit application for a proposed commercial hazardous waste storage and treatment facility to be located at the Keystone Industrial Port Complex (KIPC) in Falls Township, **Bucks County**. The application was received by the Southeast Regional Office on March 1, 2017.

#### **RESIDUAL WASTE GENERAL PERMITS**

**Renewal Application(s) Received 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/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**General Permit Renewal Application No. WMGR114SC001. CRS Reprocessing, LLC**, 569 Industrial Drive, Lewisberry, PA 17339 in Fairview Township, **York County**. This general permit authorizes the processing of (1) spent polyethylene glycol slurry containing silicon and silicon carbide or diamond for beneficial use in fresh slurry and in production of silicon ingots and (2) spent aluminum cold rolling fluids for reuse as aluminum cold rolling fluid. The application for renewal was determined to be complete on March 9, 2017.

Persons interested in obtaining more information about the general permit application may contact Mr. John Oren, P.E., Permits Section Chief, Southcentral Regional Office, Waste Management Program at 717-705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

#### **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.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648.*

**14-00002S: Graymont (PA) Inc.** (965 East College Avenue, Pleasant Gap, PA 16823-6823) for the proposed utilization of natural gas in kilns 6 & 7 which are located at the Pleasant Gap site in Spring Township, **Centre County**. The application is also requesting Plantwide Applicability Limits (PALs) for nitrogen oxides (NO<sub>x</sub>) and carbon monoxide (CO).

The Department of Environmental Protection's (Department) review of the information submitted by Graymont (PA), Inc. indicates that each of the PALs complies with all applicable regulatory requirements pertaining to PALs, as specified in the New Source Review (NSR) and Prevention of Significant Deterioration (PSD) programs [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]. The PALs were established in accordance with the applicable provisions as specified under 25 Pa. Code § 127.218(f) and 40

CFR 52.21(aa)(6). Additionally, the Department's review of the information and emissions data submitted by the company indicates that the air contamination sources to be modified (Source IDs P408 and P413 of Title V Operating Permit No: 14-00002) will comply with all applicable Federal and State air regulatory requirements, including the best available technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department proposes to issue a plan approval with PM<sub>10</sub> BAT emission restrictions for the proposed modifications and pertaining to the NO<sub>x</sub> (expressed as NO<sub>2</sub>) and CO PALs.

The PAL permit will apply to all stationary sources in operation at the Graymont (PA), Inc. facility during the PAL effective period. The current NO<sub>x</sub>-and CO-emitting sources at the facility are, as follow: kilns 6, 7 & 8 (Source IDs P408, P413 and P418); the stand-by emergency generator-engines (Source IDs P321 and P328); the CalAg generator-engine (Source ID P320A); the winterization heaters/engines (Source IDs P321A); the propane-and No. 2 oil-fired combustion units/space heaters (Source ID 032); and the pulverized limestone dryer associated with Source ID P310.

The facility is a major facility. If the Department determines that the sources are modified in compliance with the plan approval conditions and the specification of the application for Plan Approval 14-00002S, the requirements established in the plan approval will be incorporated into Title V Operating Permit TVOP No: 14-00002 pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

The following is a list of the conditions which the Department intends to place in the plan approval in order to ensure compliance with all of the applicable regulatory requirements.

1. At least 60 calendar days prior to the performance of EPA reference method testing, a test protocol shall be submitted to the Department for review and approval. At least 15 calendar days prior to commencing an emission testing program, notification as to the date and time of testing shall be given to the Northcentral Regional Office. Complete test reports shall be submitted to the Department no later than 60 calendar days after completion of the on-site testing portion of an EPA reference method test program. All submittals shall meet all applicable requirements specified in the most current version of the Department's Source Testing Manual. All stack testing shall be performed in accordance with the provisions of Chapter 139 of the Rules and Regulations of the Department of Environmental Protection.

2. The permittee shall monitor the NO<sub>x</sub> and CO emissions from each emissions unit at the facility in accordance with 25 Pa. Code § 127.218(m) and 40 CFR 52.21(aa)(12).

3. [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]

The permittee shall comply with the following recordkeeping requirements as specified in paragraphs (a) and (b) of this condition.

- (a) The permittee shall retain a copy of the records necessary to determine compliance with the requirements of 25 Pa. Code § 127.218 and 40 CFR 52.21(aa) pertaining to the PAL requirements, including the 12-month rolling total emissions of each PAL pollutant for each emissions unit at the facility, for 5 years. These records shall be retrievable onsite.

- (b) The permittee shall retain a copy of the following records for the duration of the PAL effective period plus 5

years: (i) A copy of the PAL permit application and any applications for revisions to the PAL; and (ii) Each annual certification of compliance pursuant to title V and the data relied on in certifying the compliance.

4. [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]

The permittee shall record maximum potential emissions without considering enforceable emissions limitations or operational restrictions for an emissions unit during a period of time that there is no monitoring data.

5. [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]

(a) The permittee shall comply with the applicable requirements pertaining to reporting and notification, as specified under 25 Pa. Code § 127.218(o) and 40 CFR 52.21(aa)(14).

(b) The semiannual report deadlines are March 1 for the July 1 through December 31 reporting period and September 1 for the January 1 through June reporting period. For each month in the reporting period, the reports shall contain the 12-month rolling total emissions of each PAL pollutant for each emissions unit at the facility. Additionally, the semiannual reports shall contain all of the information as specified under 25 Pa. Code § 127.218(o)(2)(ii) and 40 CFR 52.21(aa)(14)(i).

6. [25 Pa. Code § 127.218(g)]

The emissions from a new source that requires a plan approval shall be the minimum attainable through the use of Best Available Technology (BAT). A physical change or change in method of operation at an existing emissions unit will not be subject to BAT requirements of 25 Pa. Code Chapter 127 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.

7. [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]

(a) Each of the following Plantwide Applicability Limits (PALs) in this condition is effective on the issuance date of Plan Approval No: 14-00002S:

The emissions of CO, including fugitive emissions, from the facility shall be less than 913.5 tons in any 12 consecutive month period;

The emissions of NO<sub>x</sub> (expressed as NO<sub>2</sub>), including fugitive emissions, from the facility shall be less than 1,067.9 tons in any 12 consecutive month period.

(b) The PALs shall have an effective period of 10 years from the issuance date of Plan Approval No: 14-00002S. Each PAL shall expire at the end of the PAL effective period, unless a complete application according to 25 Pa. Code § 127.218(k)(3) and 40 CFR 52.21(aa)(10)(iii) is submitted to the Department at least 6 months prior to, but not earlier than 18 months prior to the PAL's expiration date, (10 years from Plan Approval 14-00002S Issuance).

Upon expiration of a PAL, the permittee is subject to the requirements specified in 25 Pa. Code § 127.218(j) and 40 CFR 52.21(aa)(9) for that pollutant.

(c) If an application to renew each PAL is submitted according to the requirements in 25 Pa. Code § 127.218(k) and 40 CFR 52.21(aa)(10) then the PALs shall continue to be effective until the revised permit with the renewed PALs is issued.

(d) For each month during the PAL effective period after the first 12 months of establishing a PAL, the permittee shall show that the sum of the monthly

emissions of each PAL pollutant from each emissions unit at the facility for the previous 12 consecutive months is less than the applicable PAL. For each month during the first 11 months from the PAL effective date, the permittee shall show that the sum of the preceding monthly emissions (of each PAL pollutant) from the PAL effective date for each emissions unit at the facility is less than the applicable PAL. The calculations of monthly emissions shall include emissions from startups, shutdowns and malfunctions.

8. [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]

The permittee shall operate continuous emissions monitoring systems (CEMS) to determine emissions of NO<sub>x</sub> (expressed as NO<sub>2</sub>) and CO from each of the kilns associated with Source IDs P408, P413 and P418 in any calendar month and in any 12 consecutive month period, in units of tons. The CEMS shall comply with all applicable requirements as specified in the terms and conditions in the facility's Title V Operating Permit No: 14-00002 and in Plan Approvals No: 14-00002N, 14-00002P and 14-00002S. Each certified CEMS shall sample, analyze and record data at least every 15 minutes while the respective kiln is in operation including periods of startup, shutdown and malfunction.

9. [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]

At all times of operation, the permittee shall monitor the fuel usage of each of the propane- and No. 2 oil-fired combustion sources associated with Source ID 032, in units of gallons, to determine and record their propane or No. 2 oil fuel usage in any calendar month.

10. [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]

(a) The permittee shall keep records of the NO<sub>x</sub> (expressed as NO<sub>2</sub>) emissions from the propane-fired combustion sources associated with Source ID 032 in any calendar month. The NO<sub>x</sub> emissions calculations shall be determined monthly using the 0.013-pound NO<sub>x</sub> per gallon emission factor and the total propane fuel usage in the previous calendar month.

(b) The permittee shall keep records of the NO<sub>x</sub> (expressed as NO<sub>2</sub>) emissions from the No. 2 oil-fired combustion sources associated with Source ID 032 in any calendar month. The NO<sub>x</sub> emissions calculations shall be determined monthly using the 0.02-pound NO<sub>x</sub> per gallon emission factor and the total No. 2 oil usage in the previous calendar month.

(c) The emissions of NO<sub>x</sub> (expressed as NO<sub>2</sub>) from Source ID 032 shall be determined by the sum of the NO<sub>x</sub> emissions from all combustion sources associated with Source ID 032 on a monthly basis.

(d) The permittee shall keep records of the 12-month rolling total emissions of NO<sub>x</sub> from Source ID 032 to show compliance with the NO<sub>x</sub> PAL, as well as the supporting information and data.

11. [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]

(a) The permittee shall keep records of the CO emissions from the propane-fired combustion sources associated with Source ID 032 in any calendar month. The CO emissions calculations shall be determined monthly using the 0.0075-pound CO per gallon emission factor and the total propane fuel usage in the previous calendar month.

(b) The permittee shall keep records of the CO emissions from the No. 2 oil-fired combustion sources associated with Source ID 032 in any calendar month. The CO emissions calculations shall be determined monthly using



the 0.005-pound CO per gallon emission factor and the total No. 2 oil usage in the previous calendar month.

(c) The emissions of CO from Source ID 032 shall be determined by the sum of the CO emissions from all combustion sources associated with Source ID 032 on a monthly basis.

(d) The permittee shall keep records of the 12-month rolling total emissions of CO from Source ID 032 to show compliance with the CO PAL, as well as the supporting information and data.

12. [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]

At all times of operation, the permittee shall monitor the natural gas, No. 2 oil and propane usages of the dryer associated with Source ID P310, in units of MMscf for natural gas and gallons for No. 2 oil and propane, to determine and record its natural gas, No. 2 oil and propane fuel usages in any calendar month.

13. [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]

(a) The permittee shall keep records of the CO emissions from the dryer associated with Source ID P310 in any calendar month, while it is using natural gas as fuel to operate. The CO emissions calculations shall be determined monthly using the 10.4-pound CO per MMscf emission factor and the total natural gas fuel usage in the previous calendar month.

(b) The permittee shall keep records of the CO emissions from the dryer associated with Source ID P310 in any calendar month, while it is using No. 2 oil as fuel to operate. The CO emissions calculations shall be determined monthly using the 0.008-pound CO per gallon emission factor and the total No. 2 oil fuel usage in the previous calendar month.

(c) The permittee shall keep records of the CO emissions from the dryer associated with Source ID P310 in any calendar month, while it is using propane as fuel to operate. The CO emissions calculations shall be determined monthly using the 0.0075-pound CO per gallon emission factor and the total propane fuel usage in the previous calendar month.

(d) The emissions of CO from the dryer associated with Source ID P310 shall be determined by the sum of the CO emissions calculations for all fuels on a monthly basis.

(e) The permittee shall keep records of the 12-month rolling total emissions of CO from the dryer associated with Source ID P310 to show compliance with the CO PAL, as well as the supporting information and data.

14. [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]

(a) The permittee shall keep records of the NO<sub>x</sub> (expressed as NO<sub>2</sub>) emissions from the dryer associated with Source ID P310 in any calendar month, while it is using natural gas as fuel to operate. The NO<sub>x</sub> emissions calculations shall be determined monthly using the 160-pound NO<sub>x</sub> per MMscf emission factor and the total natural gas fuel usage in the previous calendar month.

(b) The permittee shall keep records of the NO<sub>x</sub> (expressed as NO<sub>2</sub>) emissions from the dryer associated with Source ID P310 in any calendar month, while it is using No. 2 oil as fuel to operate. The NO<sub>x</sub> emissions calculations shall be determined monthly using the 0.024-pound NO<sub>x</sub> per gallon emission factor and the total No. 2 oil fuel usage in the previous calendar month.

(c) The permittee shall keep records of the NO<sub>x</sub> (expressed as NO<sub>2</sub>) emissions from the dryer associated with Source ID P310 in any calendar month, while it is using

propane as fuel to operate. The NO<sub>x</sub> emissions calculations shall be determined monthly using the 0.013-pound NO<sub>x</sub> per gallon emission factor and the total propane fuel usage in the previous calendar month.

(d) The emissions of NO<sub>x</sub> (expressed as NO<sub>2</sub>) from the dryer associated with Source ID P310 shall be determined by the sum of the NO<sub>x</sub> emissions calculations for all fuels on a monthly basis.

(e) The permittee shall keep records of the 12-month rolling total emissions of NO<sub>x</sub> from the dryer associated with Source ID P310 to show compliance with the NO<sub>x</sub> PAL, as well as the supporting information and data.

15. [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]

At all times of operation, the permittee shall monitor the diesel fuel usage of each of the winterization heaters associated with Source ID P321A, in units of gallons, to determine and record its fuel usage in any calendar month.

16. [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]

The permittee shall keep records of the NO<sub>x</sub> (expressed as NO<sub>2</sub>) and CO emissions from the winterization heaters associated with Source ID P321A in any calendar month. The CO emissions calculations shall be determined monthly using the 0.05-pound CO per gallon emission factor and the total diesel fuel usage in the previous calendar month. The NO<sub>x</sub> emissions calculations shall be determined monthly using the 0.15-pound NO<sub>x</sub> per gallon emission factor and the total diesel fuel usage in the previous calendar month. The permittee shall keep records of the 12-month rolling total emissions of NO<sub>x</sub> and CO from the winterization heaters associated with Source ID P321A to show compliance with the NO<sub>x</sub> and CO PALs, as well as the supporting information and data.

17. [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]

At all times of operation, the permittee shall monitor the diesel fuel usage of the engine associated with Source ID P320A, in units of gallons, to determine and record its fuel usage in any calendar month.

18. [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]

The permittee shall keep records of the NO<sub>x</sub> (expressed as NO<sub>2</sub>) and CO emissions from the engine associated with Source ID P320A in any calendar month. The CO emissions calculations shall be determined monthly using the 0.04-pound CO per gallon emission factor and the total diesel fuel usage in the previous calendar month. The NO<sub>x</sub> emissions calculations shall be determined monthly using the 0.27-pound NO<sub>x</sub> per gallon emission factor and the total diesel fuel usage in the previous calendar month. The permittee shall keep records of the 12-month rolling total emissions of NO<sub>x</sub> and CO from the engine associated with Source ID P320A to show compliance with the NO<sub>x</sub> and CO PALs, as well as the supporting information and data.

19. [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]

At all times of operation, the permittee shall monitor the hours of operation of the kiln 6 aux engine, kiln 7 aux. engine and kiln 7 WHB powerhouse engine associated with Source ID P321 to determine and record each engine's total run-time in any calendar month.

20. [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]

(a) The permittee shall keep records of the NO<sub>x</sub> (expressed as NO<sub>2</sub>) emissions from the kiln 6 aux engine associated with Source ID P321 in any calendar month. The NO<sub>x</sub> emissions calculations shall be determined



monthly using the 2.9-pound NO<sub>x</sub> per hour emission factor and the total run-time in the previous calendar month.

(b) The permittee shall keep records of the NO<sub>x</sub> (expressed as NO<sub>2</sub>) emissions from the kiln 7 aux engine associated with Source ID P321 in any calendar month. The NO<sub>x</sub> emissions calculations shall be determined monthly using the 1.6-pound NO<sub>x</sub> per hour emission factor and the total run-time in the previous calendar month.

(c) The permittee shall keep records of the NO<sub>x</sub> (expressed as NO<sub>2</sub>) emissions from the kiln 7 WHB powerhouse engine associated with Source ID P321 in any calendar month. The NO<sub>x</sub> emissions calculations shall be determined monthly using the 9.4-pound NO<sub>x</sub> per hour emission factor and the total run-time in the previous calendar month.

(d) The emissions of NO<sub>x</sub> (expressed as NO<sub>2</sub>) from the engines associated with Source ID P321 shall be determined by the sum of the NO<sub>x</sub> emissions calculations for each engine on a monthly basis.

(e) The permittee shall keep records of the 12-month rolling total emissions of NO<sub>x</sub> from the engines associated with Source ID P321 to show compliance with the NO<sub>x</sub> PAL, as well as the supporting information and data.

21. [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]

(a) The permittee shall keep records of the CO emissions from the kiln 6 aux engine associated with Source ID P321 in any calendar month. The CO emissions calculations shall be determined monthly using the 0.8-pound CO per hour emission factor and the total run-time in the previous calendar month.

(b) The permittee shall keep records of the CO emissions from the kiln 7 aux engine associated with Source ID P321 in any calendar month. The CO emissions calculations shall be determined monthly using the 1.1-pound CO per hour emission factor and the total run-time in the previous calendar month.

(c) The permittee shall keep records of the CO emissions from the kiln 7 WHB powerhouse engine associated with Source ID P321 in any calendar month. The CO emissions calculations shall be determined monthly using the 3.2-pound CO per hour emission factor and the total run-time in the previous calendar month.

(d) The emissions of CO from the engines associated with Source ID P321 shall be determined by the sum of the CO emissions calculations for each engine on a monthly basis.

(e) The permittee shall keep records of the 12-month rolling total emissions of CO from the engines associated with Source ID P321 to show compliance with the CO PAL, as well as the supporting information and data.

22. [25 Pa. Code § 127.218 and 40 CFR 52.21(aa)]

The permittee shall comply with the terms and conditions of Plan Approval 14-00002P and keep monthly records of the emissions of NO<sub>x</sub> and CO emissions from Source ID P328 in any calendar month and the 12-month rolling total emissions of NO<sub>x</sub> and CO from the engine associated with Source ID P328 to show compliance with the NO<sub>x</sub> and CO PALs, as well as the supporting information and data.

23. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the PM<sub>10</sub> emissions (including condensable particulate matter) from Source ID P408 while it is firing any natural gas shall

not exceed an outlet concentration in the exhaust from the ID C408 fabric collector equal to 0.014 grain per dry standard cubic foot (gr/dscf).

24. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the PM<sub>10</sub> emissions (including condensable particulate matter) from Source ID P413 while it is firing any natural gas shall not exceed an outlet concentration in the exhaust from the ID C413B fabric collector equal to 0.005 grain per dry standard cubic foot (gr/dscf).

25. [25 Pa. Code §§ 127.1 and 127.12 and 40 CFR 52.21(r)]

For each Source ID P408 and P413, the permittee shall continuously monitor and keep accurate and comprehensive records of the kiln operating conditions including the fuel blends and usages, the stone feed, the lime production, the control device parameter data, and the opacity to determine, in conjunction with the data obtained from the Department-approved stack test performances, the particulate matter, PM<sub>10</sub> and PM<sub>2.5</sub> emissions in any one of the 5 calendar years following the date on which natural gas has first been fired for non-preheat purposes.

26. [25 Pa. Code §§ 127.1 and 127.12 and 40 CFR 52.21(r)]

(a) The permittee shall perform stack testing on each Source ID P408 and P413 to demonstrate compliance with the BAT PM<sub>10</sub> emission restriction. The permittee shall also perform stack testing on each Source ID P408 and P413 for particulate matter (filterable and condensable), PM<sub>10</sub> (including condensable particulate matter), and PM<sub>2.5</sub> (including condensable particulate matter) to obtain emissions data and the kiln operating conditions data which affect the emissions of these pollutants. The initial stack testing shall be performed no later than 180 days after the date on which natural gas has first been fired for non-preheat purposes, using the methods and procedures as approved by the Department in accordance with the PA DEP Source Testing Manual. Additionally, all initial stack testing on each Source ID P408 and P413 shall be conducted while it is operating on natural gas at maximum routine operating conditions. The permittee shall notify the Department of the date on which natural gas is first fired in each Source ID P408 and P413 for non-preheat purposes within 15 days.

(b) After the completion of the initial stack testing, subsequent stack testing on each Source ID P408 and P413 shall be conducted one time in each 3-year calendar period following the previous stack testing. All subsequent stack testing on each Source ID P408 and P413 shall be conducted while each source is operating on natural gas at maximum routine operating conditions. Additionally, all subsequent stack testing shall be performed using the methods and procedures as approved by the Department in accordance with the PA DEP Source Testing Manual, while each Source ID P408 and P413. The Department may revise the frequency of subsequent stack testing based upon the stack test results.

27. The permittee shall monitor the particulate matter emissions (filterable and condensable) from each Source ID P408 and P413 in accordance with 40 CFR 52.21(r)(6)(iii).

28. The permittee shall monitor the PM<sub>10</sub> emissions (including condensable particulate matter) from each Source ID P408 and P413 in accordance with 40 CFR 52.21(r)(6)(iii).

29. The permittee shall monitor the PM<sub>2.5</sub> emissions (including condensable particulate matter) from each Source ID P408 and P413 in accordance with 40 CFR 52.21(r)(6)(iii).

30. The permittee shall keep records of the annual emissions of particulate matter, PM<sub>10</sub>, and PM<sub>2.5</sub> from each Source ID P408 and P413 in accordance with 40 CFR 52.21(r)(6)(iii), to determine if reporting under 40 CFR 52.21(r)(6)(v) is required. Baseline actual emissions of PM<sub>10</sub> and PM<sub>2.5</sub> for each Source ID P408 and P413 were specified in the application for Plan Approval No. 14-00002S.

31. The permittee shall comply with all applicable reporting requirements pertaining to each Source ID P408 and P413, as specified in 40 CFR 52.21(r)(6)(v).

32. [25 Pa. Code § 127.12b]

(a) Source ID P408 is Kiln No. 6, located at the Pleasant Gap plant, which is a 1,200 ton per day rotary lime kiln that is equipped with a preheater and a 240 million Btu per hour multi-fuel burner capable of firing pipeline quality natural gas and/or coal/petroleum coke. Kiln No. 6 is fired with No. 2 fuel oil or pipeline quality natural gas during periods of preheat. The air contaminant emissions from Source ID P408 shall be controlled by a pulse jet fabric collector which is ID C408 or sometimes referenced herein as the ID C408 fabric collector.

(b) ID C408 is a F.L. Smidth, suction-type, pulse jet fabric collector containing eight (8) compartments which shall have a minimum fabric area of 48,833 square feet and shall not handle more than 155,000 actual cubic feet per minute of effluent gas from Source ID P408.

33. [25 Pa. Code § 127.12b]

(a) Source ID P413 is Kiln No. 7, located at the Pleasant Gap plant, which is a 1,050 ton per day rotary lime kiln that is equipped with a 280 million Btu per hour multi-fuel burner capable of firing pipeline quality natural gas and/or coal/petroleum coke. Kiln No. 7 is fired with No. 2 fuel oil or natural gas during periods of preheat. The air contaminant emissions from Source ID P413 shall be controlled by a semi-wet scrubbing system, ID C413A, and a pulse jet fabric collector which is ID C413B or sometimes referenced herein as the ID C413B fabric collector.

(b) ID C413A is a semi-wet scrubbing system, consisting of the following equipment:

(1) One (1) Solios model VVR-14-82 Venturi reactor (or equivalent, as approved by the Department),

(2) Two (2) 35 ton per hour capacity conditioning drums,

(3) One (1) 35 ton per hour capacity pre-conditioning drum,

(4) One (1) 65 ton capacity recycle bin,

(5) One (1) 10 ton capacity lime kiln dust (LKD) surge bin,

(6) One (1) 25 ton capacity fresh lime bin,

(7) One (1) screw conveyor from conditioning drums to Venturi reactor,

(8) One (1) screw conveyor from fabric collector to bucket elevators,

(9) Two (2) bucket elevators to the recycle bin,

(10) Other conveyors as described in the application and supplemental materials for Plan Approval 14-00002H.

(c) ID C413B is a Solios suction-type, pulse jet fabric collector which shall have a minimum fabric area of 50,668 square feet and shall not handle more than 152,000 actual cubic feet per minute of the effluent gas from Source ID P413.

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.

*Department of Public Health, Air Management Services:  
321 University Avenue, Philadelphia, PA 19104.*

*Contact: Edward Wiener, Chief—Telephone: 215-685-9426.*

**IP16-000184: Phoenix Lithographing Corporation** (11631 Caroline Road, Philadelphia, PA 19106) for installation of one Non-Heatset, Heatset, Coldset, Offset and Sheetfed Lithographic Printing Presses in the City of Philadelphia, **Philadelphia County**. The source includes two web lithographic printing press with dryer, two Sheetfed offset lithographic 6 color printing press, 6-color, Non-heatset, sheetfed lithographic printing press with Aqueous Coater, Didde 5 color Coldset Web lithographic printing press, two Muller 8 color UV Coldset Web roll to roll lithographic printing press, 5-Unit Sandan, roll to roll web offset lithographic printing press, 2-Unit Heidelberg V-30 Web Cold Offset lithographic printing press, Miracle M3500 lithographic printing press, a Contiweb Dryer, a TEC Dryer, and a Regenerative Thermal Oxidizer (RTO). There will be a potential annual emission increase of 12.5 tons for Volatile Organic Compounds. The plan approval will contain operating, testing, monitoring, and recordkeeping requirements to ensure operation within all applicable requirements.

**AMS 15240: United States Mint** (151 N Independence Mall East, Philadelphia, PA 19106) for installation of a 264 kW (900,000 BTU/hr) exo-gas generator and catalytic oxidizer. The exo-gas generator is fueled by natural gas and the catalytic oxidizer is electric. The catalytic oxidizer controls Carbon Dioxide (CO) emissions from the exo-gas generator. CO emissions will have a potential of 1.08 ton/year (tpy). There will be potential Nitrogen Oxides (NO<sub>x</sub>), Particulate Matter (PM), Sulfur Oxides (SO<sub>x</sub>), and Volatile Organic Compounds (VOC) emissions from the exo-gas generator and catalytic oxidizer of less than 1 tpy per pollutant. The plan approval will contain operating, monitoring, recordkeeping, testing, and reporting requirements to ensure operation within all applicable requirements.

### OPERATING PERMITS

#### **Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

*Department of Public Health, Air Management Services:  
321 University Avenue, Philadelphia, PA 19104.*

*Contact: Edward Wiener, Chief—Telephone: 215-685-9426.*

The City of Philadelphia, Air Management Services (AMS) has intends to renew a Title V/State Operating Permit for the following facility:

**OP16-00027: Philadelphia Energy Solutions Refining and Marketing LLC.—Schuylkill River Tank Farm** (70th and Essington Avenue, Philadelphia, PA 19145) for the operation of a petroleum products storage tank facility in the City of Philadelphia, **Philadelphia County**. The facility's air emissions sources include twenty one (21) internal floater storage tanks with capacities between 2.6—4.9 million gallons; two (2) open floater tanks, each with a capacity of 4.8144 million gallons; one (1) oil-water separator; one (1) propane loading rack with flare (60,000 lbs/hr) firing propane/butane; fugitive emissions; and two (2) diesel fire pumps (one 290 hp and the other 255 hp).

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Ave., Philadelphia, PA 19104. For further information, contact Mr. Edward Wiener (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

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**Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**36-03055: New Enterprise Stone & Lime Co., Inc. dba Martin Limestone, Inc.** (PO Box 550, Blue Ball, PA 17506) to issue a State Only Operating Permit for the Limeville Quarry located in Salisbury Township, **Berks County**. The actual emissions from the facility in 2015 year were estimated at 0.14 ton PM<sub>10</sub>. 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.

**67-03078: Snyder's-Lance, Inc.** (1350 York Street, Hanover, PA 17331) to issue a State Only Operating Permit for the snack food manufacturing facility (Hanover Plant) located in Penn Township, **York County**. The actual emissions from the facility in 2016 are estimated to be 15.5 tons NO<sub>x</sub>; 13.0 tons CO; 0.9 ton PM<sub>10</sub>; 0.9 ton PM<sub>2.5</sub>; 0.8 ton VOC; 0.1 ton SO<sub>x</sub>; 0.3 ton hexane; and 0.3 ton total HAPs. The Operating Permit will include emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

**36-03165: Nexans Incorporated** (132 White Oak Road, New Holland, PA 17557), to issue a State Only Operating Permit renewal for the facility's cable extrusion lines in Earl Township, **Lancaster County**. The actual 2015 emissions from the facility were 23.0 tons of VOCs.

The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the facility is subject to the provisions of 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

**06-05067: Berks County Complex** (1238 County Welfare Road, Leesport, PA 19533) to issue a State Only Operating Permit for the Berks County Complex located in Bern Township, **Berks County**. The actual emissions from the facility in 2016 are estimated at 6.1 tons of CO, 7.2 tons of NO<sub>x</sub>, 0.6 ton of PM<sub>10</sub> and 0.4 ton of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60 Subpart Dc.

**06-03551: SGL Carbon LLC** (796 Fritztown Road, Sinking Spring, PA 19608) to issue a State Only Operating Permit for the Spring Graphite Plant located in Spring Township, **Berks County**. The potential emissions from the facility are estimated at 13 tpy of particulate matter. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.63.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648.*

**41-00041: Lonza, Inc.** (3500 Trenton Ave., Williamsport, PA 17701-7924) for renewal of a State-only (synthetic minor) operating permit for operation of its Williamsport facility located in the City of Williamsport, **Lycoming County**. The facility incorporates Acrawax processing equipment and particulate matter (PM) control devices; halohydantoin manufacturing and processing equipment and PM and scrubber control devices; resins and solid Glydant productions systems and PM and scrubber control devices; a building 30 chemical process area and scrubber control device; two E. Keeler Co. model DK-9-9 boilers each rated 33 MMBtu/hr, three 6 MMBtu/hr natural gas-fired boilers, one 3 MMBtu/hr natural gas-fired boiler, wastewater treatment plant, four natural gas-fired emergency generators ranging from 27 brake-horsepower to 254 brake-horsepower, one 145 brake-horsepower diesel-fired fire pump, multiple storage tanks, and other air contaminant sources exempted through the execution of various Requests for Determinations. The facility has the potential to emit up to 81.13 tons of particulate matter (including particulate matter less than 10 microns and particulate matter less than 2.5 microns), 7.43 tons of HAPs, 90.06 tons of SO<sub>x</sub>, 63.28 tons of NO<sub>x</sub>, 26.21 tons of VOCs, 33.44 tons of CO per year, and 63,065.15 tons of greenhouse gases (as carbon dioxide equivalent). The boilers are subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units and 40 CFR Part 63 Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Area Sources. The natural gas-fired emergency generators are subject to 40 CFR Part 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal



Combustion Engines and 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The diesel-fired fire pump engine is subject to 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The storage tanks are subject to Subpart Kb of the Standards of Performance for Volatile Organic Liquid Storage Vessels Including Petroleum Liquid Storage Vessels for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984. The stationary fuel combustion sources at the facility are subject to 40 CFR Part 98, Subpart A—Mandatory Greenhouse Gas Reporting. The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145 as well as 40 CFR Parts 60, 63, and 98. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.*

**04-00471: MPLX Terminals LLC** (539 South Main Street, Findlay, OH 45840), for a facility-wide initial State Only Operating Permit for the operation of a bulk gasoline storage and distribution terminal, known as the Midland Terminal, located in Industry Borough, **Beaver County**. The facility contains air contamination sources consisting of six "swing" storage tanks, with storage capacities between 84,000 and 3,100,000 gallons (1 barrel petroleum = 42 US gallons), one 3,900,000 gallon, fixed roof, distillate tank, three ethanol tanks (36,600, 36,000, & 21,000 gallons), two, 42,000 gallon, biodiesel tanks, equipment for barge loading and unloading, and gasoline and distillate loading racks. Emissions are controlled by internal floating roofs and either a Vapor Recovery Unit or a Vapor Combustion Unit. Facility emissions are 49.0 tons of VOC, 7.2 tons of CO, 2.9 tons of NO<sub>x</sub>, 0.3 ton of any single HAP, and 0.5 ton of all HAPs combined, on an annual basis. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The permit includes emission limitations, and operational, monitoring, reporting, and recordkeeping requirements for the facility.

MPLX Terminal's State Only Operating Permit renewal application, the Department's Air Quality Review Memorandum, and the proposed Air Quality State Only Operating Permit for this project are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the State Only Operating Permit renewal application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality State Only Operating Permit for this project, a person may contact Thomas Kaminski at [thkaminski@pa.gov](mailto:thkaminski@pa.gov) or 412.442.4000.

Any person may submit comments, requests for the Department to hold a public hearing, or protests to the operating permit or a proposed condition thereof, by filing such submissions in writing to the Department at the Southwest Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments.

All comments, requests for a public hearing, and protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). Comments, requests for a public hearing, and protests must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (State Only Operating Permit 04-00471) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

Comments, protests and requests for a public hearing should be directed to Martin L. Hochhauser, P.E., Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. ([mhochhause@pa.gov](mailto:mhochhause@pa.gov), fax 412-442-4194).

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**24-00166: National Fuel Gas Supply Corporation** (PO Box 2081, Erie, PA 16512-2081), to renew a State Only Operating Permit for the compressor station located in Highland Township, **Elk County**. The primary sources at the facility include 3 natural gas fueled compressor engines and a natural gas fueled emergency generator. Potential emissions are as follows: 40.95 tpy VOC; 43.31 tpy NO<sub>x</sub>; 35.75 tpy CO; 0.10 tpy SO<sub>x</sub>; 1.69 tpy PM<sub>10</sub>; 1.69 tpy PM<sub>2.5</sub>; 1.71 tpy formaldehyde; 5.46 tpy total combined HAPs; and 28,711 tpy CO<sub>2e</sub>. The facility is a Natural Minor. The compressor engines and the emergency generator are subject to 40 CFR Part 60 Subpart JJJJ, the Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. 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.

**37-00185: Universal Refractories** (PO Box 97, 915 Clyde Street, Wampum, PA 16157) for renewal of the State Only Operating Permit for the non-clay refractory manufacturing facility located in Wampum Borough, **Lawrence County**. The sources at the facility include 4 drying ovens, refractory finishing sander # 5 (controlled by a baghouse), magnesium oxide processing (controlled by a baghouse), bulk blending (controlled by a baghouse),



and miscellaneous natural gas usage. The facility is a synthetic minor due to the elective emission restriction on hazardous air pollutants of 9.9 TPY of phenol. 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.

**62-00185: Berenfield Containers, Inc.** (304 Main Avenue, Warren, PA 16365-2157) for issuance of the State Only Operating Permit for the metal drum manufacturing facility located in the City of Warren, **Warren County**. The sources at the facility include four (4) spray booths, three (3) curing ovens, two (2) silk screen stations, a roll coating line, a natural gas fueled emergency generator, solvent cleanup activities and miscellaneous natural gas combustion. The permit contains emission restrictions, testing, monitoring, recordkeeping, reporting, work practice, and additional requirements from plan approval 62-185A to ensure compliance with the Clean Air Act and the Air Pollution Control Act. The engine is subject to 40 CFR 63 Subpart ZZZZ pertaining to NESHAPs for Reciprocating Internal Combustion Engines. The potential emissions from the facility are 10 TPY NO<sub>x</sub>, 8.0 TPY CO, 5.0 TPY PM<sub>10</sub>, 41.0 TPY VOCs, and 5.0 TPY HAPs. The GHG (CO<sub>2</sub>e) emissions are 10,2015 TPY. The facility is a natural minor.

## 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.*

**56773708. Miller Springs Remediation Management, Inc.**, (5 Greenway Plaza, Suite 110, Houston, TX 77046). To renew the permit for the Strayer Coal Refuse Disposal Area in Conemaugh Township, **Somerset County** for reclamation only. No discharges. The application was considered administratively complete on March 10, 2017. Application received June 7, 2016.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.*

**Permit No. 56170101 and NPDES No. PA0279471. Rampside Collieries, Inc.**, 527 Slate Hill Road, Berlin, PA 15530, commencement, operation and restoration of a bituminous surface mine in Jenner Township, **Somerset County**, affecting 41.0 acres. Receiving streams: unnamed tributaries to/and Quemahoning Reservoir to Quemahoning Creek, classified for the following uses: cold water fishes, and warm water fishes. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority, Greater Johnstown. Application received: February 28, 2017.

**Permit No. 56160102 and NPDES No. PA0279480. Berwind Coal Sales Co.**, 509 15th Street, Windber, PA 15963, commencement, operation and restoration of a bituminous surface and auger mine in Paint Township, **Somerset County**, affecting 418.5 acres. Receiving streams: unnamed tributaries to Spruce Creek and Shade Creek to Stonycreek River, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: March 7, 2017.

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.*

**33120101. P. and N. Coal Company, Inc.** (P.O. Box 332, Punxsutawney, PA 15767) Renewal of an existing bituminous surface mine in Young Township, **Jefferson County**, affecting 105.1 acres. Receiving streams: Unnamed tributaries to Sawmill Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. This renewal is for reclamation only. Application received: March 6, 2017.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

**14040101 and NPDES PA0243833. RES Coal LLC** (224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920). Permit renewal for continued operation and restoration of a bituminous surface and auger mine located in Rush Township, **Centre County** affecting 547.3 acres. Receiving stream(s): Unnamed Tributary to Trout Run and

Moshannon Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: February 28, 2017.

*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.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

**08100303 and NPDES PA0257419. Robert Johnson Flagstone, Inc.** (3658 Old Stagecoach Road, Wyalusing, PA 18853). Renewal for an existing NPDES on a large noncoal surface mining site located in Herrick and Wyalusing Townships, **Bradford County** affecting 47.2 acres. Receiving stream(s): Camps Creek and Unnamed Tributary to Wyalusing Creek classified for the following use(s): WWF. Application received: February 27, 2017.

*New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.*

**03122001 and NPDES Permit No. PA0252417. Allegheny Mineral Corp.** (P.O. Box 1022, Kittanning, PA 16201). Revision application for an additional 7.5 surface acres to an existing underground noncoal mine, located in West Franklin Township, **Armstrong County**, Clearfield and Winfield Townships, **Butler County**, affecting 1,345 underground and 193.3 surface acres. Receiving streams: Buffalo Creek, Long Run, unnamed tributaries to Buffalo Creek & Long Run, classified for the following use: HQ-TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: March 8, 2017.

**03142001 and NPDES Permit No. PA0278211. Britt Energies, Inc.** (P.O. Box 515, Indiana, PA 15701). Revision application for variance to approximate original contour to an existing large noncoal surface and underground mine, located in South Bend Township, **Armstrong County**, affecting 84.5 surface 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. Renewal application received: March 9, 2017.

#### MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

*Effluent Limits for Coal Mining Activities*

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	

Alkalinity greater than acidity\*

\*The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a

precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

#### *Effluent Limits for Noncoal Mining Activities*

The limits for noncoal mining activities as provided in 25 Pa. Code Chapter 77 are pH 6 to 9 and other parameters the Department may require.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 563-2112-115, Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

#### *Coal NPDES Draft Permits*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.*

**NPDES No. PA0235610 A-2 (Mining Permit No. 30031301), Dana Mining Company of PA, LLC**, (103 Corporate Drive, Suite 102, Morgantown, WV 26501). A revision to the NPDES and mining activity permit for the 4-West Mine in Perry, Whiteley and Dunkard Townships, **Greene County** to add Outfalls 006 and 008 associated with Big Shannon Portal. Surface Acres Affected 49.8. Receiving stream: Shannon Run, classified for the following use: WWF. Dunkard Creek Watershed TMDL. The application was considered administratively complete on December 19, 2016. Application received October 18, 2016.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

*Outfall 006 discharges to: Shannon Run*

The proposed effluent limits for *Outfall 006* (Lat: 39° 44' 52" Long: 80° 7' 11") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	Report	-
pH	(S.U.)	6.0	-	9.0 Max	-
Iron <sup>(d)</sup>	(mg/l)	-	3.0	6.0	7.0
Manganese <sup>(d)</sup>	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	Report	Report	-
Total Suspended Solids <sup>(d)</sup>	(mg/l)	-	35.0	70.0	90.0
Osmotic Pressure	(mos/kg)	-	Report	Report	-
Total Dissolved Solids	(mg/l)	-	Report	Report	-



<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Alkalinity, total (as CaCO <sub>3</sub> )	(mg/l)	-	Report	Report	-
Acidity, total (as CaCO <sub>3</sub> )	(mg/l)	-	Report	Report	-
Alkalinity Net, total (as CaCO <sub>3</sub> )	(mg/l)	0.0	-	-	-

*Outfall 008* discharges to: Shannon Run

The proposed effluent limits for *Outfall 008* (Lat: 39° 45' 02" Long: -80° 7' 21") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	Report	-
pH	(S.U.)	6.0	-	9.0 Max	-
Iron <sup>(d)</sup>	(mg/l)	-	3.0	6.0	7.0
Manganese <sup>(d)</sup>	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	Report	Report	-
Total Suspended Solids <sup>(d)</sup>	(mg/l)	-	35.0	70.0	90.0
Osmotic Pressure	(mos/kg)	-	Report	Report	-
Total Dissolved Solids	(mg/l)	-	Report	Report	-
Alkalinity, total (as CaCO <sub>3</sub> )	(mg/l)	-	Report	Report	-
Acidity, total (as CaCO <sub>3</sub> )	(mg/l)	-	Report	Report	-
Alkalinity Net, total (as CaCO <sub>3</sub> )	(mg/l)	0.0	-	-	-

EPA Waiver not in effect.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.*

**NPDES No. PA0262234 (Mining Permit No. 32060103), T.L.H. Coal Company**, 4401 Pollock Road, Marion Center, PA 15759, renewal of an NPDES permit for a bituminous coal surface and auger mine in East Mahoning Township, **Indiana County**, affecting 101 acres. Receiving stream: Unnamed Tributaries to Pine Run, classified for the following use: cold water fishes. This receiving stream is included in the Crooked Creek TMDL. Application received: January 6, 2017.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The treated wastewater outfall(s) listed below discharge to Unnamed Tributary No. 2 to Pine Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
005	N
006	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: (All Weather Conditions) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.9	3.8	4.4
Manganese (mg/l)	1.4	2.8	3.5
Aluminum (mg/l)	1.0	2.0	2.5
Total Suspended Solids (mg/l)	23.4	46.9	60.3
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The stormwater outfall(s) listed below discharge to Unnamed Tributary No. 1 to Pine Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N

<i>Outfalls: 001 (Dry Weather) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	2.5	5.0	5.8
Manganese (mg/l)	1.7	3.4	4.2
Aluminum (mg/l)	1.3	2.6	3.2
Total Suspended Solids (mg/l)	23.4	46.9	60.3
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

<i>Outfalls: 001 (≥10-yr/24-hr Precip. Event)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	N/A	N/A	7.0
Total Settleable Solids (ml/l)	23.4	46.9	60.3
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The stormwater outfall(s) listed below discharge to Unnamed Tributary No. 2 to Pine Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
002	N
003	N

<i>Outfalls: 002, 003 (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)	1.9	3.8	4.4
Manganese (mg/l)	1.4	2.8	3.5
Aluminum (mg/l)	1.0	2.0	2.5
Total Suspended Solids (mg/l)	23.4	46.9	60.3
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: 002, 003 (≥10-yr/24-hr Precip. Event)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	N/A	N/A	7.0
Total Settleable Solids (ml/l)	23.4	46.9	60.3
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

#### *Noncoal NPDES Draft Permits*

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.*

**NPDES No. PA0242462 (Permit No. 10030302). Allegheny Mineral Corporation** (P.O. Box 1022, Kittanning, PA 16201) Renewal of an existing NPDES permit for a large industrial minerals surface mine in Brady Township, **Butler County**, affecting 340.7 acres. Receiving streams: Unnamed tributaries to Big Run, classified for the following uses: CWF. TMDL: None. Application received: February 6, 2017.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to unnamed tributaries to Big Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
007	N
008	N
009	N
010	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
		<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90

<sup>1</sup> The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributaries to Big Run and Big Run:

<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 the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/l)				0.5

**NPDES No. PA0259705 (Permit No. 16160301). Glen-Gery Corporation** (1166 Spring Street, P.O. Box 7001, Reading, PA 19610) New NPDES permit for a large industrial minerals surface mine in Monroe Township, **Clarion County**, affecting 242.5 acres. Receiving streams: Unnamed tributaries to Piney Creek and unnamed tributaries to Reids Run, classified for the following uses: CWF. TMDL: Lower Clarion River & Reids Run. Application received: February 1, 2017.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to unnamed tributaries to Piney Creek and unnamed tributaries to Reids Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TA	Y
TB	Y
TC	Y
TD	Y
TE	Y
TF	Y
TG	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		0.75	0.75	0.75
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90

<sup>1</sup> The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributaries to Piney Creek and unnamed tributaries to Reids Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
A	Y
B	Y
C	Y
D	Y
E	Y
F	Y
G	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/l)				0.5

## 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 ap-

proval 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.

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**Applications Received under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.**

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**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.*

**E39-552. Plenary Walsh Keystone Partners**, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275, in City of Allentown, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To remove the existing bridge and to construct and maintain a 100-foot long single-span, concrete adjacent box beam bridge that has a 4-foot underclearance and a 255.32 square foot waterway opening across Cedar Creek (HQ-CWF, MF) and also to construct and maintain an outfall structure in the floodway of Cedar Creek (HQ-CWF, MF) consisting of a 24-inch reinforced concrete pipe with a concrete headwall and riprap apron. The project is located along State Route 222 where it crosses Cedar Creek (Allentown East, PA Quadrangle, Latitude: 40° 59' 39"; Longitude: -75° 50' 07").

**E54-363. Schuylkill County Conservation District**, 1206 AG Center Drive, Pottsville, PA 17901, in Pine Grove Borough and Pine Grove Township, **Schuylkill County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain a floodplain restoration project in a 2,500-foot reach of Swatara Creek (CWF, MF) in order to create approximately 18 acres of floodplain, 7.9 acres of wetland habitat varying in depth and elevation, and 7.85 acres of riparian zone and wetland transition zone. Work will include excavation and re-grading in various areas of the floodway, floodplain and embankments and the construction of 400 linear feet of streambank stabilization, 5 rock j-hooks structures, 5 outfalls with headwalls and rip rap aprons, 4 step pools, 3 weirs and spillways, fascine bundles, boulder bank revetments, various plantings and wildlife enhancement features, a new 14-inch DIP waterline, and a new 12-inch PVC sanitary sewer and laterals. Also included is the relocation of various electric transmission lines and poles, reconstruction of the existing access driveway, removal of an existing waterline, the existing water treatment plant, water supply pond, tanks, lagoons and the footbridge over Swatara Creek. The project begins approximately 1,000 feet upstream from where Swatara Creek (CWF, MF) intersects East Pottsville Street and extends upstream

from that point for approximately 2,500 linear feet (Pine Grove, PA Quadrangle, Latitude: 40° 33' 37"; Longitude: -76° 23' 24").

**E40-787. William Strauser**, 7 Park Street, Harveys Lake, PA 18618, in Harveys Lake Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain a 500 sq. ft. floating sulling dock addition to the existing marina in the basin of Harveys Lake (HQ-CWF). The project is located at Pole 154 along Lakeside Drive (Harveys Lake, PA Quadrangle, Latitude: 41° 22' 26.1"; Longitude: -76° 2' 50.4").

**E40-788. Josh Crawford**, 2509 Lakeside Drive, Harveys Lake, PA 18618, in Harveys Lake Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To remove the existing 361 sq. ft. boat dock and to construct and maintain a 1,014 sq. ft. pile-supported dock in the basin of Harveys Lake (HQ-CWF). The project is located at Pole 229 along Lakeside Drive (Harveys Lake, PA Quadrangle, Latitude: 41° 21' 56.27"; Longitude: -76° 2' 41.55").

**E40-789. Ann Marie McGrath**, 110 Weinmanns Boulevard, Wayne, NJ 07470, in Harveys Lake Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain the following: a 356 sq. ft. pile-supported addition to the existing lakehouse, a 134 sq. ft. addition to the existing dock, and a new 80 sq. ft. jet ski lift in the basin of Harveys Lake (HQ-CWF). The project is located at Pole 264 along Lakeside Drive (Harveys Lake, PA Quadrangle, Latitude: 41° 21' 15.11"; Longitude: -76° 2' 33.96").

**E40-790. Anthony and Toni Madden**, 1 Downing Drive, Dallas, PA 18612, in Harveys Lake Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To remove approximately 25 sq. ft. of existing dock which extends onto the adjoining property and to construct and maintain the following to the existing structure: a 600 sq. ft. pile-supported lakehouse, an 880 sq. ft. addition to the existing dock, and a 222 sq. ft. dock and bridge to land in the basin of Harveys Lake (HQ-CWF). The project is located at Pole 160 along Lakeside Drive (Harveys Lake, PA Quadrangle, Latitude: 41° 22' 17.4"; Longitude: -76° 2' 55.64").

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E06-713. Kings Real Estate Group A, LLC**, 16515 Pottsville Pike, Suite A, Hamburg, PA 19526, Perry and Windsor Townships, **Berks County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a commerce park for distribution, logistics, and light industrial users with associated infrastructure. The applicant proposes to construct and maintain:

1) roadway fill, drainage excavation, utilities, and a 18-inch diameter by 25 feet long SLCPP culvert permanently impacting 22 linear feet of a UNT to the Schuylkill River (WWF, MF), the floodway of the UNT to the Schuylkill River, and 0.01 acre of PEM/PSS wetland;

2) a wetland road crossing with a 18-inch diameter by 94 feet long SLCPP culvert permanently impacting 0.13 acre of PEM/PSS wetland;

3) two warehouses with associated utilities, fills and excavations permanently impacting 10 linear feet of a UNT to Pigeon Creek (WWF, MF) and its floodway, permanently impacting 675 linear feet of another UNT to Pigeon Creek (WWF, MF) and its floodway, permanently impacting 0.12 acre of PEM wetland, and permanently impacting 0.12 acre of PFO wetland;

4) removal of an existing culvert pipe and install and maintain a 4-inch perforated pipe outfall in and along and impacting 16 linear feet of a UNT to Pigeon Creek (WWF, MF) and its associated floodway;

5) a wetland mitigation area permanently impacting the floodway of a UNT to the Schuylkill River (WWF, MF), 0.08 acre of PEM/PSS wetland, and 0.43 acre open water pond (classified as a Palustrine Open Water [POW]) restored to wetland;

6) a stormwater management facility permanently impacting 179 linear feet of a UNT to the Schuylkill River (WWF, MF) and its floodway;

7) a Stormwater management basin permanently impacting 32 linear feet of a UNT to the Schuylkill River (WWF, MF) and its floodway;

8) construct a stream channel and stormwater basin permanently impacting 0.01 acre of an online pond (classified as POW);

9) a 8-inch PVC sanitary sewer line in, across and impacting 4 linear feet of a UNT to the Schuylkill River (WWF, MF) and its associated floodway;

10) removal of two existing culverts and restore the stream channel impacting 30 linear feet of a UNT to Pigeon Creek (WWF, MF) and its floodway;

11) restoration of a UNT to Pigeon Creek with in-stream habitat enhancement structures. To compensate for wetland and stream impacts the applicant is proposing to create 0.78 acre of PEM/PSS/PFO wetland on-site, create/restore a UNT to the Schuylkill River (WWF/MF) for 370 linear feet, and restore/enhance 1,170 linear feet of UNT to Pigeon Creek (WWF, MF) with riparian buffer enhancements and instream enhancement structures.

The project is located on the East Side of State Route 61 and North of Zions Church Road (Hamburg, PA Quadrangle, Latitude: 40° 31' 48" Longitude: -75° 57' 58") in Windsor and Perry Townships, Berks County.

**E05-388: Plenary Walsh Keystone Partners**, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275, West Providence Township, **Bedford County**, U.S. Army Corps of Engineers Baltimore District.

To remove the existing structure and to:

(1) construct and maintain a 246.0 foot long, 26.5 to 28.5 foot wide two span PA Bulb-Tee Beam Bridge having a hydraulic opening of 4,162.33 square feet and place R-7 and R-8 riprap scour protection in the Raystown Branch of the Juniata River (TSF, MF);

(2) install and remove a temporary causeway extending to the middle of the stream at the proposed bridge pier location consisting of eight (8) 4 foot diameter CMPs and riprap in and across the Raystown Branch of the Juniata River (TSF, MF);

(3) install and remove a temporary causeway from the eastern bank extending to the western existing pier

consisting of 8 (8) 4 foot diameter CMPs and riprap in and across the Raystown Branch of the Juniata River (TSF, MF);

(4) install and remove a temporary causeway from the western bank extending to the western existing pier consisting of riprap in and across the Raystown Branch of the Juniata River (TSF, MF);

(5) construct and maintain an 18 inch diameter outfall with R-4 riprap in the floodway of and to the Raystown Branch of the Juniata River (TSF, MF);

(6) remove, place, and maintain fill associated with the existing bridge removal and proposed bridge construction in 0.45 acre of the floodway of the Raystown Branch of the Juniata River (TSF, MF);

(7) place and maintain fill associated with roadway improvements for the bridge replacement in 0.45 acre of the floodway of Johns Branch Creek (TSF, MF); and

(8) construct and maintain an 18 inch outfall pipe with R-4 riprap in the floodway of and to Johns Branch Creek (TSF, MF) for the purpose of replacing a structurally deficient bridge as part of the Public Private Partnership (P3) Rapid Bridge Replacement Program.

The project is located along S.R. 1012 (Ritchey Bridge Road) (Latitude: 40° 3' 10" N, Longitude: 78° 19' 30" W) in West Providence Township, Bedford County.

**E06-711: Western Berks Water Authority**, 91 Water Road, Sinking Spring, PA 19608, Lower Heidelberg Township, **Berks County**, U.S. Army Corps of Engineers Philadelphia District.

To construct and maintain a 48-inch diameter raw water line in and along the floodway and floodplain of Tulpehocken Creek (CWF, MF) permanently impacting 41,000 square feet of floodway from grading to accommodate the line, and to construct and maintain a 48-inch diameter in and across a UNT to Tulpehocken Creek (CWF, MF) permanently impacting 20 linear feet (Latitude 40° 21' 53", Longitude -76° 1' 34") for the purpose collecting raw water from the Blue Marsh Dam impoundment. The project is located along just downstream of the Blue Marsh Dam in Lower Heidelberg Township, Berks County.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.*

**E41-680. Seneca Resources Corporation**, 51 Zents Boulevard, Brookville, PA 15825-2701. Gamble Pad C Waterline in Gamble Township, **Lycoming County**, ACOE Baltimore District (Bodines and Montoursville North, PA Quadrangles N: 41° 23' 20.48" W: -76° 58' 31.46").

Seneca Resources has applied for a Joint Permit Application to construct, operate and maintain a temporary aboveground waterline along Calvert Road and Sugarcamp Road in Gamble Township, Lycoming County. The waterline will transport freshwater for use at the Gamble Pad C drilling operations. Approximately 5.8 miles of waterline will be places on the shoulder alongside the exiting township roadways.

This project proposes to have the following impacts:

<i>Stream</i>					<i>Temporary Impact Area</i>	<i>Permanent Impact Area</i>	<i>Latitude</i>	<i>Longitude</i>
<i>Crossing #</i>	<i>Station</i>	<i>Resource ID</i>	<i>Resource Name*</i>	<i>Chapter 93</i>	<i>Square Feet</i>	<i>Square Feet</i>	<i>Latitude</i>	<i>Longitude</i>
1	140+00	STR-1	UNT Mill Creek	TSF, EV	9.0	0	41.383873	76.975485
2	164+85	STR-2	Miller Run	HQ-CWF; EV	7.0	0	41.390615	76.975289
3	179+00	STR-3	UNT Mill Creek	HQ-CWF; EV	3.0	0	41.394429	76.975130
5	213+70	STR-5	UNT West Branch Murry Run	HQ-CWF; EV	3.0	0	41.399470	76.966158
6	214+90	STR-6	UNT West Branch Murry Run	HQ-CWF; EV	6.0	0	41.99786	76.966311
9	225+75	STR-9	UNT West Branch Murry Run	HQ-CWF; EV	8.0	0	41.402713	76.966383
10	239+35	Overflow	West Branch Murry Run	HQ-CWF; EV	4.0	0	41.406467	76.966572
11	240+05	STR-10	West Branch Murry Run	HQ-CWF; EV	6.0	0	41.406597	76.966489
12	252+60	Spring1	UNT West Branch Murry Run	HQ-CWF; EV	3.0	0	41.410101	76.966724
Total Stream Impacts					49.0	0		

<i>Wetland</i>					<i>Temporary Impact Area</i>	<i>Permanent Impact Area</i>	<i>Latitude</i>	<i>Longitude</i>
<i>Crossing #</i>	<i>Station</i>	<i>Resource ID</i>	<i>Resource Name*</i>	<i>Chapter 93</i>	<i>Square Feet (Acres)</i>	<i>Square Feet (Acres)</i>	<i>Latitude</i>	<i>Longitude</i>
4	184+90	Wetland	GPC2W	EV	3.0	0	41395890	76.974517
7	219+00	Wetland	GPC4W	EV	365	0	41.400906	76.966517
8	223+20	Wetland	GPC5W	EV	2.5	0	41.402470	76.966539
Total Wetland Impacts					370.5 (0.01)	0		

*Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02-1665-A1, Allied Waste Systems of PA, LLC**, 11 Boggs Road, P.O. Box 47, Imperial, PA 15126, Findlay Township, Allegheny County, Pittsburgh ACOE District.

The applicant proposes to:

Amend Permit number E02-1665 (which authorized the placement and maintenance of fill in approximately 2.39 acres of wetlands for the purpose of reconfiguring and expanding the existing Imperial Landfill) to:

- 1.) Place and maintain fill in one (1) PSS and two (2) PEM wetlands, which will cumulatively affect 0.113 acre of wetland,
- 2.) Construct and maintain a water utility line stream crossing of an Unnamed Tributary (UNT) to South Fork Montour Run (aka Tributary 36726 to South Fork Montour Run) (TSF), which will impact 18 linear feet of watercourse.
- 3.) Construct and maintain a sanitary sewer line crossing within the floodway of the aforementioned UNT to South Fork Montour Run (TSF), which will impact 0.01 acre of floodway.
- 4.) Construct and maintain an outlet structure and access road in the floodway of the aforementioned UNT to South Fork Montour Run (TSF), which will impact 0.01 acre of floodway.
- 5.) Construct and maintain a water utility line stream crossing of an ephemeral UNT to South Fork Montour Run (aka Stream-003) (TSF), which will impact 7 linear feet of watercourse

For the purpose of constructing and operating a pre-treatment leachate facility to allow wastewater discharge from the Imperial Landfill facility to be discharged to the Moon Township Municipal Authority's sewer system. This project is located near the intersection of Boggs Road and Santiago Road (Quadrangle: Clinton, PA; Latitude: 40° 26' 36"; Longitude: -89° 16' 14"; Sub-basin: 20G; Chapter 93 Type: TSF), in Findlay Township, Allegheny County. The project will cumulatively impact 0.085 acre of PEM wetland and 0.028 acre of PSS wetland permanently, 18 linear feet of perennial



stream and 7 feet of ephemeral stream, and 0.02 acre of floodway. The 0.113 acre of permanent PEM wetland impact will be offset by the creation of a 3.25 acres wetland, which was previously approved under the original permit to off-set 2.39 acres of wetland impact.

**E02-1741, United States Steel Corporation Mon Valley Works**, 400 State Street, MS # 71, Clairton, PA 15025-1855, Clairton City, **Allegheny County**, Pittsburgh ACOE District.

The applicant proposes to:

Construct a retaining wall in the City of Clairton, Allegheny County, Pittsburgh ACOE District (Glassport, PA Quadrangle, Latitude: 40° 19' 8"; Longitude: -79° 53' 56"). The applicant proposes to remove an existing 12' long, 2' wide, 3' high, rock wall, and construct and maintain a replacement 45-foot long gabion basket retaining wall along the right descending bank of an unnamed tributary to the Monongahela River (WWF) (aka: Pine Run and/or Tributary 13 to the Monongahela River), for the purpose of stabilizing the stream bank and protecting two concrete foundations of steel pipe pier supports for the overhead coke oven gas (COG) pipeline. The project is located near the intersection of SR 837 and Coal Valley Road, in the City of Clairton, Allegheny County. The project will also permanently affect approximately 0.02 acre of floodway, and will temporarily impact an additional 57 linear feet of stream channel and an additional 0.09 acre of floodway.

**E65-988, PennDOT District 12-0**, 825 North Gallatin Avenue, Uniontown, PA 15401, Municipality of Murrysville, **Westmoreland County**, Pittsburgh ACOE District.

The applicant proposes to:

Remove the existing Steels Run (HQ-CWF) 19.59' double span, 18.02' wide SR 3010 bridge with a drainage area of 2.77 square miles; and construct and maintain a replacement 40.92 long, 20' wide box culvert with a minimum underclearance of 4.5' and depressed 1'. Remove an existing 40' long 18" pipe conveying an unnamed tributary to Steels Run with a drainage area less than 100 acres and construct and maintain a replacement 41.83' long 18" pipe in the same location. In addition, temporarily impact 131.83' of stream for the purpose of constructing these encroachments. These encroachments are located approximately 0.75 mile northwest of Export, PA (Murrysville, PA Quadrangle; Latitude: 40° 25' 46.74"; Longitude: -79° 38' 3.27") in the Municipality of Murrysville, Westmoreland County.

**STORAGE TANKS  
SITE-SPECIFIC INSTALLATION PERMITS**

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Environmental Cleanup and Brownfields, Division of Storage Tanks, PO Box 8762, Harrisburg, PA 17105-8762, within 30 days from the date of this publication. Comments may also be submitted via email to tanks@pa.gov. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

**The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.**

<i>SSIP Application No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
17003	Newpark Drilling Fluids, LLC 610 Technology Drive Canonsburg, PA 15317 Attn: Matthew Villeneuve	Bradford	Burlington Borough	12 ASTs storing drilling fluid	252,000 gallons total

**ACTIONS**

**THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT**

**FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS**

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Wastes; Discharges to Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver



<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### **I. NPDES Renewal Permit Actions**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0026654—IW	Pennsylvania American Water 852 Wesley Drive Mechanicsburg, PA 17055	New Cumberland Borough/ Cumberland County	To Susquehanna River in Watershed(s) 7-E	N

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0031305 (Sewage)	Summit Academy PO Box 13 839 Herman Road Herman, PA 16039-0013	Butler County Summit Township	Unnamed Tributary to Bonnie Brook (20-C)	Yes

### **II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions**

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

**NPDES Permit No. PA0024899**, Sewage, SIC Code 4952, **Lake City Borough Erie County**, 2350 Main Street, Lake City, PA 16423-1509.

This existing facility is located in Lake City Borough, **Erie County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit Amendment for an existing discharge of treated Sewage.

**NPDES Permit No. PA0264857**, Sewage, SIC Code 8800, **William J Isenberg**, 105 Arberg Lane, Slippery Rock, PA 16057.

This proposed facility is located in Mercer Township, **Butler County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Sewage.

**NPDES Permit No. PA0023124**, Sewage, SIC Code 4952, **Albion Borough Erie County**, 26 Smock Avenue, Albion, PA 16401.

This existing facility is located in Conneaut Township, **Erie County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Sewage.

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


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

**WQM Permit No. 461S038 A-2**, Sewage, SIC Code 4952, **Municipal Authority of Westmoreland County**, PO Box 730, Greensburg, PA 15601-0730.

This existing facility is located in Ligonier Borough, **Westmoreland County**.

Description of Proposed Action/Activity: construction and operation of an aerated sludge digester.

**WQM Permit No. WQG02261501**, Sewage, SIC Code 4952, **Georges Township Fayette County**, 141 Big Six Road, Smithfield, PA 15478-1600.

This proposed facility is located in Georges Township, **Fayette County**.

Description of Proposed Action/Activity: construction and operation of a low pressure sewer system for eight homes.

**WQM Permit No. 6304406 A-3**, Sewage, SIC Code 4952, **Center-West Joint Sewer Authority**, 102 East End Road, Brownsville, PA 15417-8636.

This existing facility is located in Centerville Borough, **Washington County**.

Description of Proposed Action/Activity: The Applicant proposes to construct a Bioxide 2P2T chemical feed system at their existing Denbo Pump Station.

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

**WQM Permit No. PAG103574**, Sewerage, **Susan Sieber**, 573 Cider Press Road, Port Royal, PA 17082. Beale Township Juniata County.

This proposed facility is located in Beale Township, **Juniata County**.

Description of Proposed Action/Activity: Septic Tanks leading to a Pressure or Timed Filter leading to an Elevated Sand Mound. This amendment changes some incorrect verbiage with the groundwater monitoring and provides the proper reporting forms for monitoring.

**WQM Permit No. 2116408**, Sewerage, **West Pennsboro Township Water & Sewer Authority**, 2150 Newville Road, Carlisle, PA 17013-8957.

This proposed facility is located in West Pennsboro Township, **Cumberland County**.

Description of Proposed Action/Activity: This permit approves the construction of sewage facilities consisting of: the project includes the construction of a sanitary sewer pumping station and Force main.

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

**WQM Permit No. 2515419**, Sewage, SIC Code 4952, **Greene Township Erie County**, 68 Port Access Road, Erie, PA 16507.

This proposed facility is located in Erie City, **Erie County**.

Description of Proposed Action/Activity: Sewage collection system to serve an initial 982 EDUs, 1300 EDU (future), and convey it through existing conveyance lines in Millcreek Township, Erie County and ultimately be treated at the Erie City STP.

Collection system consists of a combination of approximately 35,388 LF of low pressure laterals, 268 simplex and 2 duplex grinder pumps (approx.), 39,154 LF of low pressure sewers, 25,100 LF of gravity laterals, 105,600 LF of gravity sewers, 5 pump stations and 23,830 LF of force mains, and associated appurtenances from 8 sewer service areas in Greene Township.

**WQM Permit No. 6298414 A-1**, Sewage, **North Warren Municipal Authority Warren County**, 44 Hospital Drive, North Warren, PA 16365-4882.

This existing facility is located in Conewango Township, **Warren County**.

Description of Proposed Action/Activity: Wastewater treatment plant improvements.

**WQM Permit No. 1016410**, Sewage, **William J Isenberg**, 105 Arberg Lane, Slippery Rock, PA 16057.

This proposed facility is located in Mercer Township, **Butler County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

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**VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**


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*Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.*

**NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD150025	Chester County Fund, Inc. 615 Willowbrook Lane West Chester, PA 19382	Chester	East Whiteland Township	Valley Creek EV

## NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD150004	Immaculata University 1145 King Road Immaculata, PA 19345	Chester	East Whiteland Township	Valley Creek EV
PAI011515035	East Goshen Municipality Authority 1580 Paoli Pike West Chester, PA 19380	Chester	East Goshen Township	Chester Creek TSF-MF Ridley Creek HQ-TSF-MF

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

## NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD640002	Marjorie L. Marshall 348 Bethel School Road Honesdale, PA 18431-3032	Wayne	Berlin Township	Tributary to Rattlesnake Creek (HQ-CWF, MF)
PAI023916022	Allentown Community Development Corporation—Bruce Loch 4905 Tilghman Street Allentown, PA 18104	Lehigh	City of Allentown	Little Lehigh Creek HQ-CWF, MF
PAI023916023	Pete Russell SDR Development, Inc. 1800 Second St. Suite 717 Sarasota, FL 34236-5966	Lehigh	Lower Macungie Township	Little Lehigh Creek (HQ-CWF, MF)

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Nathan Crawford, Section Chief, Telephone 717.705.4802.*

Permit #	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI030610006R Issued	Fiorino Company 555 Mountain Home Road Sinking Spring, PA 19608	Berks County	Ontelaunee Township	Willow Creek (HQ-CWF)
PAI033616004 Issued	David S. & Lydia B. King 1854 Susquehannock Drive Drumore, PA 17581	Lancaster County	Drumore Township	Susquehanna River (WWF, MF) UNT Susquehanna River (HQ-CWF, MF)
PAI034416002	Mr. Tyler MJ Watson 7706 Ferguson Valley Road McVeytown, PA 17051	Mifflin County	Brown Township	UNT Tea Creek (HQ-CWF, MF)

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3574.*

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.*

## NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI041414006— Decibel Duplexes	Mr. Michael Lee NVSCRE, LLC 10 Colonade Way Suite 117 State College, PA 16803	Centre	Patton Twp	Buffalo Run HQ-CWF
PAI041414006— Nursing Home	Vince Romanini NVSCRE, LLC 10 Colonade Way Suite 117 State College, PA 16803	Centre	Patton Twp	Buffalo Run HQ-CWF

*Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

## NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI050408003R	Castlebrook Development Group, LLC 428 Boulevard of the Allies Suite 100 Pittsburgh, PA 15219	Beaver County	Ambridge Borough	Ohio River (WWF)
PAI055609005R	National Park Service 278 Park Headquarters Road Stoystown, PA 15563	Somerset County	Stonycreek Township; Shade Township	Grove Run (CWF); Lamberts Run (CWF); and Calendars Run (CWF)

### VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

#### List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

#### General Permit Type—PAG-02

*Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.*

Facility Location & Municipality	Permit No.	Applicant Name & Address	Receiving Water/Use	Contact Office & Phone No.
West Brandywine Township Chester County	PAG02001516045	Brookdale Senior Living 111 Westwood Place Suite 400 Brentwood, TN 37027-9205	Unnamed Tributary to Beaver Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Westtown Township Chester County	PAC15004	Westtown Woods, LP 55 Country Club Drive Downingtown, PA 19335	Unnamed Tributary to Plum Run WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Goshen Township Chester County	PAC150007	Gunnison Development Company, LLC 1200 Burning Bush Lane West Chester, PA 19380	East Branch Chester Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900



## NOTICES

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Phoenixville Borough Chester County	PAC150009	Phoenixville Borough 351 Bridge Street Phoenixville, PA 19460	Unnamed Tributary of Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Tredyffrin Township Chester County	PAC150010	F. William and Katherine McNabb 250 Woodland Road Wayne, PA 19087	Unnamed Tributary to Little Darby Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Butler Township Luzerne County	PAC400008	The Butler Township Supervisors c/o Dr. Frank Polidora 415 West Butler Drive Drums, PA 18222	UNT to Nescopeck Creek (CWF, MF)	Luzerne Conservation District 570-674-7991

*Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802.*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Mount Pleasant Township Adams County Issued	PAC010012	John J. and Deborah A. Winand 778 Centennial Road New Oxford, PA 17350	Swift Run (WWF, MF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717.334.0636
Juniata Township Bedford County Issued	PAC050004	Plenary Walsh Keystone Partners 2000 Cliff Mine Road Park West Two 3rd Floor Pittsburgh, PA 15275	Burns Creek (WWF, MF)	Bedford County Conservation District 702 West Pitt Street Suite 4 Bedford, PA 15522 814.623.7900 x4
Ontelaunee Township Berks County Issued	PAC060036	Schuylkill Valley School District Craig Strunk 929 Lake Shore Drive Leesport, PA 19533	Maiden Creek Lake Ontelaunee (WWF, MF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533 610.372.4657
Silver Spring Township Cumberland County Issued	PAC210030	Delta Commerce Park Developers, LLC Eric Clancy 2000 Technology Parkway Mechanicsburg, PA 17050	Conodoguinet Creek (WWF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717.240.7812
Silver Spring Township Cumberland County Issued	PAC210014	JMM, LP D. Dan McGuire 18 Sage Crest Circle Enola, PA 17025	UNT Conodoguinet Creek (WWF, MF) UNT Simmons Creek (WWF, MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717.240.7812
Silver Spring Township Cumberland County Issued	PAC210013	Covest, Inc. Garrett Cohen 1030 Highspire Road Harrisburg, PA 17111	Conodoguinet Creek (WWF, MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717.240.7812

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lower Paxton Township Dauphin County Issued	PAC220023	Lower Paxton Township Authority 425 Prince Street Suite 139 Harrisburg, PA 17109	Paxton Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Lower Paxton Township Dauphin County Issued	PAC220003	Lower Paxton Township Authority 425 Prince Street Suite 139 Harrisburg, PA 17109	Paxton Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Upper Paxton Township Issued	PAC220025	Jonas Smucker 4215 Shippen Dam Road Millersburg, PA 17061	Susquehanna River (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Dover Township York County Issued	PAC670020	Dover Township Sewer Authority Laurel Oswalt 2480 West Canal Rd Dover, PA 17315	UNT to Fox Run/(TSF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Fairview Township York County Issued	PAC670038	Stephen Fleming PE 703 Bencru Avenue Mechanicsburg, PA 17055	UNT to Yellow Breeches (CWF-MF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Lower Windsor Township York County Issued	PAC670035	The York Water Company Kent Croman 130 East Market St York, PA 17401	UNT to Cabin Creek (WWF) Canadochly Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Fairview Township York County Issued	PAG02006716052	Myers Lane Property, LLC Select Asset Management & Trust 4718 Gettysburg Road Suite 405 Mechanicsburg, PA 17055	UNT to Yellow Breeches (CWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Manchester Township York County Issued	PAC670025	Hauck Logistics, LLC Nicholas Hauck 100 W. Crone Rd. Suite A York, PA 17406	UNT to Little Conewago Creek (TSF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Valley Twp, Montour Cnty	PAC470001	Brian Hummer 30 Trump Road Danville, PA 17821	UNT to Mahoning Creek, CWF	Montour County Conservation District 14 E Mahoning St Danville, PA 17821 (570) 271-1140
Mahoning Twp, Montour Cnty	PAC470002	Joseph Graham 1 Frosty Valley Road Danville, PA 17821	UNT to Sechler Run, CWF	Montour County Conservation District 14 E Mahoning St Danville, PA 17821 (570) 271-1140

NOTICES

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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>
Kittanning Township; Manor Township	PAC030002	PennDOT District 10-0, 2550 Oakland Avenue PO Box 420 Indiana, PA 15701	Rupp Run (WWF); Mill Run (WWF)	Armstrong County Conservation District Armsdale Administration Building 124 Armsdale Road Kittanning, PA 16201-3738
Manor Township	PAC030006	Independence Excavating, Inc. 3826 Saxonburg Boulevard Cheswick, PA 15024	UNT to Cowanshannock Creek (WWF); UNT to Rupp Run (WWF)	Armstrong County Conservation District Armsdale Administration Building 124 Armsdale Road Kittanning, PA 16201-3738
Cambria Township	PAC110003	DLP Conemaugh Memorial Medical Center 1086 Franklin Street Johnstown, PA 15905	UNT to South Branch Blacklick Creek (CWF)	Cambria County Conservation District 401 Candlelight Drive Suite 229 Ebensburg, PA 15931 (814) 472-2120
Cambria Township	PAC110005	Top Fuel Holdings, LLC 625 Fourteenth Street Northern Cambria, PA 15714	UNT to Howell's Run (CWF)	Cambria County Conservation District 401 Candlelight Drive Suite 229 Ebensburg, PA 15931 (814) 472-2120
Allegheny Township	PAC110007	E. J. Holtz Land, Inc. 633 South Logan Boulevard Altoona, PA 16602	Clearfield Creek (WWF)	Cambria County Conservation District 401 Candlelight Drive Suite 229 Ebensburg, PA 15931 (814) 472-2120
Center Township; Homer City Borough	PAC320002	Chestnut Ridge Mulch LLC 684 Old Farm Road Blairsville, PA 15717	UNT to Weirs Run (CWF)	Indiana County Conservation District 625 Kolter Drive Suite 8 Indiana, PA 15701 (724) 289-1506
Robinson Township	PAC630004	Rivendale Farms Pittsburgh, LLC 1357 Valleyview Road Bulger, PA 15019	UNT to Little Raccoon Creek (WWF)	Washington County Conservation District 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098

General Permit Type—PAG-8

<i>Facility Location &amp; County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Hampden Township—Roth Lane Wastewater Treatment Plant 4200 Roth Lane Mechanicsburg, PA 17050	PAG083568	Hampden Township 230 South Sporting Hill Road Mechanicsburg, PA 17050-3097	Same as Facility	DEP—SCRO—CW 909 Elmerton Ave. Harrisburg, PA 17110 717-705-4707
Hampden Township/ Cumberland County				

<i>Facility Location &amp; County/Municipality Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Carlisle Region Water Pollution Control Facility 54 North Middlesex Road Carlisle, PA 17015	Borough of Carlisle 53 West South Street Carlisle, PA 17013	Same as Facility	DEP—SCRO—CW 909 Elmerton Ave. Harrisburg, PA 17110 717-705-4707

Middlesex Township/  
Cumberland County

*General Permit Type—PAG-10*

<i>Facility Location &amp; Municipality Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
East Donegal Township, Lancaster County	Texas Eastern Transmission LP 5400 Westheimer Court Houston, TX 77056	UNT Susquehanna River in Watershed(s) 7-G	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>
David Kauffman 12050 Greenwood Road Huntingdon, PA 16652	Huntingdon	116	718	Swine and Beef	Standing Stone Creek—HQ	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. 2400076, Operation Permit, Public Water Supply.**

Applicant	<b>SUEZ Water Pennsylvania Inc.</b> 4211 East Park Circle Harrisburg, PA 17111
Municipality	Dallas Township
County	<b>Luzerne</b>
Type of Facility	PWS
Consulting Engineer	N/A
Permit to Operate Issued	March 10, 2017

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**Permit No. 4117501—Operation—Public Water Supply.**

Applicant	<b>Stallion Oilfield Construction, LLC</b>
Township/Borough	City of Williamsport
County	<b>Lycoming</b>
Responsible Official	Robert J. Ryan Deputy General Counsel 950 Corbindale, Suite 300 Houston, TX 77024
Type of Facility	Public Water Supply
Consulting Engineer	Mitchell McClay 335 Morganza Rd. Suite 104 Canonsburg, PA 15317
Permit Issued	March 10, 2017
Description of Action	Permit authorizes withdrawal up to 0.40 MGD of potable water from Montoursville Borough Water Works' bulk water loading station located at Pool Road/Maintenance Garage and transport this water in two Mack GU713 tankers.

**Nittany Grove Mobile Home Park** (Public Water Supply), Harris Township, **Centre County**: On March 15, 2017, the Safe Drinking Water Program approved the

Source Water Protection (SWP) plan for the Nittany Grove Mobile Home Park, Harris Township, **Centre County**. The personnel involved with the development of this SWP are to be commended for taking these proactive steps to protect these water sources for their community. Development of the SWP plan was funded by the Department of Environmental Protection (Chad J. Miller, P.E., (570) 327-3673).

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

**Operations Permit** issued to: **Hampton Shaler Water Authority**, PO Box 66, 3101 McCully Road, Allison Park, PA 15101, (**PWSID # 5020019**) Hampton Township, **Allegheny County** on March 2, 2017 for the operation of facilities approved under Construction Permit # 0215534.

**Operations Permit** issued to: **PRIMO Refill, LLC**, 101 North Cherry Street, Suite 501, Winston-Salem, NC 27101, (**PWSID # 5026383**) Moon Township, **Allegheny County** on March 2, 2017 for the operation of facilities approved under Construction Permit # 5026383T2-134.

**Permit No. 0216509MA, Minor Amendment.** Public Water Supply.

Applicant	<b>Hampton Shaler Water Authority</b> PO Box 66 3101 McCully Road Allison Park, PA 15101
[Borough or Township]	Shaler Township
County	<b>Allegheny</b>
Type of Facility	Eade Avenue Tank No. 3
Consulting Engineer	KLH Engineers, Inc. 5173 Campbells Run Road Pittsburgh, PA 15205
Permit to Construct Issued	March 2, 2017

**Permit No. 0416504WMP, Minor Amendment.** Public Water Supply.

Applicant	<b>Creswell Heights Joint Water Authority</b> 3961 Jordan Street South Heights, PA 15081
[Borough or Township]	South Heights Borough
County	<b>Beaver</b>
Type of Facility	Bulk water hauling
Consulting Engineer	KLH Engineers, Inc. 5173 Campbells Run Road Pittsburgh, PA 15205
Permit to Operate Issued	March 2, 2017

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

**Operation Permit** issued to **PA American Water Company, PWSID No. 330010**, Gaskill Township, **Jefferson County**. Permit Number 3316502 issued March 7, 2017 for the operation of the Punxsutawney Water Treatment Plant. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on March 3, 2017.

**Operation Permit** issued to **Jill E. Huddleson, PWSID No. 6270812**, Howe Township, **Forest County**.

Permit Number 2716501 issued March 13, 2017 for the operation of the Blue Jay Inn. This permit is issued in response to an operation inspection conducted by Department of Environmental Protection personnel on March 1, 2017.

**Permit No. 4300503-T1-MA9**, Public Water Supply.

Applicant **Aqua PA Inc**  
 Township or Borough City of Hermitage  
 County **Mercer**  
 Type of Facility Public Water Supply  
 Consulting Engineer Robert Horvat, P.E.  
 Permit to Construct March 7, 2017  
 Issued

**Permit No. 4300503-T1-MA11**, Public Water Supply.

Applicant **Aqua PA Inc**  
 Township or Borough City of Farrell  
 County **Mercer**  
 Type of Facility Public Water Supply  
 Consulting Engineer Robert Horvat, P.E.  
 Permit to Construct March 7, 2017  
 Issued

**Permit No. 4300503-T1-MA7**, Public Water Supply.

Applicant **Aqua PA Inc**  
 Township or Borough East Lackawannock Township  
 County **Mercer**  
 Type of Facility Public Water Supply  
 Consulting Engineer Robert Horvat, P.E.  
 Permit to Construct March 7, 2017  
 Issued

**Permit No. 4300503-T1-MA10**, Public Water Supply.

Applicant **Aqua PA Inc**  
 Township or Borough City of Hermitage  
 County **Mercer**  
 Type of Facility Public Water Supply  
 Consulting Engineer Robert Horvat, P.E.  
 Permit to Construct March 7, 2017  
 Issued

**Permit No. 4300503-T1-MA8**, Public Water Supply.

Applicant **Aqua PA Inc**  
 Township or Borough Farrell Township  
 County **Mercer**  
 Type of Facility Public Water Supply  
 Consulting Engineer Robert Horvat, P.E.  
 Permit to Construct March 7, 2017  
 Issued

**SEWAGE FACILITIES ACT PLAN DISAPPROVAL**

**Plan Disapprovals Under the Pennsylvania Sewage Facilities Act (35 P.S. § 750.5)**

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
East Lampeter Township	2250 Old Philadelphia Pike Lancaster, PA 17602	Lancaster

*Plan Description:* The planning module for the David and Sadie Crills, DEP Code No. A3-36929-408-3E APS Id 930246, consisting of a proposed single family lot to be subdivided from the parent tract and connected to the East Lampeter Township Sewage Collection system is disapproved. The proposed development is located at 40.077182, -76.256688. This plan is disapproved because upgrades to the receiving pump station, known as the North Pump Station, have not yet been certified as complete. Thus, the proposal does not meet the requirements of Chapter 71 § 71.51(b)(2)(ii) and (iii).

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
East Lampeter Township	2250 Old Philadelphia Pike Lancaster, PA 17602	Lancaster

*Plan Description:* The planning module for the Donald Hess Subdivision, DEP Code No. A3-36929-409-3E, APS Id 930271, consisting of a new residential lot to connect to the East Lampeter Township sewage collection system is disapproved. The proposed development is located at 40.075606, -76.258778 in East Lampeter Township, Lancaster County. This plan is disapproved because work on the receiving pump station known as the overloaded North Pump Station, currently being upgraded, has not been certified as complete. Thus the submission did not meet the requirements of Chapter 71 § 71.51(b)(2)(ii) and (iii) of DEP's regulations

**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; concen-

tration 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:

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

**Martin Oil/Reighard's Service Station**, 3205 Sixth Avenue, Altoona, PA 16601, Altoona City, **Blair County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Martin Oil Company, 528 North First Street, Bellwood, PA 16617, submitted a Remedial Investigation and Final Report concerning remediation of site soil and groundwater contaminated with petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Daniel Burke Property**, 100 Beaver Street, Dillsburg, PA 17019, Dillsburg Borough, **York County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Daniel Burke, 100 Beaver Street, Dillsburg, PA 17019, 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 Residential Statewide Health Standard.

**Former Monro Muffler Brake & Service**, 3242 Paxton Street, Harrisburg, PA 17111, Swatara Township, **Dauphin County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of KFJ, Ltd., 59 General Warren Boulevard, Malvern, PA 19355, submitted a Final Report concerning remediation of site soils contaminated with petroleum hydrocarbons. The Report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

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

**Benjamin Truck Service Accident**, Williamsport City, **Lycoming County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Benjamin Truck Service, 725 Main St, Limestone, NY 14753, has 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.

*Southeast Regional Office: Regional Manager, Environmental Cleanup and Brownfields, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5960.*

**Bally Fitness Center**, 151 North York Road, Upper Moreland Township, **Montgomery County**. Phil Gray, Jr, Compliance Management International, 1350 Welsh Road, Suite 200, North Wales, PA 19454 on behalf of Bruce Goodman, Provo Co Pinegood York, LP, c/o Goodman Properties, 636 Old York Road, Jenkintown, PA 19046 has

submitted a Remedial Investigation/Final Report concerning remediation of site soil and groundwater contaminated with unleaded/leaded gasoline. The report is intended to document remediation of the site to meet the Site Specific Standard. PF764934.

**Lower Bucks YMCA**, 601 South Oxford Valley Road, Fairless Hill, **Bucks County**. Matthew Mercuri, P.G., Mercuri & Associates, Inc., 2198 Pennsburg Drive, Jamison, PA 18929, Joe Crooks, Super Tank & Energy Co LLC, 302 Jefferson Avenue, Bristol, PA 19007 on behalf of Joe Natale, Lower Bucks YMCA, 60 21 South Oxford Valley Road, Fairless Hill, PA 19030 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 Standard. PF815666.

**10th & Vine Street Site**, 10th & Vine Street, City of Philadelphia, **Philadelphia County**. Paul Martino, PG, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104-0591 on behalf of John Chin, Philadelphia Chinatown Development Corporation, 301-305 North 9th Street, Philadelphia, PA 19107 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with pce, tce, 11dce, vinyl chloride, benz(a)pyrene, and dibenz (a, h) anthracene. The report is intended to document remediation of the site to meet the Site Specific Standard. PF760557.

**Sears Auto Center # 1654**, 1067 West Baltimore Pike, Middletown Township, **Delaware County**. Bryan Emilius, Resource Control Consultant, 1 Lippincott Lane, Unit 1, Mount Holly, NJ 08060 on behalf of Michael Couvreur, Sears Holding Corporation, 3333 Beverly Road, Huffman Estate, IL 60179 has submitted a Final Report concerning remediation of site soil contaminated with petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF809277.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of



regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Rhonda Johnston Residence**, 685 Pilgrims Way, East Freedom, PA 16637, Freedom Township, **Blair County**. Barry Isett & Associates, 85 South Route 100, Allentown, PA 18106, on behalf of Sugar Run Spills, 1009 Burn Avenue, Altoona, PA 16601, and Rhonda Johnston, 685 Pilgrims Way, East Freedom, PA 16637, submitted a Final Report concerning remediation of site soils and surface water contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on March 6, 2017.

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

**Clyde Muth Well # 845**, Bell Township, **Clearfield County**. Gwin, Dobson & Foreman, Inc., 3121 Fairway Drive, Altoona, PA 16602, on behalf of Alliance Petroleum Corporation, 1341 Martin Road, Indiana, PA 15701, has submitted a Final Report concerning the remediation of site soils contaminated with inorganics. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 8, 2017.

**SXL Butternut Road Release Site**, Gamble Township, **Lycoming County**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Sunoco Logistics, LP, 100 Green Street, Marcus Hook, PA 19061, has submitted a Final Report concerning remediation of site soils contaminated with unleaded gas. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 1, 2017.

**Covenant Transport US Route 15S Diesel Fuel Release Cleanup**, White Deer Township, **Union County**. Northridge Group, Inc., P O Box 231, Northumberland, PA 17857, on behalf of Covenant Transport

Group, 40 Birmingham Highway, Chattanooga, TN 37422, has submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 8, 2017.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**BBC Brown Boveri Property (former)** 125 Theobald Avenue, South Greensburg Borough, **Westmoreland County**. American Geosciences, Inc., 3925 Reed Boulevard, Murrysville, PA 15668-1848 on behalf of D & L Industrial Center, LLC, 125 Theobald Avenue, Greensburg, PA 15601 has submitted a Remedial Investigation Report (RIR) concerning the remediation of site soils contaminated with polychlorinated biphenyls, heavy metals (primarily arsenic, lead, and silver), and site soils and groundwater contaminated with chlorinated solvents (trichloroethene, 1,1,1-trichloroethane, and related degradation products). The RIR was approved by the Department on February 27, 2017.

*Southeast Regional Office: Regional Manager, Environmental Cleanup and Brownfields, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5960.*

**Wawa Food Market # 8066**, 816 Old York Road, Abington Township, **Montgomery County**. Geoff Kristof, JK Environmental, Services, LLC, P.O. Box 509, Lafayette Hill, PA 19063 on behalf of Provo Goodman Jenkintown, LP, The Provco Group, P.O. Box 190, Villanova, PA 19085 has submitted a 90-day Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 30, 2017. PF814951.

**Sunoco Marcus Hook Refinery AOI (1-4)**, 100 Green Street, Borough of Marcus Hook, **Delaware County**. James Oppenheim, Sunoco, Inc., (R&M), 10 Industrial Highway MS, Lester, PA 19029, Colleen Costello, Langan Engineering and Environmental Services, 2700 Kelly Road, Suite 200, Warrington, PA 18976 on behalf of Carol Ziegler, Sunoco, Inc., (R&M), 100 Green Street, Marcus Hook, PA 19061 has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with no. 6 fuel oil. The Remedial Investigation was approved by the Department on March 3, 2017. PF778391/778392/778394/778395.

**2358 North Penn Road Site**, 2358 North Penn Street, Hatfield Township, **Montgomery County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Road, Suite 300, King of Prussia, PA 19406 on behalf of Wendy Kitosn, 44 March Chunk Road, Leighton, PA 18235 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 3, 2017. PF816016.

**Statewide BP Trainer Refinery**, (soil), 4101 Post Road, Borough of Trainer and Marcus Hook, **Delaware County**. Matthew Troll, Monroe Energy, LLC, 4101 Post Road, Trainer, PA 19061 on behalf of Sasa Jazic, Remediation Management Service Corporation, 150 West Warrenville Road, Mail Code 200-IE, Naperville, IL 60563 has submitted a Cleanup Plan concerning the remediation of site soil contaminated with petroleum hydrocarbon. The Cleanup Plan was given a letter of technical deficiency by the Department on February 27, 2017. PF747691.



## HAZARDOUS WASTE TREATMENT, STORAGE & DISPOSAL FACILITIES

**Proposed action on an application for a permit under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to operate a hazardous treatment, storage or disposal waste facility.**

### *Intent to Issue Permit*

*Southwest Region: Regional Waste Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit No. PA0890090004. U.S. Department of Energy, Naval Reactors Laboratory Field Office (NRLFO), Bettis Atomic Power Laboratory (Bettis), 814 Pittsburgh—McKeesport Blvd., West Mifflin, PA 15122.** The NRLFO owns the Bettis hazardous waste storage facility located in West Mifflin Borough, **Allegheny County**. The application for permit renewal and modification was considered for intent to approve by the Regional Office.

Persons wishing to comment on the proposed action are invited to submit a statement to the Regional Office indicated as the office responsible, within 45 days from the date of this public notice. Comments received within this 45-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer; and concise statement to inform the Regional Office of the exact basis of any comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Copies of the permit application, draft permit and fact sheet for the Bettis Facility may be reviewed at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Please contact the Regional Files Manager at 412-442-4000 to schedule a review of permit documents.

Following the 45-day comment period and/or public hearing, the Department will make a final determination regarding the proposed permit action. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

### RESIDUAL WASTE GENERAL PERMITS

**Permit(s) issued under the Solid Waste Management Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste other than Coal Ash.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412-442-4000.*

**General Permit No. WMGR025SW002. Intermunicipal Relations Committee (IRC), 1301 12th Street, Altoona, PA 16601.** IRC Buckhorn Recycling and Compost Facility, 1860 Blacksnake Road, Dysart, PA 16636. A residual waste general permit for the processing prior to beneficial use of the following source separated wastes: agricultural waste other than mortalities, butcher waste other than whole carcasses, food processing waste, pre-consumer and post-consumer food residuals, yard waste, land clearing and grubbing material, untreated wood waste, gypsum wallboard, paper, cardboard, waxed

cardboard, virgin paper mill sludge and spent mushroom substrate in Dean and Gallitzin Townships, **Cambria County**, was approved in the Regional Office on March 10, 2017.

Persons interested in reviewing the general permit or the application may contact the Department of Environmental Protection, Regional Files, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Determination of Applicability for General Permit Revoked 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/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.*

**General Permit No. WMGR038SE006. Carbon Service of Philadelphia, 52 Fairview Drive, Lehigh, PA 18235-9642.** This permit has been revoked in response to the permittee's request for final closure and revocation of General Permit No. WMGR038SE006 at the Carbon Service of Philadelphia facility located at 2600 Penrose Avenue in the City of Philadelphia, Philadelphia County. The final closure and revocation for the determination of applicability was approved by the Southeast Regional Office on November 15, 2016.

Persons interested in reviewing the general permit may contact the Waste Management Program Manager, Department of Environmental Protection (DEP) Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915, or by telephone at 484.250.5960. TDD users may contact the DEP 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.*

**GP9-09-0076: Maza Iron And Steel LLC (60 Solar Drive, Fairless Hills, PA 19030)** On March 10, 2017 for operation of a diesel and fuel-fired combustion engine in Falls Township, **Bucks County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.*

**GP5-59-187B: SWEPI, LP (150-E N. Dairy Ashford, E-1296-J, Houston, TX 77079)** on March 6, 2017, for the continued operation of two (2) 1,340 bhp Caterpillar model G3516 TALE four-stroke lean-burn natural gas-

fired compressor engines with Miratech oxidation catalysts, one (1) 30.0 MMscf/day NATCO dehydrator unit equipped with a 0.25 MMBtu/hr reboiler heater, one (1) 60.0 MMscf/day NATCO dehydrator unit equipped with a 0.50 MMBtu/hr reboiler heater, and one (1) 10,000 gallon produced water tank pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas Compression and/or Processing Facilities (BAQ-GPA/GP-5) at the Wellsboro Compressor Station located in Richmond Township, **Tioga County**.

**GP5-59-189G: Repsol Oil & Gas USA, LLC** (50 Pennwood Place, Warrendale, PA 15086) on March 3, 2017, for the continued operation of twelve (12) 1,380 bhp Caterpillar model G3516B four-stroke ultra-lean-burn natural gas-fired compressor engines each equipped with an oxidation catalyst, three (1) 43 MMscf/day NATCO dehydrators, one equipped with a 0.625 MMBtu/hr reboiler and the other two each equipped with a 0.275 MMBtu/hr reboiler, one (1) 8,400 gallon produced fluids tank, one (1) 6,300 gallon slop oil tank, along with aggregated well emissions from nearby wells pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas Compression and/or Processing Facilities (BAQ-GPA/GP-5) for the Tract 587 Compressor Station located in Ward Township, **Tioga County**. The facility also includes two exempt emergency generator/engines sets.

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**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.*

**46-0005AR: Merck, Sharp & Dohme, Corp.** (770 Sunmeytown Pike, West Point, PA 19486-0004) On March 6, 2017, for the expansion of Building 38 disinfection operations necessary to meet product demand at an existing permitted building in Upper Gwynedd Township, **Montgomery County**.

**46-0293: TierPoint, LLC** (1100 East Hector Street, Conshohocken, PA 19428) On March 10, 2017 for the installation of a 2,250-kW diesel emergency generator at a new facility located in Conshohocken Borough, **Montgomery County**.

**15-0054C: Highway Materials** (608 More Hall Road, Frazer, PA 19355), On March 13, 2017 for the installation of a three-foot collar, or extension, to be added to the baghouse at their existing facility in East Whiteland Township, **Chester County**.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507.*

**35-00016A: Sandvik Inc.** (982 Griffin Pond Road, Clarks Summit, PA 18411) on March 02, 2017 for the replacement of existing baghouse with a newer more efficient baghouse for controlling dust from auto cut saw at the facility located in Scott & South Abington Townships, **Lackawanna County**.

**48-00107A: Morello Funeral Home Inc.** (3720 Nicholas Street, Easton, PA 18045) on March 02, 2017 for the

installation and operation of a cremator unit at the facility located in Palmer Township, **Northampton County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.*

**11-00536B: CPV Fairview, LLC** (50 Braintree Hill Office Park, Suite 300, Braintree, MA 02184) plan approval effective on March 14, 2017, to incorporate emission reduction credits (ERCs) for nitrogen oxides (NO<sub>x</sub>) and volatile organic compounds (VOCs) at the CPV Fairview Energy Center to be located at 2862 William Penn Avenue, Johnstown, PA 15909, in Jackson Township, **Cambria County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**10-409A: Thousand Hills, LLC** (2 Spring Dr., Cranberry Township, PA 16066), on March 8, 2017 issued a Plan Approval for the relocation of their large animal crematory, from 168 Stanford Road, Portersville, PA to 318 Woodlands Road, Evans City, PA in Connoquenessing Township, **Butler County**. This is a State Only facility.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: James A. Beach, New Source Review Chief—Telephone: 484-250-5920.*

**09-0196H: Abington Reldan Metals, LLC** (550 Old Bordentown Road, Fairless Hills, PA 19030-4510) On March 6, 2017 for the installation and operation of one unit of Melt Furnace and associated dry lime injection system in Falls Township, **Bucks County**.

**23-0119G: Sunoco Partners Marketing & Terminals, L.P. (SPMT)** (2nd and Green Streets, Marcus Hook, PA 19061-0426) On March 10, 2017 to increase the aggregate VOC emission limit for two (2) previously permitted internal floating roof storage tanks at an existing Title V facility in Marcus Hook Borough, **Delaware County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648.*

**08-00010I: Global Tungsten & Powders Corp.** (1 Hawes Street, Towanda, PA 18848) on March 7, 2017, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from April 29, 2017 to October 26, 2017, at their facility located in Towanda Borough, **Bradford County**. The plan approval has been extended.

**08-00010J: Global Tungsten & Powders Corp.** (1 Hawes Street, Towanda, PA 18848) on March 7, 2017, to extend the authorization to construct the sources pursuant to the plan approval an additional 180 days from March 21, 2017 to September 17, 2017, at their facility located in Towanda Borough, **Bradford County**. The plan approval has been extended.



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**Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.*

**09-00014: Northeast Foods Inc./Bake Rite Rolls Division** (2945 Samuel Drive, Bensalem, PA 19020) On March 6, 2017, for a renewal of a Title V Operating Permit located in Falls Township, **Bucks County**.

**46-00041: Graphic Packaging International, Inc.** (1035 Longford Road, Phoenixville, PA 19460), On March 6, 2017 for a renewal of the Title V Operating permit located in Upper Providence Township, **Montgomery County**.

**46-00037: Global Advanced Metals USA, Inc.** (650 County Line Road, Boyertown, PA) On March 10, 2017 significant modification for operation of a tantalum metal plant in Douglass Township, **Montgomery County**.

**15-00010: ArcelorMittal Plate LLC**, (139 Modena Road, Coatesville, PA 19320) On March 10, 2017 for an Administrative Amendment to Title V Operating Permit No. 15-00010. The Title V Operating Permit has been amended to incorporate Plan Approval No. 15-0010D, for the replacement of the Ladle Pre-heater (4575-10-B) burner on Source ID 229A located in Coatesville Borough, **Chester County**.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507.*

**48-00032: Grand Central Sanitary Landfill, Inc./Plainfield** (910 W. Pennsylvania Avenue, Pen Argyl, PA 18072-9646). On March 9, 2017, the Department issued a renewal of the Title V Operating Permit for landfill operations in Plainfield Township, **Northampton County**. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code Chapter 127, Subchapter G. The sources consist of landfill and gas collection systems and diesel generators. The sources are controlled by flares. The Title V Operating Permit includes emission restrictions, work practice standards and testing, monitoring, recordkeeping, and reporting requirements to ensure compliance with all applicable Federal and State air quality regulations.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**37-00013: Cemex Wampum Cement Plant** (1617 Arcola Road Demopolis, AL 36732) the Department on March 13, 2017 issued a Title V Operating Permit to the facility located in Wampum Boro, **Lawrence County**. The facility is currently only operating as a terminal and is located at 2001 Portland Park, Wampum, PA 16157-3913. The facility's major emission sources include cement silos, truck loading, and emissions from truck traffic. The facility deactivated the three cement kilns, three clinker coolers, assorted mills and crushers, and numerous conveyors, transfer points and material storage areas identified in the previous permit as Sources 101 through 168;

170—180; 183—184; 186—208; 211; 213—215; and 218—250 between December 2008 and February 2010. The deactivated sources were removed from the renewal permit because they will need authorization from the Department prior to reactivation of the sources. The facility is a major facility due to its potential to emit Nitrogen Oxides (NO<sub>x</sub>), Sulfur Oxides (SO<sub>x</sub>), Carbon Monoxide (CO), Particulate Matter less than 10 microns (PM<sub>10</sub>), and Hazardous Air Pollutants (HAPs). The facility is subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The facility is subject to the National Emission Standards for Hazardous Air Pollutants (NESHAP) from the Portland Cement Industry (40 CFR 63, Subpart LLL). The actual PM<sub>10</sub> emissions in 2015 were 7.5 TPY.

**43-00011: Greenville Metals, Inc.** (99 Crestview Drive Extension, Transfer, PA 16154), on March 8, 2017, the Department issued the renewal of the Title V Operating Permit to operate a secondary smelter and refiner of ferrous and non-ferrous metals in Pymatuning Township, **Mercer County**. The sources at the facility include an electric arc furnace, several induction furnaces, an argon-oxygen decarburization vessel, casting machines, shot blasters, reaction vessels, emergency engine, and miscellaneous support operations. The facility is subject to National Emission Standards for Hazardous Air Pollutants (NESHAP) for electric arc furnace steelmaking facilities (40 CFR 63, Subpart YYYYYY) and stationary reciprocating internal combustion engines (40 CFR 63, Subpart ZZZZ), and the New Source Performance Standards (NSPS) for electric arc furnaces and argon-decarburization vessels constructed after August 17, 1983 (40 CFR 60, Subpart AAa). Because of its low potential to emit VOC and NO<sub>x</sub>, the facility is not subject to the RACT II requirements promulgated on April 23, 2016 (46 Pa.B. 2036). The facility is a Title V facility because it is a major source of CO. The actual emissions reported by the facility for 2015 were 130 TPY CO, 4.5 TPY NO<sub>x</sub>, 5.0 TPY PM<sub>10</sub>, 14.1 TPY SO<sub>x</sub>, and 3.7 TPY VOC.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507.*

**35-00023: United Gilsonite Laboratories** (P.O. Box 70, Scranton, PA 18501-0070) issued on 2/28/17 a State-Only Operating Permit for the operation of a paint/coating manufacturing facility in Dunmore Borough, **Lackawanna County**. The source includes two (2) boilers, eight (8) space heaters, and various mixers, dispersers, and agitators. Emissions are controlled by dust collectors and baghouses. The operating permit includes emission limitations, work practice standards, testing, monitoring, recordkeeping and reporting requirements used to verify facility compliance with applicable Federal and State air pollution regulations.

**40-00130: EBC Holdings, LLC.** (159 George Ave, Wilkes-Barre, PA 18705) issued on 2/28/17 a State-Only Operating Permit for operation of a crematory in Dupont Borough, **Luzerne County**. The source includes one (1) cremator. The operating permit includes emission limitations, work practice standards, testing, monitoring, recordkeeping and reporting requirements used to verify facility compliance with applicable Federal and State air pollution regulations.

**48-00056: Northampton Farm Bureau Cooperative Association** (300 Bushkill St, Tatamy, PA 18085) issued on 3/13/17, a State-Only Operating Permit renewal for operation of a petroleum bulk stations and terminals wholesale operation in Chestnuthill Township, **Monroe County**. The facility operates a bulk gasoline plant with a vapor balance system. The Operating Permit will include applicable emission limits and work practice standards along with applicable monitoring, recordkeeping and reporting requirements to ensure the facility complies with air quality regulations.

**39-00032: Precision Roll Grinders, Inc., Allentown Plant** (6356 Chapmans Road, Allentown, PA 18106). On March 13, 2017, the Department issued a renewal State-Only Natural Minor Permit for this facility located in Upper Macungie Township, **Lehigh County**. The main sources at this facility consist of coating operations, solvent cleaning, and nickel spray preparation. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**36-03030: Allan Myers Materials PA, Inc.** (330 Quarry Road, Leola, PA 17540-9733) on March 6, 2017, for the stone crushing plant at the Talmage Quarry located in Upper Leacock Township, **Lancaster County**. The State-only permit was renewed.

**28-03028: New Enterprise Stone & Lime Co., Inc.** (PO Box 77, New Enterprise, PA 16664-0077) on March 7, 2017, for the stone crushing and batch concrete operations at the Dry Run Quarry located in Fannett Township, **Franklin County**. The State-only permit was renewed.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Tom Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.*

**32-00375: Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201) On March 8, 2017, the Department issued a facility-wide Natural Minor Operating Permit renewal for the operation of a coal preparation plant, known as the Lowry Mine Coal Preparation Plant, located in White Township, **Indiana County**.

The plant contains coal stockpiles, conveyers, screens, coal cleaning plant, one emergency diesel engine (670-bhp), and roadways. Air pollution prevention equipment at the facility includes enclosures, water sprays, water truck, sweeper, and tarping of truck loads. The facility is subject to the applicable requirements of 40 CFR Part 60 Subpart Y, 40 CFR 60 Subpart IIII, and 25 Pa. Code Chapters 121—145. The permit includes emission limitations, operational requirements, monitoring requirements, and recordkeeping requirements for the facility.

No emission or equipment changes have been approved by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions

of the SOOP have been derived from the applicable requirements of 40 CFR Part 60 and 25 Pa. Code Article III, Chapters 121—145.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940.*

**37-00011: Dairy Farmers of America, Inc.**, (925 State Route 18, New Wilmington, PA 16142-5023), On March 9, 2017, the Department issued a renewal State Only Operating Permit for the facility located in Wilmington Township, **Lawrence County**. The facility is a Natural Minor. Potential emissions from the facility are as follows: 75.91 tpy NO<sub>x</sub>; 86.17 tpy CO; 5.15 tpy PM; 1.54 tpy SO<sub>x</sub>; and 9.44 tpy VOC. The primary sources at the facility include natural gas fueled boilers with heat input ratings of 48.8, 34.5, 11.8, and 2.0 million Btu/hr; a 16.5 million Btu/hr natural gas fueled dryer; 2 waste water treatment reactors; 2 natural gas fuel emergency generator; 1 diesel fueled emergency generator; and a parts washer. Two of the emergency generators are subject to 40 CFR Part 63 Subpart ZZZZ, the NESHAP for Stationary RICE. The third emergency generator is subject to 40 CFR Part 60 Subpart JJJJ, the NSPS for Stationary SI ICE. Three of the boilers are subject to 40 CFR Part 60 Subpart Dc, the NSPS for Small ICI Steam Generating Units. 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.

**37-00268: Commercial Asphalt Supply, Inc. Slippery Rock Plant** (PO Box 672, Valencia, PA 16059-2029), on March 7, 2017 issued the renewal of the Synthetic Minor Permit to operate the asphalt paving mixtures manufacturing facility. The facility's emitting sources include, a counter-flow drum asphalt plant rated at 350 TPH (controlled by a baghouse), an emergency diesel generator engine rated at 605 HP, and a non-emergency generator rated at 250 HP that powers a portable crusher plant. The facility is located in Scott Township, **Lawrence County**. The facility has a throughput restriction of 750,000 tons of hot mix asphalt products based on 12-month rolling total. The emergency generator and the non-emergency engine are subject to 40 CFR Part 63, Subpart ZZZZ pertaining to National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines at an area source of HAPs. The portable crusher is subject to 40 CFR Part 60, Subpart OOO pertaining to Nonmetallic Mineral Processing Plants. The dryer at the facility uses natural gas. The emissions for 2015 were 20.32 TPY CO, 6.55 TPY NO<sub>x</sub>, 0.61 TPY PM<sub>10</sub>, 0.3 TPY SO<sub>x</sub>, and 5.0 TPY VOC.

**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.*

**23-00034: Villanova University** (800 E. Lancaster Avenue, Villanova, PA 19085) On March 6, 2017 for a minor modification to eliminate No. 6 fuel oil and switch to No. 2 fuel oil for the operation in Radnor Township, **Delaware County**.



**46-00005: Merck & Company** (770 Summeytown Pike, West Point, PA 19486-0004) On March 10, 2017 an amendment is to remove Source Number 760 (B97-1 generator) in Upper Gwynedd Township, **Montgomery County**.

**15-00031: Henry Company** (336 Cold Stream Road, Kimberton, PA 19442) On March 10, 2017 for a minor modification to include a production limit on the Seven (7) Mixers (Source ID 200) and to include new VOC limits on both the Seven (7) Mixers and site-wide in East Pikeland Township, **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.*

**05-05021: Hill & Smith Holdings, Inc.** (214 Industrial Lane, Alum Bank, PA 15521-8304) on March 6, 2017, for the fiberglass reinforced plastic composites products manufacturing facility located in West Saint Clair Township, **Bedford County**. The Title V permit was administratively amended in order to incorporate the requirements of Plan Approval No. 05-05021B.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.*

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The following is a summary of the proposed amendments to the RACT II determination for this operation that will be submitted to the EPA as a SIP revision:

*Sources*

Four (4) Dresser Rand ICE; 4SLB; natural gas-fired engines; each rated at 3,200 hp.

1. Four (4) Dresser Rand ICE; 4SLB; natural gas-fired engines; each rated at 3,200 hp.
2. Natural gas fired Caterpillar Auxiliary Generator, rated at 778 bhp.
3. One (1) natural gas-fired Ajax Atlas, rated at 3.0 MMBtu/hr; and
4. One (1) natural gas-fired P-K Thermific Boiler, rated at 1.5 MMBtu/hr.

Any person may submit comments, requests for the Department to hold a public hearing, or protests to the operating permit or a proposed condition thereof, by filing such submissions in writing to the Department at the Southwest Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments.

All comments, requests for a public hearing, and protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). Comments, requests

**Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen, Volatile Organic Compounds, Requests for Public Hearing, and Notice of Intent to Issue Revised Air Quality Operating Permit 04-00490**

Approval of a Reasonably Available Control Technology (RACT II) plan for **Beaver Compressor Station** located in North Sewickley Township, **Beaver County**.

In accordance with 25 Pa. Code §§ 129.96—129.100, the Department of Environmental Protection has made a preliminary determination to approve a RACT II plan and an amendment to the State Implementation Plan (SIP) for the Beaver Compressor Station owned and operated by Dominion Transmission, Inc. located in North Sewickley Township, Beaver County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT II approval for the facility, which are intended to satisfy the requirements for the 1997 National Ambient Air Quality Standard (NAAQS) and the 2008 NAAQS for ozone.

The proposed amendments to the RACT II determination, if approved, will be incorporated into a revised operating permit (04-00490) for the facility. The relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded from the SIP submittal.

*NO<sub>x</sub> RACT II Requirement*

Presumptive RACT requirements for a stationary ICE:

- Natural gas or a noncommercial gaseous fuel, 3.0 grams NO<sub>x</sub>/bhp-hr.
- Natural gas or a noncommercial gaseous fuel, liquid fuel, or dual-fuel, 1.0 gram VOC/bhp-hr excluding formaldehyde.

Presumptive RACT requirements:

The owner/operator shall install, maintain, and operate the source in accordance with the manufacturer's specifications and with good operating practices.

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for a public hearing, and protests must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (TVOP-04-00490) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The

applicant, the protestant and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

Comments, protests and requests for a public hearing should be directed to Jesse S. Parihar, Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. (jparihar@pa.gov, fax 412.442.4194).

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**10-00027: Calumet Karns City Refining, LLC** (138 Petrolia Street, Karns City, PA 16041-9222). On March 9, 2017 issued an administrative amendment to the Title V Operating Permit to incorporate the name change and the change in responsible official for the facility located in Karns City Borough, **Butler County**.

**16-00128: County Landfill** (5092 Aber Road, Williamsburg, OH 45176). On March 8, 2017 issued an administrative amendment to the Title V Operating Permit to incorporate the change in responsible official and permit contact for the facility located in Farmington Township, **Clarion County**.

*Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543, Contact: Edward Wiener, Chief, Source Registration at 215-685-9476.*

The City of Philadelphia, Air Management Services (AMS) administratively amended operating permits issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices for the following facilities:

**S10-017A: Sweet Ovations, LLC** (1741 Tomlinson Road, Philadelphia, PA 19116) administratively amended on March 13, 2017 to incorporate a change of ownership and a name change to Zentis North America, LLC. The Synthetic Minor operating permit was originally issued on June 5, 2012.

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#### **De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**67-03078: Snyder's-Lance, Inc.** (1350 York Street, Hanover, PA 17331). Pursuant to 25 Pa. Code § 127.449(i), this *PA Bulletin* Notice is for de minimis emissions increases of 0.6 TPY NO<sub>x</sub> and 0.5 TPY CO resulting from the construction of a twin-screw extruder process controlled by an internally exhausting dust collector and an associated natural gas-fired dryer having a maximum rated heat input capacity of 1.43 mmBTU/hr at its snack food manufacturing facility located in Penn Township, **York County**. This is the first de minimis emissions increase event at the facility during the term of the current operating permit.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.*

**OP-65-00623: WABTEC Rubber Products** (269 Donahoe Road, Greensburg, PA 15601). Per 25 Pa. Code § 127.449(i), this Notice is for the following de minimis emission increase at the WABTEC Greensburg Plant located in Greensburg, **Westmoreland County**:

Project to install the following equipment:

1. Project to install and operate a Mitchell Rubber Grinder with an associated Donaldson Dust Collector rated at 1,000 acfm.

2. The grinder and dust collector shall be operated and maintained in accordance with the manufacturer's specifications and with good air pollution control practices.

3. Total emissions from this project shall not exceed 0.075 ton per year PM<sub>10</sub>, 0.04 ton per year VOC, and 0.004 ton per year HAPs.

The list of de minimis increases for this facility includes only this project.

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### **ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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**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).**

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#### *Coal Permits Issued*

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

**17080102 and NPDES PA0256722. Forcey Coal, Inc.** (P.O. Box 225, 475 Banion Road, Madera, PA 16661). Permit revision to change land use from Forestland to Pastureland/Land Occasionally Cut for Hay on a bituminous surface mine in Bigler and Beccaria Townships, **Clearfield County** affecting 100.0 acres. Receiving stream(s): Unnamed Tributary to Banian Run, Banian Run, and Unnamed Tributaries to Muddy Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: January 18, 2017. Permit issued: March 8, 2017.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**Permit No. 54070101R2. Premium Fine Coal, Inc.,** (PO Box 268, Tamaqua, PA 18252), renewal of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County** affecting 121.6 acres, receiving streams: Silver Creek and unnamed tributaries to Schuyl-

kill River. Application received: November 15, 2016. Renewal issued: March 10, 2017.

**Permit No. PAM111009R. Premium Fine Coal, Inc.**, (PO Box 268, Tamaqua, PA 18252), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54070101 in Blythe Township, **Schuylkill County**, receiving streams: Silver Creek and unnamed tributaries to Schuylkill River. Application received: November 15, 2016. Renewal issued: March 10, 2017.

*Noncoal Permits Issued*

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.*

**42160801. Edward S. Kocjancic** (20 Laurel Avenue, Kane, PA 16735) Commencement, operation and restoration of a small industrial minerals mine in Wetmore Township, **McKean County**, affecting 5.0 acres. Receiving streams: Unnamed tributary to Hubert Run. Application received: June 24, 2016. Permit Issued: March 6, 2017.

**PAM616012. Edward S. Kocjancic** (20 Laurel Avenue, Kane, PA 16735) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 42160801 in Wetmore Township, **McKean County**. Receiving streams: Unnamed tributary to Hubert Run. Application received: June 24, 2016. Permit Issued: March 6, 2017.

**PAM612007. Sam H. Barnhart & Son** (41520 Diamond Street, Titusville, PA 16354) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 20122802 in Oil Creek Township, **Crawford County**. Receiving streams: Unnamed tributary to Oil Creek. Application received: February 6, 2017. Permit Issued: March 6, 2017.

**PAM617001. Three Rivers Aggregates, LLC** (1807 Shenango Road, New Galilee, PA 16141) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 37910305 in Plain Grove Township, **Lawrence County**. Receiving streams: Taylor Run. Application received: February 9, 2017. Permit Issued: March 9, 2017.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

**PAM206012. Iddings Quarry, Inc.** (900 Chestnut Street, Mifflinburg, PA 17844), hereby approves the Notice of Intent (NOI) submitted for coverage to discharge stormwater associated with mining activities on Surface Mining Permit No. 6076SM1 to the following surface water(s) in Limestone Township, **Union County**. Receiving stream(s): Unnamed Tributary to Buffalo Creek. Application received: July 18, 2016. Permit Issued: February 3, 2017.

**PAM216010. Iddings Quarry, Inc.** (900 Chestnut Street, Mifflinburg, PA 17844), hereby approves the Notice of Intent (NOI) submitted for coverage to discharge stormwater associated with mining activities on Surface Mining Permit No. 60910302 to the following surface water(s) in Limestone Township, **Union County**. Receiving stream(s): Unnamed Tributary to Buffalo Creek. Application received: July 18, 2016. Permit Issued: February 3, 2017.

**14050301 and NPDES PA0256161. Graymont (PA) Inc.** (965 East College Avenue, Pleasant Gap, PA 16823). Transfer of an existing large noncoal surface mine from Glenn O. Hawbaker, Inc. and revision to allow reclama-

tion fill located in Spring Township, **Centre County** affecting 39.0 acres. Receiving stream(s): Spring Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: June 20, 2016. Permit issued: March 9, 2017.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**Permit No. 7876SM1C and NPDES Permit No. PA0595721. New Enterprise Stone & Lime Co., Inc. d/b/a Eastern Industries, Inc.**, (3724 Crescent Court West, Suite 200, Whitehall, PA 18052), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Whitehall Township, **Lehigh County** affecting 89.3 acres, receiving stream: Coplay Creek. Application received: December 12, 2012. Renewal issued: March 9, 2017.

**Permit No. 7973SM5C8 and NPDES Permit No. PA0223352. Eureka Stone Quarry, Inc.**, (800 Lower State Road, Chalfont, PA 18976), correction to increase the discharge rate of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Wrightstown Township, **Bucks County** affecting 158.6. Application received: November 26, 2013. Correction issued: March 9, 2017.

**Permit No. 5273SM2C18 and NPDES Permit No. PA0594130. Hanson Aggregates PA, LLC**, (7660 Imperial Way, Allentown, PA 18195), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Thornbury and Middletown Townships, **Delaware County** affecting 247.3 acres, receiving stream: unnamed tributary to Chester Creek. Application received: December 18, 2013. Renewal issued: March 9, 2017.

**Permit No. 4873SM1A1C14 and NPDES Permit No. PA0020451. Magnesita Refractories Company**, (425 Salem Church Road, York, PA 17408), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in West Manchester Township, **York County** affecting 621.7 acres, receiving streams: Honey Run and unnamed tributary to Codorus Creek. Application received: April 14, 2014. Renewal issued: March 9, 2017.

**Permit No. 7973SM6C10 and NPDES Permit No. PA0120979. Eureka Stone Quarry, Inc.**, (800 Lower State Road, Chalfont, PA 18976), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Wrightstown Township, **Bucks County** affecting 35.68 acres, receiving stream: unnamed tributary to Mill Creek. Application received: August 1, 2014. Renewal issued: March 9, 2017.

**Permit No. 7973SM5C9 and NPDES Permit No. PA0223352. Eureka Stone Quarry, Inc.**, (800 Lower State Road, Chalfont, PA 18976), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Wrightstown Township, **Bucks County** affecting 158.6 acres, receiving stream: Neshaminy Creek. Application received: March 12, 2015. Renewal issued: March 9, 2017.

**Permit No. 66100301C and NPDES Permit No. PA0224839. Meshoppen Stone, Inc.**, (PO Box 127, Meshoppen, PA 18630), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Meshoppen Township, **Wyoming County** affecting 220.2 acres, receiving stream: unnamed tributary to Meshoppen Creek. Application received: August 12, 2016. Renewal issued: March 9, 2017.



**Permit No. 4874SM1C12 and NPDES Permit No. PA0119628. County Line Quarry, Inc.**, (409 Stenton Avenue, Flourtown, PA 19031), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Wrightsville Borough and Hellam Township, **York County** affecting 285.12 acres, receiving stream: Kreutz Creek. Application received: August 29, 2016. Renewal issued: March 9, 2017.

**Permit No. 38870301C16. Pennsy Supply, Inc.**, (PO Box 3331, Harrisburg, PA 17105), correction to allow a 100 foot highwall variance from 420-foot bench to 320-foot bench of an existing quarry operation in North Londonderry and South Annville Townships and Annville Borough, **Lebanon County** affecting 1,064.5 acres, receiving streams: Killinger and Quittapahilla Creeks. Application received: March 9, 2015. Correction issued: March 13, 2017.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

##### *Blasting Permits Issued*

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

**14174101. Douglas Explosives, Inc.** (2052 Philipsburg-Bigler Highway, Philipsburg, PA 16866). Blasting for residential development at The Gates Phase 3 located in Harris Township, **Centre County** with an expiration date of February 1, 2018. Permit issued: March 6, 2017.

**08174101. M & J Explosives** (P.O. Box 1248, Carlisle, PA 17013). Blasting for Ambrosius Well Pad located in Wilmot Township, **Bradford County** with an expiration date of March 1, 2018. Permit issued: March 6, 2017.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**Permit No. 22174102. M & J Explosives, LLC**, (P.O. Box 1248, Carlisle, PA 17013), construction blasting for Stray Winds 3B in Lower Paxton Township, **Dauphin County** with an expiration date of March 1, 2018. Permit issued: March 8, 2017.

**Permit No. 48174103. American Rock Mechanics, Inc.**, (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Majestic Business Center Lot 5 in the City of Bethlehem, **Northampton County** with an expiration date of March 6, 2018. Permit issued: March 8, 2017.

**Permit No. 38174104. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Roy Weaver chicken houses in West Cornwall Township, **Lebanon County** with an expiration date of December 30, 2017. Permit issued: March 9, 2017.

**Permit No. 38174105. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Bachman Run in South Annville Township, **Lebanon County** with an expiration date of February 28, 2018. Permit issued: March 9, 2017.

**Permit No. 46174102. American Rock Mechanics, Inc.**, (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Reserves at Walnut Creek in Mont-

gomery Township, **Montgomery County** with an expiration date of March 6, 2018. Permit issued: March 9, 2017.

#### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Northeast Regional Office, Waterways and Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.*

**E45-600. Saylorburg Lake Fishing Association**, 14605 Manor Road, Phoenix, MD 21131. Hamilton Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To remove approximately 400 cubic yards of accumulated sediment from a 0.2 acre area of Saylor Lake (HQ-CWF) using hydraulic dredging equipment at the

northern end of the lake adjacent to Clubhouse Road. The project is located directly south of Clubhouse Road (Saylorsburg, PA Quadrangle Latitude: 40.902597; Longitude: -75.315368). Subbasin 1E.

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E07-464: Blair County Conservation District**, 1407 Blair Street, Hollidaysburg, PA 16648, Hollidaysburg Borough, **Blair County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain an outdoor Environmental Education & Recreation Park. The Phase 1 development will include construction of walking trails, ADA parking and access, amphitheater, pavilions, stormwater and garden demonstration areas, and interpretive signage Phase 1 is located within the regulatory floodplain of the Beaverdam Branch of the Juniata River (WWF, MF). Impacts within the floodplain involve grading, installation of driveway/ADA parking spaces, trails, walkways, demonstration gardens and two picnic pavilions. The project is located south of Hollidaysburg Borough, northeast of the intersection of Bedford Street and S.R. 0036 (Hollidaysburg, PA Quadrangle, Latitude: 40°25'17", Longitude: -78°23'34.9") in Hollidaysburg Borough, Blair County.

**E21-452: Hager West Shore, LP**, Mr. Francis J. Hager Jr., 17 Kipling Drive, Moosic, PA 18507, Hampden Township, **Cumberland County**, U.S. Army Corps of Engineers, Baltimore District.

To fill and maintain 0.02 acre of Palustrine Emergent (PEM)/Palustrine Forested (PFO) wetland for the purpose of constructing an approximately 15,000 square foot retail building at 6390 Carlisle Pike (Latitude: 40°14'46", Longitude: 77°00'17") in Hampden Township, Cumberland County.

**E06-708: Pennsylvania Department of Transportation, Engineering District 5-0**, 1002 Hamilton Street, Allentown, PA 18101, Leesport Borough, **Berks County**, U.S. Army Corps of Engineers, Baltimore District.

To remove existing structure and to install and maintain a 214 linear foot × 39 foot 4.5 inch bridge over the Schuylkill River (WWF, MF) with a temporary causeway for use during construction for the purpose of improving transportation safety and roadway standards. The project will directly affect 156.6 linear feet of Stream Channel. The project is located in Leesport Borough Berks County (Latitude: 40° 26 ' 43.7"; Longitude: -75° 58' 06.6").

*Southwest Region: Waterways & Wetlands Program, 500 Waterfront Drive, Pittsburgh, PA 15222, Rita A. Coleman (412) 442-4149.*

**E30-247, Morris Township**, 1317 Browns Creek Road, Sycamore, PA 15364, Morris Township, **Greene County**, ACOE Pittsburgh District.

Has been given consent to:

1. Construct and maintain a 170 LF stream enclosure of an unnamed tributary of Enlow Fork (AKA Tributary 32758), to construct a 20 LF apron on the downstream end of the enclosure, to construct a 18 LF apron on the upstream end of the enclosure, to relocate 23 LF of the same unnamed tributary downstream from the enclosure, to relocate 68 LF of the same unnamed tributary upstream from the enclosure, grade the floodway along 102 LF of the same unnamed tributary of Enlow Fork (WWF) and to construct and maintain two outfall structures within this same length;

2. Remove an existing 112 LF stream enclosure of a second unnamed tributary of Enlow Fork (AKA Tributary 32753B) and to construct and maintain in its place a 138 LF stream enclosure, with wingwalls and a 15 LF rock apron, and to place and maintain fill in the floodway of 60 LF of this second unnamed tributary of Enlow Fork (WWF);

3. Remove an existing 88 LF stream enclosure of a third unnamed tributary of Enlow Fork (AKA Tributary 32753A) and to construct and maintain in its place a 112 LF stream enclosure, with wingwalls and a 20 LF rock apron, place and maintain fill in the floodway of 30 LF of this third unnamed tributary of Enlow Fork (WWF);

4. Construct and maintain a riprap apron within 30 LF of a fourth unnamed tributary of Enlow Fork (AKA Tributary 32758B) (WWF);

5. Place and maintain fill within 36 LF of a fifth unnamed tributary of Enlow Fork (AKA Tributary 32758C-1) (WWF);

6. To relocate 19 LF of 32758B-3 of a sixth unnamed tributary of Enlow Fork (AKA Tributary 32758B-3).

7. Place and maintain fill with a cumulative total of 0.063 acre of PEM wetland by placing and maintaining fill in 5 PEM wetland areas;

8. Have secondary impact on one wetland due to hydrologic having a cumulative impact to 0.018 acre of PEM wetland,

In order to relocate three roads (SR 4013, SR 4009, and Power School Road) to provide for Bailey Coal Refuse Disposal Areas. As mitigation, the applicant proposes to mitigate approximately 750 LF of another Unnamed Tributary of Enlow Fork (AKA Tributary 32753) (WWF), and to create and maintain a minimum of 0.081 acre of PEM wetland. The project is located at the intersection of SR 4013 and SR 4009 (Wind Ridge, PA and Rogersville, PA U.S.G.S. Topographic Quadrangles; N: 16.3 inches; W: 0.3 inches (Wind Ridge, PA); Latitude: 39° 57' 54.8"; Longitude: -80° 22' 35.2"; Sub-basin 20E), in Morris Township, Greene County.

**E32-517, Plenary Walsh Keystone Partners**, 2000 Cliff Mine Road, Park West Two, Third Floor, Pittsburgh, PA 15275, Conemaugh Township, **Indiana County**, ACOE Pittsburgh District.

Has been given consent to:

1. To remove an existing single span, concrete T-beam bridge and construct and maintain a replacement single span concrete box culvert, with a span of 24' and an under clearance of 8'-6" over Marshall Run (CWF) impacting 102 LF of the stream;

2. Place and maintain fill in a de minimus acreage of PEM wetland;

3. Construct, remove, and restore temporary construction related encroachments of 65 LF of Marshall Run (CWF) and a de minimus acreage of PEM wetland.

The project is associated with the SR 3007 improvement project, and is located approximately 0.06 mile east of Clarksburg, PA (Avonmore Quadrangle, Latitude: 40° 31' 41.4", Longitude: -79° 22' 30.9") in Conemaugh Township, Indiana County.

*Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335.*

**E25-08-001, National Fuel Gas Supply Corporation**, 1100 State Street, Erie, PA 16501. Summit Well Abandonment Project in Summit Township, **Erie**

**County**, Army Corps of Engineers Pittsburgh District (Erie South, PA Quadrangle N: 42.044722; W: -80.033411).

The applicant proposes to plug and abandon seven natural gas storage wells and their associated well lines. The project will also require creation of a permanent access road and improvement of several others.

**Project Impacts Include:**

0.78 acre of temporary impact to palustrine emergent (PEM) wetland; 0.39 acre of permanent impact to Palustrine Forested (PFO) Wetland and Palustrine Scrub Shrub (PSS) Wetland and will have 0.12 acre of temporary floodway impact to UNTs' to Walnut Creek. No permanent floodway impacts are being proposed.

National Fuel Gas is proposing to mitigate for PFO and PSS wetland impacts by enhancing 0.40 acre of wetlands with tree plantings.

**WATER QUALITY CERTIFICATIONS REQUESTS**

*Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

Certification Request initiated by **National Fuel Gas Supply Corporation**. Summit Township, **Erie County**, ACOE Pittsburgh District.

**WQC WQ25-08-001.** On April 19, 2016 the Commonwealth of Pennsylvania ("Commonwealth") Department of Environmental Protection ("DEP") received a request for Water Quality Certification under Section 401 of the Federal Clean Water Act, the Pennsylvania Dam Safety and Encroachments Act, and The Pennsylvania Clean Streams Law from National Fuel Gas Supply Corporation, 1100 State Street, Erie, PA 16501-1912 ("NFG") for the plugging and abandonment of storage wells referred to as National Fuel Gas Supply Corporation, Summit Well Abandonment Project ("Project"). The DEP File number for this request is WQ25-08-001. Pennsylvania's State Water Quality Certification is required for the US Army Corps of Engineers permit under Section 404 of the Federal Clean Water Act, and the Federal Energy Regulatory Commission ("FERC") certificate that will be filed by the applicant.

The project consists of plugging and abandonment of seven natural gas storage wells and associated well lines in Summit Township, Erie Pennsylvania (Erie South, PA Quadrangle N: 42° 2' 41"; W: -80° 2' 0.28"). The Project work will include seven project areas around Wells 1509, 1523, 1548, 1558, 1564, 1576, and 1583. The project will also require temporary workspace at the wells and cut and cap locations, the use of existing access roads and the creation of temporary and permanent access roads to access the wells.

The Department, by this notice, proposes to certify that the construction, operation, and maintenance of the Project by NFG complies with the applicable provisions of sections 301—303, 306 and 307 of the Federal Clean Water Act (33 U.S.C.A. §§ 1311—1313, 1316 and 1317). The Department further proposes to certify that the construction, operation and maintenance of the Project complies with Commonwealth water quality standards and that the construction, operation, and maintenance of the Project does not violate applicable Commonwealth water quality standards provided that the construction, operation, and maintenance of the project complies with the conditions proposed for this certification, including the criteria and conditions of any applicable permits required by the Department.

**EROSION AND SEDIMENT CONTROL**

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 W Third Street, Williamsport, PA 17701.*

ESCP 2 # ESG001117150002(1)  
Applicant Name Tennessee Gas Pipeline Company  
Contact Person Nicole K. Pedigo  
Address 1001 Louisiana Street, Suite 1000  
City, State, Zip Houston, TX 77002  
County Tioga  
Township(s) Shippen, Charleston and Tioga Townships  
Receiving Stream(s) and Classification(s) Tioga River (WWF), Hills Creek (WWF), Left Straight Run (HQ, CWF)

*Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.*

ESCGP-2 # ESX16-059-0006  
Applicant Name Rice Midstream Holdings, LLC  
Contact Person Kyle Shirey  
Address 2200 Rice Drive  
City, State, Zip Canonsburg, PA 15317  
County Greene County  
Township(s) Perry Township  
Receiving Stream(s) and Classification(s) Blacks Run (WWF), Little Shannon Run (CWF), UNT to Little Shannon Run (CWF)  
Secondary—Dunkard Creek

ESCGP-2 # ESX16-125-0027  
Applicant Name MarkWest Liberty Midstream Resources, LLC  
Contact Person Rick Lowry  
Address 4600 J. Barry Court, Suite 500  
City, State, Zip Canonsburg, PA 15317  
County Washington County  
Township(s) Blaine and Donegal Townships  
Receiving Stream(s) and Classification(s) UNTs to Buck Run (HQ-WWF)  
Secondary—Buffalo Creek



*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335.*

ESCGP-2 # ESG16-019-0022A—Shuler to Bergbigler Temporary Waterline

Applicant XTO Energy Inc.

Contact Melissa Breitenbach

Address 190 Thorn Hill Road

City Warrendale State PA Zip Code 15086

County Butler Township(s) Summit & Clearfield Townships

Receiving Stream(s) and Classification(s) UNTs to Bonnie Brook (WWF), UNTs to Little Buffalo Run (HQ-CWF)/Connoquenessing Creek, Buffalo Creek

ESCGP-2 # ESX16-005-0008—Renshaw Waterline

Applicant Snyder Brothers, Inc.

Contact Carl Rose

Address 90 Glade Drive

City Kittanning State PA Zip Code 16201

County Armstrong Township(s) South Buffalo

Receiving Stream(s) and Classification(s) Watson Run, Tributary 46151 to Allegheny River, Tributary 46165 to Allegheny River, Hill Run, Allegheny River WWF

ESCGP-2 # ESG16-125-0036—Cross Creek Twp 1 Impoundment

Applicant Range Resources Appalachia, LLC

Contact Karl Matz

Address 3000 Town Center Boulevard

City Canonsburg State PA Zip Code 15317-5839

County Washington Township(s) Cross Creek

Receiving Stream(s) and Classification(s) UNT to South Fork Cross Creek, South Fork Cross Creek HQ-WWF

ESCGP-2 # ESX13-019-0005A—Cratty Well Pad

Applicant EM Energy PA, LLC

Contact Mr. Hugh Caperton

Address 1800 Main Street Suite 220

City Canonsburg State PA Zip Code 15317

County Butler Township(s) Allegheny

Receiving Stream(s) and Classification(s) Tributary 51142 to Lowrey Run/Middle Allegheny-Tionesta

ments for the 1997 National Ambient Air Quality Standard (NAAQS) and the 2008 NAAQS for ozone.

The proposed amendments to the RACT II determination, if finally approved, will be incorporated into a revised operating permit (41-00001) for the facility. The relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded from the SIP submittal includes the provisions of the Department's presumptive Reasonably Available Control Technology (RACT II) requirements in accordance with 25 Pa. Code § 129.97, as they apply to existing sources at this facility.

The following is a summary of the proposed amendments to the RACT II determination for this operation that will be submitted to the EPA as a SIP revision:

<i>Source</i>	<i>RACT II Requirement</i>
One 12,600 hp, natural gas-fired, Solar Mars model MARS compressor turbine	For nitrogen oxides: emission limits of 79.3 pounds per hour and 95.2 tons per 12 consecutive month period; operation restricted to 2,400 hours in any 12 consecutive month period; five year source testing; appropriate recordkeeping.
One 12,600 hp, natural gas-fired, Solar Mars model MARS compressor turbine	For nitrogen oxides: emission limits of 79.3 pounds per hour and 133.2 tons per 12 consecutive month period; operation restricted to 3,360 hours in any 12 consecutive month period; five year source testing; appropriate recordkeeping.

*Public hearing.* A public hearing will be held if requested by April 18, 2017 to accept oral comments on the proposed operating permit revision and the proposed SIP revision. The hearing will be held, if requested, on April 25, 2017, at 10:00 a.m. at the DEP Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. To request a hearing, to register to speak at a hearing, or to inquire if a hearing will be held, please contact Dan Husted at 570-327-3640. The last day to pre-register to speak at a hearing, if one is held, will be April 18, 2017.

Any updates made to any aspect of the hearing, including whether or not a hearing will be held, will be posted at <http://www.dep.pa.gov/About/Regional/Northcentral-Regional-Office/Pages/default.aspx>. Contact Dan Husted at 570-327-3640 or monitor this web site to determine if a hearing will be held.

Persons wishing to present testimony at the hearing should contact Dan Husted at 570-327-3640 at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing, if it is held, may submit three copies of a written statement and exhibits within 10 days thereafter to

## SPECIAL NOTICES

### **Air Quality; Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen, Volatile Organic Compounds, Requests for Public Hearing, and Notice of Intent to Issue Revised Air Quality Operating Permit 41-00001**

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.*

Approval of a Reasonably Available Control Technology (RACT II) plan for Transcontinental Gas Pipeline, LLC located in Mifflin Township, Lycoming County.

In accordance with 25 Pa. Code §§ 129.96—129.100, the Department of Environmental Protection has made a preliminary determination to approve a RACT II plan and an amendment to the State Implementation Plan (SIP) for Salladasburg Station 520 owned and operated by Transcontinental Gas Pipeline, LLC in Mifflin Township, Lycoming County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT II approval for the facility, which are intended to satisfy the require-

Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

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 Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. A 30-day comment period from March 25, 2017 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 RACT II Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the proposed RACT II Plan.

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the DEP Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. Appointments for scheduling a review may be made by calling the Department at 570-327-0550.

**Plan Revision Approval under the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101**

*Southwest Region: Waste Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.*

The Department of Environmental Protection (Department) approved the 2016 Armstrong County Municipal Waste Management Plan Revision on March 7, 2017.

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 may 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 to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

The plan revision is a public document and may be viewed at the Department Regional Office previously noted.

Questions concerning this approval should be directed to Lawrence Holley, Environmental Program Manager,

Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, P.O. Box 8472, Harrisburg, PA 17105-8472 or to Sharon Svitek, Regional Recycling and Planning Supervisor, Bureau of Waste Management at the previous Regional Office.

**Final State Water Quality Certification Required by Section 401 of the Clean Water Act for the Equitrans, L.P. TP-371 Pipeline Replacement Project**

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Rita A. Coleman, 412-442-4000.*

**EA03-005-A2, Equitrans, L.P.** (Applicant), 625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222-3114. TP-371 PL Replacement Project (Project), in Conemaugh and Young Townships and Borough of Blairsville, **Indiana County** and Burrell, Cowanshannock, Kittanning, Kiskiminetas, Plumcreek, and South Bend Townships **Armstrong County**, in ACOE Pittsburgh District. The proposed project starts approximately 0.8 mile south of the intersection of State Route 85 and Margaret Road in Cowanshannock Township, Armstrong County (Rural Valley, PA Quadrangle Latitude: 40°, 47', 31"; Longitude: -79°, 21', 52") and ends approximately 0.35 mile northeast of the intersection of Saltsburg Road and Clarksburg Road in Conemaugh Township, Indiana County (McIntire, PA Quadrangle Latitude: 40°, 30', 52"; Longitude: -79°, 20', 57").

On July 10, 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. CP15-528). The FERC Environmental Assessment for the Project, which was issued on March 1, 2016 may be viewed on FERC's website at [www.ferc.gov](http://www.ferc.gov) (search eLibrary; Docket Search; CP15-528). The Partial Notice to Proceed with Construction Activities was issued on May 6, 2016.

On October 26, 2015, Applicant requested a State water quality certification from the 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. State water quality certification was granted on March 17, 2016.

The previously approved project (DEP File # EA03-005) allowed approximately 331 acres of earth disturbance, and impacts to approximately 6,987 linear feet of Huskins Run (WWF), Cherry Run (CWF), Long Run (WWF), Fagley Run (WWF), Crooked Creek (WWF), Whiskey Run (CWF), Nesbit Run (CWF), Blacklegs Creek (CWF), Marshall Run (CWF), and Unnamed Tributaries of Huskins Run (WWF), Cherry Run (CWF), Fagley Run (WWF), Crooked Creek (WWF), Whiskey Run (CWF), Nesbit Run (CWF), and Marshall Run (CWF), 3.44 acres of temporary Palustrine Emergent and Palustrine Scrub Shrub wetland impacts, and 0.83 acre of Palustrine Emergent and Palustrine Scrub Shrub permanent impacts.

Most recently, on September 20, 2016, Applicant requested a State water quality certification from the Department of Environmental Protection (Department), as required by Section 401 of the Clean Water Act (33

U.S.C.A. § 1341) for proposed revisions to the previously approved line route, 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.

In order to amend the Project as approved by FERC, the applicant anticipates submitting a variance request under the same docket number. Once submitted, the request may be viewed on FERC's website at [www.ferc.gov](http://www.ferc.gov) (search eLibrary; Docket Search; CP15-528).

The Project includes the replacement of approximately 21 miles of 12-inch diameter pipeline with 20-inch diameter pipeline, for the purpose of allowing for the modernization of the TP-371 pipeline for integrity assessment through the use of in-line inspection. The replacement pipeline will be offset 10 to 15 feet from the existing pipeline. The existing 12-inch pipeline will be abandoned in place. The new pipeline will utilize portions of the existing right-of-way during construction. Approximately 19.2 miles, or 91.4 percent of the proposed Project will be collocated with existing ROW. Ancillary facilities proposed as part of the Project include a pig launcher receiver, cathodic protection ground beds and mainline valves that will be installed along the proposed pipeline. In addition, tie-ins will be transferred over to the new pipeline via pipeline taps to maintain service to customers. The Project will also include the abandonment and/or replacement of pigging facilities as well as existing ancillary facilities such as taps and valves. The project will also utilize horizontal directional drilling techniques for 2 locations.

One new permanent and thirteen new temporary access roads are planned for the Project. Two permanent and twenty-six access roads will utilize existing access or paved driveways. The pipeline shall be installed using a typical 100-foot wide limit of disturbance (LOD) for pipeline construction with areas of temporary work space adjacent to the LOD, and a typical 25-foot LOD for the access roads to allow access to the pipeline. The construction ROW will be reduced to a 75-foot-width at streams and wetlands. The permanent ROW width will be 50 feet centered on the pipeline. There is no anticipated permanent increase in impervious area or in stormwater runoff due to the construction of the pipeline.

The proposed revisions will involve a re-routing of three discontinuous sections of the previously approved pipeline route within the Cherry Run Watershed (approximately 1,750 LF of 20" diameter pipeline, 6,545 LF of 20" diameter pipeline, and 1,647 LF of 20" diameter pipeline), and will involve approximately 11.7 acres of new earth disturbance, and impacts to approximately 271.5 linear feet of Unnamed Tributaries of Cherry Run (CWF). These modifications reduce overall stream impacts associated with the project by 1,321.1 linear feet of unnamed tributaries of Cherry Run (CWF). The net impact is -1,049.6 linear feet to unnamed tributaries of Cherry Run. Additionally, these proposed modifications result in fewer impacts to wetlands. The proposed modification will result in 4 fewer Palustrine Emergent wetland crossings, reducing wetland impacts associated with the project by 4,699.7 square feet. No new wetland crossings are anticipated.

The Department published notice of its proposed State water quality certification in the *Pennsylvania Bulletin* on November 26, 2016 (46 Pa.B. 7451) and received 1

comments from the public. The Department has reviewed the comments received and no changes were made to the final certification.

The Department certifies to Applicant that the construction, operation and maintenance of the Project will not violate applicable State water quality standards set forth in 25 Pa. Code Chapter 93, provided Applicant complies with the permitting programs, criteria and conditions established pursuant to State law:

1. *Discharge Permit*—Applicant shall obtain and comply with a Department National Pollutant Discharge Elimination System (NPDES) permit for the discharge of water from the hydrostatic testing of the pipeline pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001), and all applicable implementing regulations (25 Pa. Code Chapter 92a).

2. *Erosion and Sediment Control Permit*—Applicant shall obtain and comply with the Department's Chapter 102 Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment issued pursuant to Pennsylvania's Clean Streams Law and Storm Water Management Act (32 P.S. §§ 680.1—680.17), and all applicable implementing regulations (25 Pa. Code Chapter 102).

3. *Water Obstruction and Encroachment Permits*—Applicant shall obtain and comply with a Department Chapter 105 Water Obstruction and Encroachment Permits for the construction, operation and maintenance of all water obstructions and encroachments associated with the project pursuant to Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 673.1—693.27), and Flood Plain Management Act (32 P.S. §§ 679.101—679.601.), and all applicable implementing regulations (25 Pa. Code Chapter 105).

4. *Water Quality Monitoring*—The Department retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by any operational and construction process that may be employed by Applicant.

5. *Operation*—Applicant shall at all times properly operate and maintain all Project facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this State Water Quality Certification and all required permits, authorizations and approvals. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by Applicant.

6. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of the Department to determine compliance with this State Water Quality Certification, including all required State water quality permits and State water quality standards. A copy of this certification shall be available for inspection by the Department during such inspections of the Project.

7. *Transfer of Projects*—If Applicant intends to transfer any legal or equitable interest in the Project which is affected by this State Water Quality Certification, Applicant shall serve a copy of this certification upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the Department Regional Office of such intent. Notice to the Department shall include a transfer agreement signed by the existing



and new owner containing a specific date for transfer of certification responsibility, coverage, and liability between them.

8. *Correspondence*—All correspondence with and submittals to the Department concerning this State Water Quality Certification shall be addressed to the Department of Environmental Protection, Southwest Regional Office, Rita A. Coleman, Program Manager, Waterways and Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222.

9. *Reservation of Rights*—The Department may suspend or revoke this State Water Quality Certification if it determines that Applicant has not complied with the terms and conditions of this certification. The Department may require additional measures to achieve compliance with applicable law, subject to Applicant's applicable procedural and substantive rights.

10. *Other Laws*—Nothing in this State Water Quality Certification shall be construed to preclude the institution of any legal action or relieve Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal or State law or regulation.

11. *Severability*—The provisions of this State Water Quality Certification are severable and should any provision of this certification be declared invalid or unenforceable, the remainder of the certification shall not be affected thereby.

Any person aggrieved by this action may file a petition for review pursuant to Section 19(d) of the Federal Natural Gas Act, 15 U.S.C.A. § 717r(d), with the Office of the Clerk, United States Court of Appeals for the Third Circuit, 21400 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790 within 30 days of publication of this notice, or within 30 days of receipt of written notice of this action, whichever occurs first. Important legal rights are at stake, so you should show this document to a lawyer at once.

**Final State Water Quality Certification Required by Section 401 of the Clean Water Act for the Tri-County Bare Steel Pipeline Replacement Project, as Amended**

**DEP File No. EA30-004-A1, Columbia Gas Transmission, LLC** (Applicant), 1700 S MacCorkle Avenue, SE, Charleston, WV 25314. Tri-County Bare Steel Pipeline Replacement Project (Project), in Greene, **Washington** and **Allegheny** Counties, in ACOE Pittsburgh District.

Within Greene County, this project begins approximately 0.25 mile south of the intersection between Hagan Creek Road and Hero Road (Wadestown, W.VA-PA USGS topographic quadrangle; Latitude: 39° 43' 17.45"; Longitude: -80° 21' 0.48"), in Gilmore Township, Greene County, through Center and Wayne Townships (Holbrook, PA and Oak Forest, PA USGS topographic quadrangles), and ends approximately 0.32 mile East of where S.R. 18 crosses over South Fork Tenmile Creek (Waynesburg, PA USGS topographic quadrangle; Latitude: 39° 53' 45.27"; Longitude: -80° 13' 2.09"), in Franklin Township, Greene County.

Within Washington County, this project begins near the interchange between S.R. 40 and I-79 (Washington East, PA USGS topographic quadrangle; Latitude: 40° 8' 53.01"; Longitude: -80° 12' 11.92"), in Amwell Township, Washington County, and continues, in discontinuous segments, through Canonsburg and Houston Boroughs, and Chartiers, North Strabane and South Strabane Town-

ships, until a point that is approximately 0.5 mile NW of the intersection between Reissing Road and Cecil Reissing Road (Canonsburg, PA USGS topographic quadrangle; Latitude: 40° 20' 59.51"; Longitude: -80° 12' 14.91"), in Cecil Township, Washington County.

Within Allegheny County, this project begins approximately 1,360' west of the intersection between Reissing Road and Cecil Reissing Road (Canonsburg, PA USGS topographic quadrangle; Latitude: 40° 21' 9.72"; Longitude: -80° 12' 14.42"), in South Fayette Township, Allegheny County, and ends near the intersection of North Branch Road and Third Ave (Oakdale, PA USGS topographic quadrangle; Latitude: 40° 24' 45.58"; Longitude: -80° 12' 33.42"), in North Fayette Township, Allegheny County.

On February 20, 2015, applicant filed an application with the Federal Energy Regulatory Commission (FERC) under Section 7 of the Natural Gas Act (15 U.S.C.A. § 717f) seeking a certificate of public convenience and necessity to construct and operate its Project (FERC Docket No. CP15-95-000). The FERC Environmental Assessment for the Project, which was issued on September 14, 2015, may be viewed on FERC's website at [www.ferc.gov](http://www.ferc.gov) (search eLibrary; Docket Search; CP15-95-000).

On July 28, 2015, Applicant requested a State water quality certification from the 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. State water quality certification was granted on March 23, 2016 (DEP File No. EA30-004).

The previously authorized Project included replacing 34 miles of 20-inch-diameter bare steel piping with coated steel pipeline at the following locations:

- Segment 1: replace approximately 14 miles with 14.9 miles from the Hero Valve to Waynesburg Compressor Station in Greene County.
- Segment 2: replace approximately 8 miles with 10.7 miles from the Redd Farm Station to Sharp Farm Station in Washington County.
- Segment 3: replace approximately 12 miles with 11.9 miles from the Sharp Farm Station in Washington County to the Walker Farm Station in Washington and Allegheny Counties.

The pipeline also included associated appurtenant facilities including bi-directional pig launcher/receivers, cathodic protection, main line valves, and taps. Construction activities were located within a 75'—100' right-of-way (ROW); however, a 50' permanent ROW will be maintained, post construction. Some segments of the existing 20" diameter bare steel pipe of the Line 1570 gas pipeline, will remain and be maintained within the existing right-of-way, where service will be abandoned.

- In Greene County the Project included approximately 484 acres of earth disturbance and the project cumulatively impacted approximately 4,643.79 linear feet (lf) of watercourse and 2.11 acres of wetland. Original grades were restored in these watercourses and the 2.11 acres of wetland, after the utility line crossings were constructed. In addition, another 0.09 acre of PEM wetlands were permanently filled, and were mitigated by a portion of the

0.71 acre of mitigation credits that were purchased from the Robinson Fork Mitigation Bank (DEP File No MB990563-0003).

- In Washington County, the project cumulatively impacted approximately 3,876.71 linear feet (lf) of watercourse and 4.92 acres of wetland. Original grades were restored in these watercourses and the 4.92 acres of wetland, after the utility line crossings were constructed. In addition, another 0.49 acre of PSS wetlands were permanently converted into PEM wetlands, were mitigated by a portion of the 0.71 acre of mitigation credits that were purchased from the Robinson Fork Mitigation Bank (DEP File No MB990563-0003).

- In Allegheny County, the project cumulatively impacted approximately 2,248.25 linear feet (lf) of watercourse and 0.48 acre of wetland. Original grades were restored in these watercourses and the 0.48 acre of wetland, after the utility line crossings were constructed.

Most recently, on July 19, 2016, Applicant requested a State water quality certification from the Department of Environmental Protection (Department), as required by Section 401 of the Clean Water Act (33 U.S.C.A. § 1341) for proposed revisions to the previously approved line route, 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.

In order to amend the Project as approved by FERC, the applicant anticipates submitting a variance request under the same docket number. Once submitted, the request may be viewed on FERC's website at [www.ferc.gov](http://www.ferc.gov) (search eLibrary; Docket Search; CP15-95-000).

The Project revisions to Segment 2 include an overall reduction in length of approximately 0.5 mile of 20-inch pipeline for the purpose of transporting natural gas from the Redd Farm Station to Sharp Farm Station in Washington County. The Project revisions to Segment 3 include an overall increase in length of 0.5 mile of 20-inch pipeline for the purpose of transporting natural gas from the Sharp Farm Station to the Walker Farm Station in Allegheny and Washington Counties. The Project, as proposed, will require:

- Segment 2: Approximately 5.9 fewer acres of earth disturbance, and additional impacts to the following; 149 linear feet of impacts to Redd Run (TSF) and UNT to Chartiers Creek (WWF), 2 acres of floodway impact, and 0.13 acre of temporary wetland impacts. There are no additional permanent wetland impacts proposed. Segment 3: approximately 0.2 fewer acres of earth disturbance, and impacts to 0.33 linear feet of a UNT to Robinson Run (WWF), and 0.3 acre of floodway. There are no additional temporary or permanent impacts to wetlands proposed.

The Department published notice of its proposed State water quality certification in the *Pennsylvania Bulletin*, on December 3, 2016 (46 Pa.B. 7543), and received zero (0) comments from the public.

The Department certifies to Applicant that the construction, operation and maintenance of the Project will not violate applicable State water quality standards set forth in 25 Pa. Code Chapter 93, provided Applicant complies with the permitting programs, criteria and conditions established pursuant to State law:

1. *Discharge Permit*—Applicant shall obtain and comply with a Department National Pollutant Discharge Elimination System (NPDES) permit for the discharge of water from the hydrostatic testing of the pipeline pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001), and all applicable implementing regulations (25 Pa. Code Chapter 92a).

2. *Erosion and Sediment Control Permit*—Applicant shall obtain and comply with the Department's Chapter 102 Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment issued pursuant to Pennsylvania's Clean Streams Law and Storm Water Management Act (32 P.S. §§ 680.1—680.17), and all applicable implementing regulations (25 Pa. Code Chapter 102).

3. *Water Obstruction and Encroachment Permits*—Applicant shall obtain and comply with a Department Chapter 105 Water Obstruction and Encroachment Permits for the construction, operation and maintenance of all water obstructions and encroachments associated with the project pursuant to Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 673.1—693.27), and Flood Plain Management Act (32 P.S. §§ 679.101—679.601.), and all applicable implementing regulations (25 Pa. Code Chapter 105).

4. *Water Quality Monitoring*—The Department retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by any operational and construction process that may be employed by Applicant.

5. *Operation*—Applicant shall at all times properly operate and maintain all Project facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this State Water Quality Certification and all required permits, authorizations and approvals. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by Applicant.

6. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of the Department to determine compliance with this State Water Quality Certification, including all required State water quality permits and State water quality standards. A copy of this certification shall be available for inspection by the Department during such inspections of the Project.

7. *Transfer of Projects*—If Applicant intends to transfer any legal or equitable interest in the Project which is affected by this State Water Quality Certification, Applicant shall serve a copy of this certification upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the Department Regional Office of such intent. Notice to the Department shall include a transfer agreement signed by the existing and new owner containing a specific date for transfer of certification responsibility, coverage, and liability between them.

8. *Correspondence*—All correspondence with and submittals to the Department concerning this State Water Quality Certification shall be addressed to the Depart-

ment of Environmental Protection, Southwest Regional Office, Rita A. Coleman, Program Manager, Waterways and Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222.

9. *Reservation of Rights*—The Department may suspend or revoke this State Water Quality Certification if it determines that Applicant has not complied with the terms and conditions of this certification. The Department may require additional measures to achieve compliance with applicable law, subject to Applicant's applicable procedural and substantive rights.

10. *Other Laws*—Nothing in this State Water Quality Certification shall be construed to preclude the institution of any legal action or relieve Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal or State law or regulation.

11. *Severability*—The provisions of this State Water Quality Certification are severable and should any provision of this certification be declared invalid or unenforceable, the remainder of the certification shall not be affected thereby.

Any person aggrieved by this action may file a petition for review pursuant to Section 19(d) of the Federal Natural Gas Act, 15 U.S.C.A. § 717r(d), with the Office of the Clerk, United States Court of Appeals for the Third Circuit, 21400 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790 within 30 days of publication of this notice, or within 30 days of receipt of written notice of this action, whichever occurs first. Important legal rights are at stake, so you should show this document to a lawyer at once.

[Pa.B. Doc. No. 17-511. Filed for public inspection March 24, 2017, 9:00 a.m.]

## Bid Opportunity

**OSM 17(1083)102.1, Abandoned Mine Reclamation Project, South Grassflat, Cooper Township, Clearfield County.** The principal items of work and approximate quantities include: clearing and grubbing; grading 265,620 cubic yards; ditch excavation 4,800 cubic yards; rolled erosion control products 2,735 square yards; rock lining 2,490 square yards; alkaline addition 7,338 tons; subsurface drain 875 linear feet; gate two each; access roadway surface material 3,125 square yards; and seeding 29.5 acres.

This bid issues on April 14, 2017, and bids will be opened on May 18, 2017, at 2 p.m. Bid documents, including drawings in PDF format and Auto-Cad Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection by going to [www.BidExpress.com](http://www.BidExpress.com). This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 for more information on this bid.

PATRICK McDONNELL,  
*Acting Secretary*

[Pa.B. Doc. No. 17-512. Filed for public inspection March 24, 2017, 9:00 a.m.]

# DEPARTMENT OF GENERAL SERVICES

## Implementation of the State Construction Notices Directory

Notice is hereby given, as required by section 501.1(c) of the Mechanics' Lien Law of 1963 (act) (49 P.S. § 1501.1(c)), that the Department of General Services has implemented the State Construction Notices Directory.

The State Construction Notices Directory serves as a standardized Statewide system for the filing of certain construction notices described in the act. For construction projects totaling \$1.5 million or more, the owner or their agent may register these projects by filing a Notice of Commencement in the State Construction Notices Directory. To protect their lien rights, contractors and subcontractors involved in these projects must also file notices for the project. If a contractor or subcontractor fails to file an appropriate notice on the State Construction Notices Directory, they may forfeit their right to file a lien. Any legal questions regarding the act should be directed to a licensed attorney.

The State Construction Notices Directory is an online tool for owners, contractors and subcontractors to access and file Construction Notices documents. The State Construction Notices Directory is available at <https://apps.pa.gov/scnd>.

### *Instructions for Using the State Construction Notices Directory*

Prior to beginning a construction project totaling \$1.5 million or more, an owner or their agent may file a Notice of Commencement in the State Construction Notices Directory. A general contractor authorized as the owner's agent may also file on the owner's or their agent's behalf. To file a Notice of Commencement, an owner or their agent is required to create a user account for the State Construction Notices Directory. After completing an account setup, the owner or their agent will receive a user ID and password to access the account.

Once logged in, an owner or agent is presented with a summary page of the owner's current projects and has the option to "File a Notice." Selecting the "File a Notice" option will present the user with an easy to use, step-by-step tool to complete a Notice of Commencement.

The Notice of Commencement is the first step in the Construction Notice process and all subsequent notices filed by contractors and subcontractors will reference the Project ID Number assigned to the Notice of Commencement. If a Notice of Commencement is filed, owners must include language in all contracts and subcontracts that failure of a contractor or subcontractor to file a Notice of Furnishing will result in the loss of lien rights.

To maintain their lien rights, contractors and subcontractors performing work or services or providing material in furtherance of a project on which a Notice of Commencement was filed are required to file a Notice of Furnishing in the State Construction Notices Directory for that project. The Notice of Furnishing indicates that contracted work, services or materials have been provided



and notifies the owner or their agent with an automated e-mail through the State Construction Notices Directory.

Once a project has been completed, the owner or their agent may then file a Notice of Completion which will be provided to all that have filed a Notice of Furnishing.

Should the need arise, contractors and subcontractors that have filed a Notice of Furnishing can indicate that payment for their work, services or materials have not been provided by filing a Notice of Nonpayment online. However, not filing this Notice of Nonpayment will not affect the right to file a lien.

Additional information about how to use the State Construction Notices Directory and file appropriate notices is available throughout the State Construction Notices Directory.

Questions concerning the State Construction Notices Directory may be directed to RA-GSPASCND@pa.gov.

CURTIS M. TOPPER,  
Secretary

[Pa.B. Doc. No. 17-513. Filed for public inspection March 24, 2017, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code 211.9(g) (relating to pharmacy services):

Berwick Retirement Village Nursing Home  
801 East 16th Street  
Berwick, PA 18603  
FAC ID # 281102

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 previously listed address.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,  
Secretary

[Pa.B. Doc. No. 17-514. Filed for public inspection March 24, 2017, 9:00 a.m.]

### Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Maximum Allowable Prices and Competitive Prices

#### Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) (relating to selection criteria for authorization and reauthorization; and terms and conditions of participation) and 7 CFR 246.12 (relating to food delivery methods), the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties.

#### Maximum Allowable Prices

Effective April 1, 2017, through June 30, 2017, the Maximum Allowable Prices the Department of Health will pay Type 1 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz. ....	\$1.25
Beans/Peas—Dry—16 oz. ....	\$2.18
Canned Fish—Pink Salmon ....	\$2.20
Canned Fish—Sardines ....	\$1.50
Canned Fish—Tuna ....	\$1.29
Cereal (per oz.) ....	\$0.33
Cheese, 16 oz. ....	\$7.31
Eggs ....	\$2.35
Infant Cereal—8 oz. ....	\$2.35
Infant Fruits, 100%—4 oz. ....	\$0.97
Infant Vegetables, 100%—4 oz. ....	\$0.97
Infant Meats, 100%—2.5 oz. ....	\$1.06
Juice—11.5/12 oz. ....	\$2.46
Juice—48 oz. ....	\$3.15
Juice—64 oz. ....	\$3.89
Kosher Cheese—16 oz. ....	\$8.40
Kosher Lowfat and 2% Milk—quart ....	\$1.69
Kosher Lowfat and 2% Milk—1/2 gallon ....	\$3.27
Kosher Whole Milk—quart ....	\$1.80
Kosher Whole Milk—1/2 gallon ....	\$3.37
Milk, Dry—9.6 oz. ....	\$4.27
Milk, Dry—25.6 oz. ....	\$9.55
Milk, Evaporated—12 oz. ....	\$1.53
Milk, Lowfat and 2%—quart ....	\$1.36
Milk, Lowfat and 2%—1/2 gallon ....	\$2.29
Milk, Lowfat and 2% Lactose Free—quart ....	\$2.32
Milk, Lowfat and 2% Lactose Free—1/2 gallon ...	\$3.89
Milk, Whole—quart ....	\$1.45
Milk, Whole—1/2 gallon ....	\$2.29
Milk, Whole Lactose Free—quart ....	\$2.47
Milk, Whole Lactose Free—1/2 gallon ....	\$3.79
Peanut Butter—16—18 oz. ....	\$3.29
Soy Beverage—Pacific Natural Foods, 32 oz. ....	\$3.29
Soy Beverage—8th Continent, 64 oz. ....	\$3.49
Tofu—16 oz. ....	\$2.57
Whole Grain—Bread, 16 oz. ....	\$3.49
Whole Grain—Bread, 24 oz. ....	\$3.95
Whole Grain—Brown Rice, 16 oz. ....	\$1.80
Whole Grain—Brown Rice, 24 oz. ....	\$3.32
Whole Grain—Oats, 16 oz. ....	\$2.44
Whole Grain—Oats, 24 oz. ....	\$5.39
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.57
Whole Wheat Pasta ....	\$1.37
Yogurt Nonfat ....	\$3.00

<i>Description</i>	<i>Maximum Allowable Price</i>
Yogurt Lowfat . . . . .	\$3.00
Yogurt Wholefat . . . . .	\$3.00
Boost RTF Formula—8 oz. . . . .	\$1.79
EnfaCare RTF Formula—32 oz. . . . .	\$7.30
EnfaCare w/Iron Powder Formula—12.8 oz. . . . .	\$17.10
Nutramigen Concentrate Formula—13 oz. . . . .	\$7.39
Nutramigen RTF Formula—32 oz. . . . .	\$9.69
Nutramigen w/Enflora Powder Formula—12.6 oz. . . . .	\$24.90
Pediasure RTF Formula—8 oz. . . . .	\$1.93
Pediasure w/Fiber RTF Formula—8 oz. . . . .	\$1.99
Pediasure Sidekicks RTF Formula—8 oz. . . . .	\$1.85
Similac Advance Concentrate Formula—Blue—13 oz. . . . .	\$5.15
Similac Advance RTF Formula—Blue—32 oz. . . . .	\$7.45
Similac Advance Powder Formula—Blue—12.4 oz. . . . .	\$15.96
Similac Expert Care Alimentum RTF Formula—32 oz. . . . .	\$10.19
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz. . . . .	\$28.39
Similac Expert Care for Diarrhea RTF Formula—32 oz. . . . .	\$7.69
Similac Expert Care NeoSure RTF Formula—32 oz. . . . .	\$8.35
Similac Expert Care NeoSure Powder Formula—13.1 oz. . . . .	\$17.49
Similac Go and Grow Powder Milk Based Formula—Blue—1.5 lbs. . . . .	\$22.49
Similac for Spit Up RTF Formula—Green—32 oz. . . . .	\$7.75
Similac for Spit Up Powder Formula—Green—12.0 oz. . . . .	\$16.39
Similac Sensitive RTF Formula—Orange—32 oz. . . . .	\$7.49
Similac Sensitive Powder Formula—Orange—12.0 oz. . . . .	\$15.99
Similac Soy Isomil Concentrate Formula—Pink—13 oz. . . . .	\$5.51
Similac Soy Isomil RTF Formula—Pink—32 oz. . . . .	\$7.69
Similac Soy Isomil Powder Formula—Pink—12.4 oz. . . . .	\$16.59
Similac Total Comfort Powder Formula—Purple—12.0 oz. . . . .	\$16.39

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustment).

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective, the Competitive Prices April 1, 2017, through June 30, 2017, for WIC Authorization for Type 1 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz. . . . .	\$1.19
Beans/Peas—Dry—16 oz. . . . .	\$1.98
Canned Fish—Pink Salmon . . . . .	\$2.19
Canned Fish—Sardines . . . . .	\$1.43

<i>Description</i>	<i>Competitive Prices</i>
Canned Fish—Tuna . . . . .	\$1.19
Cereal (per oz.) . . . . .	\$0.31
Cheese, 16 oz. . . . .	\$6.84
Eggs . . . . .	\$2.29
Infant Cereal—8 oz. . . . .	\$2.34
Infant Fruits, 100%—4 oz. . . . .	\$0.84
Infant Vegetables, 100%—4 oz. . . . .	\$0.84
Infant Meats, 100%—2.5 oz. . . . .	\$1.05
Juice—11.5/12 oz. . . . .	\$2.39
Juice—48 oz. . . . .	\$3.10
Juice—64 oz. . . . .	\$3.59
Kosher Cheese—16 oz. . . . .	\$7.79
Kosher Lowfat Milk—1/2 gallon . . . . .	\$3.15
Kosher Whole Milk—1/2 gallon . . . . .	\$3.19
Milk, Lowfat—1/2 gallon . . . . .	\$2.15
Milk, Whole—1/2 gallon . . . . .	\$2.22
Peanut Butter—16—18 oz. . . . .	\$3.20
Whole Grain—Bread, 16 oz. . . . .	\$3.35
Whole Grain—Brown Rice, 16 oz. . . . .	\$1.69
Whole Grain—Oats, 16 oz. . . . .	\$2.39
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. . . . .	\$2.43
Whole Wheat Pasta . . . . .	\$1.35
Similac Advance Concentrate Formula—Blue—13 oz. . . . .	\$5.15
Similac Advance Powder Formula—Blue—12.4 oz. . . . .	\$15.96
Similac Soy Isomil Concentrate Formula—Pink—13 oz. . . . .	\$5.51
Similac Soy Isomil Powder Formula—Pink—12.4 oz. . . . .	\$16.59

**Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties.

*Maximum Allowable Prices*

Effective April 1, 2017, through June 30, 2017, the Maximum Allowable Prices the Department of Health will pay Type 2 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz. . . . .	\$1.35
Beans/Peas—Dry—16 oz. . . . .	\$2.26
Canned Fish—Pink Salmon . . . . .	\$2.26
Canned Fish—Sardines . . . . .	\$1.59
Canned Fish—Tuna . . . . .	\$1.35
Cereal (per oz.) . . . . .	\$0.34
Cheese, 16 oz. . . . .	\$7.33
Eggs . . . . .	\$2.45
Infant Cereal—8 oz. . . . .	\$2.45
Infant Fruits, 100%—4 oz. . . . .	\$1.00
Infant Vegetables, 100%—4 oz. . . . .	\$1.00
Infant Meats, 100%—2.5 oz. . . . .	\$1.12
Juice—11.5/12 oz. . . . .	\$2.61
Juice—48 oz. . . . .	\$3.29
Juice—64 oz. . . . .	\$4.18
Kosher Cheese—16 oz. . . . .	\$8.40
Kosher Lowfat and 2% Milk—quart . . . . .	\$1.69
Kosher Lowfat and 2% Milk—1/2 gallon . . . . .	\$3.27
Kosher Whole Milk—quart . . . . .	\$1.80

<i>Description</i>	<i>Maximum Allowable Price</i>
Kosher Whole Milk—1/2 gallon	\$3.37
Milk, Dry—9.6 oz.	\$4.46
Milk, Dry—25.6 oz.	\$9.65
Milk, Evaporated—12 oz.	\$1.63
Milk, Lowfat and 2%—quart	\$1.42
Milk, Lowfat and 2%—1/2 gallon	\$2.32
Milk, Lowfat and 2% Lactose Free—quart	\$2.42
Milk, Lowfat and 2% Lactose Free—1/2 gallon	\$4.09
Milk, Whole—quart	\$1.50
Milk, Whole—1/2 gallon	\$2.49
Milk, Whole Lactose Free—quart	\$2.56
Milk, Whole Lactose Free—1/2 gallon	\$4.19
Peanut Butter—16—18 oz.	\$3.49
Soy Beverage—Pacific Natural Foods, 32 oz.	\$3.35
Soy Beverage—8th Continent, 64 oz.	\$3.59
Tofu—16 oz.	\$2.62
Whole Grain—Bread, 16 oz.	\$3.55
Whole Grain—Bread, 24 oz.	\$4.00
Whole Grain—Brown Rice, 16 oz.	\$1.95
Whole Grain—Brown Rice, 24 oz.	\$3.39
Whole Grain—Oats, 16 oz.	\$2.55
Whole Grain—Oats, 24 oz.	\$5.89
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.59
Whole Wheat Pasta	\$1.64
Yogurt Nonfat	\$3.05
Yogurt Lowfat	\$3.05
Yogurt Wholefat	\$3.05
Boost RTF Formula—8 oz.	\$1.85
EnfaCare RTF Formula—32 oz.	\$7.44
EnfaCare w/Iron Powder Formula—12.8 oz.	\$17.14
Nutramigen Concentrate Formula—13 oz.	\$7.45
Nutramigen RTF Formula—32 oz.	\$9.79
Nutramigen w/Enflora Powder Formula—12.6 oz.	\$24.95
Pediasure RTF Formula—8 oz.	\$1.99
Pediasure w/Fiber RTF Formula—8 oz.	\$2.05
Pediasure Sidekicks RTF Formula—8 oz.	\$1.94
Similac Advance Concentrate—Blue Formula—13 oz.	\$5.20
Similac Advance RTF—Blue Formula—32 oz.	\$7.55
Similac Advance Powder—Blue Formula—12.4 oz.	\$16.08
Similac Expert Care Alimentum RTF Formula—32 oz.	\$10.29
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz.	\$28.79
Similac Expert Care for Diarrhea RTF Formula—32 oz.	\$7.79
Similac Expert Care NeoSure RTF Formula—32 oz.	\$8.47
Similac Expert Care NeoSure Powder Formula—13.1 oz.	\$17.69
Similac Go and Grow Powder Milk Based Formula—Blue—1.5 lbs.	\$22.55
Similac for Spit Up RTF Formula—Green—32 oz.	\$7.85
Similac for Spit Up Powder Formula—Green—12.0 oz.	\$16.69
Similac Sensitive RTF Formula—Orange—32 oz.	\$7.70
Similac Sensitive Powder Formula—Orange—12.0 oz.	\$16.19
Similac Soy Isomil Concentrate—Pink Formula—13 oz.	\$5.69
Similac Soy Isomil RTF—Pink Formula—32 oz.	\$7.89

<i>Description</i>	<i>Maximum Allowable Price</i>
Similac Soy Isomil Powder—Pink Formula—12.4 oz.	\$16.89
Similac Total Comfort Powder Formula—Purple—12.0 oz.	\$16.49

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2017, through June 30, 2017, the Competitive Prices for WIC Authorization for Type 2 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.	\$1.20
Beans/Peas—Dry—16 oz.	\$2.10
Canned Fish—Pink Salmon	\$2.25
Canned Fish—Sardines	\$1.49
Canned Fish—Tuna	\$1.27
Cereal (per oz.)	\$0.32
Cheese, 16 oz.	\$6.86
Eggs	\$2.39
Infant Cereal—8 oz.	\$2.40
Infant Fruits, 100%—4 oz.	\$0.89
Infant Vegetables, 100%—4 oz.	\$0.89
Infant Meats, 100%—2.5 oz.	\$1.10
Juice—11.5/12 oz.	\$2.52
Juice—48 oz.	\$3.17
Juice—64 oz.	\$3.85
Kosher Cheese—16 oz.	\$7.89
Kosher Lowfat Milk—1/2 gallon	\$3.19
Kosher Whole Milk—1/2 gallon	\$3.25
Milk, Lowfat—1/2 gallon	\$2.19
Milk, Whole—1/2 gallon	\$2.25
Peanut Butter—16—18 oz.	\$3.30
Whole Grain—Bread, 16 oz.	\$3.39
Whole Grain—Brown Rice, 16 oz.	\$1.79
Whole Grain—Oats, 16 oz.	\$2.49
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.45
Whole Wheat Pasta	\$1.60
Similac Advance Concentrate Formula—Blue—13 oz.	\$5.20
Similac Advance Powder Formula—Blue—12.4 oz.	\$16.08
Similac Soy Isomil Concentrate Formula—Pink—13 oz.	\$5.69
Similac Soy Isomil Powder Formula—Pink—12.4 oz.	\$16.89

**Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties.



*Maximum Allowable Prices*

Effective April 1, 2017, through June 30, 2017, the Maximum Allowable Prices the Department of Health will pay Type 3 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz. ....	\$1.37
Beans/Peas—Dry—16 oz. ....	\$2.35
Canned Fish—Pink Salmon ....	\$2.30
Canned Fish—Sardines ....	\$1.65
Canned Fish—Tuna ....	\$1.40
Cereal (per oz.) ....	\$0.36
Cheese, 16 oz. ....	\$7.35
Eggs ....	\$3.05
Infant Cereal—8 oz. ....	\$2.50
Infant Fruits, 100%—4 oz. ....	\$1.05
Infant Vegetables, 100%—4 oz. ....	\$1.05
Infant Meats, 100%—2.5 oz. ....	\$1.17
Juice—11.5/12 oz. ....	\$2.66
Juice—48 oz. ....	\$3.40
Juice—64 oz. ....	\$4.27
Kosher Cheese—16 oz. ....	\$8.40
Kosher Lowfat and 2% Milk—quart ....	\$1.69
Kosher Lowfat and 2% Milk—1/2 gallon ....	\$3.30
Kosher Whole Milk—quart ....	\$1.80
Kosher Whole Milk—1/2 gallon ....	\$3.37
Milk, Dry—9.6 oz. ....	\$4.55
Milk, Dry—25.6 oz. ....	\$9.75
Milk, Evaporated—12 oz. ....	\$1.70
Milk, Lowfat and 2%—quart ....	\$1.47
Milk, Lowfat and 2%—1/2 gallon ....	\$2.62
Milk, Lowfat and 2% Lactose Free—quart ....	\$2.49
Milk, Lowfat and 2% Lactose Free—1/2 gallon ...	\$4.19
Milk, Whole—quart ....	\$1.57
Milk, Whole—1/2 gallon ....	\$2.69
Milk, Whole Lactose Free—quart ....	\$2.66
Milk, Whole Lactose Free—1/2 gallon ....	\$4.25
Peanut Butter—16—18 oz. ....	\$3.59
Soy Beverage—Pacific Natural Foods, 32 oz. ....	\$3.45
Soy Beverage—8th Continent, 64 oz. ....	\$3.76
Tofu—16 oz. ....	\$2.72
Whole Grain—Bread, 16 oz. ....	\$3.63
Whole Grain—Bread, 24 oz. ....	\$4.07
Whole Grain—Brown Rice, 16 oz. ....	\$2.09
Whole Grain—Brown Rice, 24 oz. ....	\$3.59
Whole Grain—Oats, 16 oz. ....	\$2.70
Whole Grain—Oats, 24 oz. ....	\$6.11
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.64
Whole Wheat Pasta ....	\$2.17
Yogurt Nonfat ....	\$3.10
Yogurt Lowfat ....	\$3.10
Yogurt Wholefat ....	\$3.10
Boost RTF Formula—8 oz. ....	\$1.89
EnfaCare RTF Formula—32 oz. ....	\$7.74
EnfaCare w/Iron Powder Formula—12.8 oz. ....	\$17.91
Nutramigen Concentrate Formula—13 oz. ....	\$7.49
Nutramigen RTF Formula—32 oz. ....	\$9.89
Nutramigen w/Enflora Powder Formula— 12.6 oz. ....	\$25.05
Pediasure RTF Formula—8 oz. ....	\$2.30
Pediasure w/Fiber RTF Formula—8 oz. ....	\$2.30
Pediasure Sidekicks RTF Formula—8 oz. ....	\$2.06
Similac Advance Concentrate Formula—Blue— 13 oz. ....	\$5.35
Similac Advance RTF Formula—Blue—32 oz. ...	\$7.65

*Maximum Allowable Price*

<i>Description</i>	<i>Maximum Allowable Price</i>
Similac Advance Powder Formula—Blue— 12.4 oz. ....	\$16.87
Similac Expert Care Alimentum RTF Formula— 32 oz. ....	\$10.49
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz. ....	\$29.19
Similac Expert Care for Diarrhea RTF Formula—32 oz. ....	\$7.99
Similac Expert Care NeoSure RTF Formula— 32 oz. ....	\$8.64
Similac Expert Care NeoSure Powder Formula— 13.1 oz. ....	\$17.89
Similac Go and Grow Powder Milk Based Formula—Blue—1.5 lbs. ....	\$23.29
Similac for Spit Up RTF Formula—Green— 32 oz. ....	\$7.99
Similac for Spit Up Powder Formula—Green— 12.0 oz. ....	\$17.09
Similac Sensitive RTF Formula—Orange— 32 oz. ....	\$8.19
Similac Sensitive Powder Formula—Orange— 12.0 oz. ....	\$16.39
Similac Soy Isomil Concentrate Formula—Pink— 13 oz. ....	\$5.79
Similac Soy Isomil RTF Formula—Pink—32 oz. .	\$8.09
Similac Soy Isomil Powder Formula—Pink— 12.4 oz. ....	\$17.09
Similac Total Comfort Powder Formula—Purple— 12.0 oz. ....	\$16.89

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2017, through June 30, 2017, the Competitive Prices for WIC authorization for Type 3 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz. ....	\$1.29
Beans/Peas—Dry—16 oz. ....	\$2.12
Canned Fish—Pink Salmon ....	\$2.29
Canned Fish—Sardines ....	\$1.54
Canned Fish—Tuna ....	\$1.30
Cereal (per oz.) ....	\$0.34
Cheese, 16 oz. ....	\$6.88
Eggs ....	\$2.99
Infant Cereal—8 oz. ....	\$2.45
Infant Fruits, 100%—4 oz. ....	\$0.92
Infant Vegetables, 100%—4 oz. ....	\$0.92
Infant Meats, 100%—2.5 oz. ....	\$1.15
Juice—11.5/12 oz. ....	\$2.57
Juice—48 oz. ....	\$3.39
Juice—64 oz. ....	\$4.00
Kosher Cheese—16 oz. ....	\$8.30
Kosher Lowfat Milk—1/2 gallon ....	\$3.29
Kosher Whole Milk—1/2 gallon ....	\$3.35
Milk, Lowfat—1/2 gallon ....	\$2.49

Description	Competitive Prices
Milk, Whole—1/2 gallon	\$2.52
Peanut Butter—16—18 oz.	\$3.40
Whole Grain—Bread, 16 oz.	\$3.45
Whole Grain—Brown Rice, 16 oz.	\$2.05
Whole Grain—Oats, 16 oz.	\$2.65
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.58
Whole Wheat Pasta	\$2.10
Similac Advance Concentrate Formula—Blue—13 oz.	\$5.35
Similac Advance Powder Formula—Blue—12.4 oz.	\$16.87
Similac Soy Isomil Concentrate Formula—Pink—13 oz.	\$5.79
Similac Soy Isomil Powder Formula—Pink—12.4 oz.	\$17.09

**Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties.

*Maximum Allowable Prices*

Effective April 1, 2017, through June 30, 2017, the Maximum Allowable Prices the Department of Health will pay Type 1 Stores in High Cost Counties for WIC allowable foods are as follows:

Description	Maximum Allowable Price
Beans, Canned—15.5/16 oz.	\$1.28
Beans/Peas—Dry—16 oz.	\$2.20
Canned Fish—Pink Salmon	\$2.27
Canned Fish—Sardines	\$1.60
Canned Fish—Tuna	\$1.35
Cereal (per oz.)	\$0.34
Cheese, 16 oz.	\$7.45
Eggs	\$2.45
Infant Cereal—8 oz.	\$2.42
Infant Fruits, 100%—4 oz.	\$0.99
Infant Vegetables, 100%—4 oz.	\$0.99
Infant Meats, 100%—2.5 oz.	\$1.10
Juice—11.5/12 oz.	\$2.55
Juice—48 oz.	\$3.24
Juice—64 oz.	\$3.95
Kosher Cheese—16 oz.	\$8.40
Kosher Lowfat and 2% Milk—quart	\$1.69
Kosher Lowfat and 2% Milk—1/2 gallon	\$3.27
Kosher Whole Milk—quart	\$1.80
Kosher Whole Milk—1/2 gallon	\$3.37
Milk, Dry—9.6 oz.	\$4.43
Milk, Dry—25.6 oz.	\$9.65
Milk, Evaporated—12 oz.	\$1.59
Milk, Lowfat and 2%—quart	\$1.40
Milk, Lowfat and 2%—1/2 gallon	\$2.32
Milk, Lowfat and 2% Lactose Free—quart	\$2.42
Milk, Lowfat and 2% Lactose Free—1/2 gallon	\$3.99
Milk, Whole—quart	\$1.52
Milk, Whole—1/2 gallon	\$2.49
Milk, Whole Lactose Free—quart	\$2.55
Milk, Whole Lactose Free—1/2 gallon	\$3.89
Peanut Butter—16—18 oz.	\$3.40
Soy Beverage—Pacific Natural Foods, 32 oz.	\$3.35
Soy Beverage—8th Continent, 64 oz.	\$3.55

Description	Maximum Allowable Price
Tofu—16 oz.	\$2.61
Whole Grain—Bread, 16 oz.	\$3.55
Whole Grain—Bread, 24 oz.	\$3.99
Whole Grain—Brown Rice, 16 oz.	\$1.95
Whole Grain—Brown Rice, 24 oz.	\$3.39
Whole Grain—Oats, 16 oz.	\$2.52
Whole Grain—Oats, 24 oz.	\$5.49
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.59
Whole Wheat Pasta	\$1.47
Yogurt Nonfat	\$3.05
Yogurt Lowfat	\$3.05
Yogurt Wholefat	\$3.05
Boost RTF Formula—8 oz.	\$1.85
EnfaCare RTF Formula—32 oz.	\$7.40
EnfaCare w/Iron Powder Formula—12.8 oz.	\$17.34
Nutramigen Concentrate Formula—13 oz.	\$7.43
Nutramigen RTF Formula—32 oz.	\$9.75
Nutramigen w/Enflora Powder Formula—12.6 oz.	\$25.20
Pediasure RTF Formula—8 oz.	\$2.04
Pediasure w/Fiber RTF Formula—8 oz.	\$2.05
Pediasure Sidekicks RTF Formula—8 oz.	\$1.89
Similac Advance Concentrate Formula—Blue—13 oz.	\$5.20
Similac Advance RTF Formula—Blue—32 oz.	\$7.49
Similac Advance Powder Formula—Blue—12.4 oz.	\$16.29
Similac Expert Care Alimentum RTF Formula—32 oz.	\$10.29
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz.	\$28.79
Similac Expert Care for Diarrhea RTF Formula—32 oz.	\$7.79
Similac Expert Care NeoSure RTF Formula—32 oz.	\$8.49
Similac Expert Care NeoSure Powder Formula—13.1 oz.	\$17.79
Similac Go and Grow Powder Milk Based Formula—Blue—1.5 lbs.	\$23.17
Similac for Spit Up RTF Formula—Green—32 oz.	\$7.79
Similac for Spit Up Powder Formula—Green—12.0 oz.	\$16.89
Similac Sensitive RTF Formula—Orange—32 oz.	\$7.79
Similac Sensitive Powder Formula—Orange—12.0 oz.	\$16.29
Similac Soy Isomil Concentrate Formula—Pink—13 oz.	\$5.61
Similac Soy Isomil RTF Formula—Pink—32 oz.	\$7.89
Similac Soy Isomil Powder Formula—Pink—12.4 oz.	\$17.05
Similac Total Comfort Powder Formula—Purple—12.0 oz.	\$16.89

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's

peer group. Effective April 1, 2017, through June 30, 2017, the Competitive Prices for WIC authorization for Type 1 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz. ....	\$1.20
Beans/Peas—Dry—16 oz. ....	\$2.10
Canned Fish—Pink Salmon ....	\$2.25
Canned Fish—Sardines ....	\$1.48
Canned Fish—Tuna ....	\$1.30
Cereal (per oz.) ....	\$0.32
Cheese, 16 oz. ....	\$6.91
Eggs ....	\$2.39
Infant Cereal—8 oz. ....	\$2.39
Infant Fruits, 100%—4 oz. ....	\$0.88
Infant Vegetables, 100%—4 oz. ....	\$0.88
Infant Meats, 100%—2.5 oz. ....	\$1.09
Juice—11.5/12 oz. ....	\$2.45
Juice—48 oz. ....	\$3.16
Juice—64 oz. ....	\$3.66
Kosher Cheese—16 oz. ....	\$7.89
Kosher Lowfat Milk—1/2 gallon ....	\$3.19
Kosher Whole Milk—1/2 gallon ....	\$3.25
Milk, Lowfat—1/2 gallon ....	\$2.29
Milk, Whole—1/2 gallon ....	\$2.35
Peanut Butter—16—18 oz. ....	\$3.29
Whole Grain—Bread, 16 oz. ....	\$3.39
Whole Grain—Brown Rice, 16 oz. ....	\$1.79
Whole Grain—Oats, 16 oz. ....	\$2.45
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.50
Whole Wheat Pasta ....	\$1.40
Similac Advance Concentrate Formula—Blue— 13 oz. ....	\$5.20
Similac Advance Powder Formula—Blue— 12.4 oz. ....	\$16.29
Similac Soy Isomil Concentrate Formula—Pink— 13 oz. ....	\$5.61
Similac Soy Isomil Powder Formula—Pink— 12.4 oz. ....	\$17.05

**Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties.

*Maximum Allowable Prices*

Effective April 1, 2017, through June 30, 2017, the Maximum Allowable Prices the Department of Health will pay Type 2 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz. ....	\$1.35
Beans/Peas—Dry—16 oz. ....	\$2.30
Canned Fish—Pink Salmon ....	\$2.30
Canned Fish—Sardines ....	\$1.72
Canned Fish—Tuna ....	\$1.40
Cereal (per oz.) ....	\$0.36
Cheese, 16 oz. ....	\$7.55
Eggs ....	\$2.65
Infant Cereal—8 oz. ....	\$2.56
Infant Fruits, 100%—4 oz. ....	\$1.01
Infant Vegetables, 100%—4 oz. ....	\$1.01
Infant Meats, 100%—2.5 oz. ....	\$1.17

<i>Description</i>	<i>Maximum Allowable Price</i>
Juice—11.5/12 oz. ....	\$2.66
Juice—48 oz. ....	\$3.43
Juice—64 oz. ....	\$4.24
Kosher Cheese—16 oz. ....	\$8.40
Kosher Lowfat and 2% Milk—quart ....	\$1.69
Kosher Lowfat and 2% Milk—1/2 gallon ....	\$3.27
Kosher Whole Milk—quart ....	\$1.80
Kosher Whole Milk—1/2 gallon ....	\$3.37
Milk, Dry—9.6 oz. ....	\$4.50
Milk, Dry—25.6 oz. ....	\$9.75
Milk, Evaporated—12 oz. ....	\$1.65
Milk, Lowfat and 2%—quart ....	\$1.44
Milk, Lowfat and 2%—1/2 gallon ....	\$2.42
Milk, Lowfat and 2% Lactose Free—quart ....	\$2.50
Milk, Lowfat and 2% Lactose Free—1/2 gallon ...	\$4.15
Milk, Whole—quart ....	\$1.57
Milk, Whole—1/2 gallon ....	\$2.59
Milk, Whole Lactose Free—quart ....	\$2.60
Milk, Whole Lactose Free—1/2 gallon ....	\$4.21
Peanut Butter—16—18 oz. ....	\$3.56
Soy Beverage—Pacific Natural Foods, 32 oz. ....	\$3.40
Soy Beverage—8th Continent, 64 oz. ....	\$3.75
Tofu—16 oz. ....	\$2.68
Whole Grain—Bread, 16 oz. ....	\$3.59
Whole Grain—Bread, 24 oz. ....	\$4.05
Whole Grain—Brown Rice, 16 oz. ....	\$1.99
Whole Grain—Brown Rice, 24 oz. ....	\$3.69
Whole Grain—Oats, 16 oz. ....	\$2.88
Whole Grain—Oats, 24 oz. ....	\$5.99
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.64
Whole Wheat Pasta ....	\$1.74
Yogurt Nonfat ....	\$3.10
Yogurt Lowfat ....	\$3.10
Yogurt Wholefat ....	\$3.10
Boost RTF Formula—8 oz. ....	\$1.91
EnfaCare RTF Formula—32 oz. ....	\$7.74
EnfaCare w/Iron Powder Formula—12.8 oz. ....	\$17.48
Nutramigen Concentrate Formula—13 oz. ....	\$7.49
Nutramigen RTF Formula—32 oz. ....	\$9.85
Nutramigen w/Enflora Powder Formula— 12.6 oz. ....	\$25.60
Pediasure RTF Formula—8 oz. ....	\$2.06
Pediasure w/Fiber RTF Formula—8 oz. ....	\$2.09
Pediasure Sidekicks RTF Formula—8 oz. ....	\$1.97
Similac Advance Concentrate Formula—Blue— 13 oz. ....	\$5.45
Similac Advance RTF Formula—Blue—32 oz. ...	\$7.59
Similac Advance Powder Formula—Blue— 12.4 oz. ....	\$16.39
Similac Expert Care Alimentum RTF Formula—32 oz. ....	\$10.39
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz. ....	\$29.29
Similac Expert Care for Diarrhea RTF Formula—32 oz. ....	\$8.19
Similac Expert Care NeoSure RTF Formula— 32 oz. ....	\$8.54
Similac Expert Care NeoSure Powder Formula— 13.1 oz. ....	\$17.89
Similac Go and Grow Powder Milk Based Formula—Blue—1.5 lbs. ....	\$23.40
Similac for Spit Up RTF Formula—Green— 32 oz. ....	\$7.89
Similac for Spit Up Powder Formula—Green— 12.0 oz. ....	\$17.09



<i>Description</i>	<i>Maximum Allowable Price</i>
Similac Sensitive RTF Formula—Orange— 32 oz. ....	\$7.89
Similac Sensitive Powder Formula—Orange— 12.0 oz. ....	\$16.39
Similac Soy Isomil Concentrate Formula—Pink— 13 oz. ....	\$5.79
Similac Soy Isomil RTF Formula—Pink—32 oz. .	\$7.99
Similac Soy Isomil Powder Formula—Pink— 12.4 oz. ....	\$17.20
Similac Total Comfort Powder Formula—Purple— 12.0 oz. ....	\$17.19

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2017, through June 30, 2017, the Competitive Prices for WIC Authorization for Type 2 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz. ....	\$1.23
Beans/Peas—Dry—16 oz. ....	\$2.13
Canned Fish—Pink Salmon ....	\$2.29
Canned Fish—Sardines ....	\$1.62
Canned Fish—Tuna ....	\$1.32
Cereal (per oz.) ....	\$0.34
Cheese, 16 oz. ....	\$7.00
Eggs ....	\$2.49
Infant Cereal—8 oz. ....	\$2.52
Infant Fruits, 100%—4 oz. ....	\$0.90
Infant Vegetables, 100%—4 oz. ....	\$0.90
Infant Meats, 100%—2.5 oz. ....	\$1.15
Juice—11.5/12 oz. ....	\$2.60
Juice—48 oz. ....	\$3.26
Juice—64 oz. ....	\$3.90
Kosher Cheese—16 oz. ....	\$8.00
Kosher Lowfat Milk—1/2 gallon ....	\$3.25
Kosher Whole Milk—1/2 gallon ....	\$3.35
Milk, Lowfat—1/2 gallon ....	\$2.35
Milk, Whole—1/2 gallon ....	\$2.39
Peanut Butter—16—18 oz. ....	\$3.39
Whole Grain—Bread, 16 oz. ....	\$3.49
Whole Grain—Brown Rice, 16 oz. ....	\$1.90
Whole Grain—Oats, 16 oz. ....	\$2.65
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.55
Whole Wheat Pasta ....	\$1.70
Similac Advance Concentrate Formula—Blue— 13 oz. ....	\$5.45
Similac Advance Powder Formula—Blue— 12.4 oz. ....	\$16.39
Similac Soy Isomil Concentrate Formula—Pink— 13 oz. ....	\$5.79
Similac Soy Isomil Powder Formula—Pink— 12.4 oz. ....	\$17.20

**Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties.

*Maximum Allowable Prices*

Effective April 1, 2017, through June 30, 2017, the Maximum Allowable Prices the Department of Health will pay Type 3 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz. ....	\$1.44
Beans/Peas—Dry—16 oz. ....	\$2.40
Canned Fish—Pink Salmon ....	\$2.49
Canned Fish—Sardines ....	\$1.75
Canned Fish—Tuna ....	\$1.50
Cereal (per oz.) ....	\$0.37
Cheese, 16 oz. ....	\$7.70
Eggs ....	\$3.15
Infant Cereal—8 oz. ....	\$2.90
Infant Fruits, 100%—4 oz. ....	\$1.18
Infant Vegetables, 100%—4 oz. ....	\$1.18
Infant Meats, 100%—2.5 oz. ....	\$1.27
Juice—11.5/12 oz. ....	\$2.73
Juice—48 oz. ....	\$3.56
Juice—64 oz. ....	\$4.33
Kosher Cheese—16 oz. ....	\$8.40
Kosher Lowfat and 2% Milk—quart ....	\$1.87
Kosher Lowfat and 2% Milk—1/2 gallon ....	\$3.37
Kosher Whole Milk—quart ....	\$1.80
Kosher Whole Milk—1/2 gallon ....	\$3.40
Milk, Dry—9.6 oz. ....	\$4.60
Milk, Dry—25.6 oz. ....	\$9.85
Milk, Evaporated—12 oz. ....	\$1.72
Milk, Lowfat and 2%—quart ....	\$1.59
Milk, Lowfat and 2%—1/2 gallon ....	\$2.72
Milk, Lowfat and 2% Lactose Free—quart ....	\$2.53
Milk, Lowfat and 2% Lactose Free—1/2 gallon ...	\$4.25
Milk, Whole—quart ....	\$1.74
Milk, Whole—1/2 gallon ....	\$2.79
Milk, Whole Lactose Free—quart ....	\$2.69
Milk, Whole Lactose Free—1/2 gallon ....	\$4.29
Peanut Butter—16—18 oz. ....	\$3.68
Soy Beverage—Pacific Natural Foods, 32 oz. ....	\$3.50
Soy Beverage—8th Continent, 64 oz. ....	\$3.90
Tofu—16 oz. ....	\$2.75
Whole Grain—Bread, 16 oz. ....	\$3.65
Whole Grain—Bread, 24 oz. ....	\$4.10
Whole Grain—Brown Rice, 16 oz. ....	\$2.45
Whole Grain—Brown Rice, 24 oz. ....	\$3.79
Whole Grain—Oats, 16 oz. ....	\$3.00
Whole Grain—Oats, 24 oz. ....	\$6.11
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.70
Whole Wheat Pasta ....	\$2.77
Yogurt Nonfat ....	\$3.15
Yogurt Lowfat ....	\$3.15
Yogurt Wholefat ....	\$3.15
Boost RTF Formula—8 oz. ....	\$2.04
EnfaCare RTF Formula—32 oz. ....	\$8.04
EnfaCare w/Iron Powder Formula—12.8 oz. ....	\$17.91
Nutramigen Concentrate Formula—13 oz. ....	\$7.99
Nutramigen RTF Formula—32 oz. ....	\$9.95
Nutramigen w/Enflora Powder Formula— 12.6 oz. ....	\$25.90

<i>Description</i>	<i>Maximum Allowable Price</i>	<i>Description</i>	<i>Competitive Prices</i>
Pediasure RTF Formula—8 oz. ....	\$2.35	Beans, Canned—15.5/16 oz. ....	\$1.40
Pediasure w/Fiber RTF Formula—8 oz. ....	\$2.35	Beans/Peas—Dry—16 oz. ....	\$2.15
Pediasure Sidekicks RTF Formula—8 oz. ....	\$2.35	Canned Fish—Pink Salmon ....	\$2.48
Similac Advance Concentrate Formula—Blue—		Canned Fish—Sardines ....	\$1.68
13 oz. ....	\$5.78	Canned Fish—Tuna ....	\$1.48
Similac Advance RTF Formula—Blue—32 oz. ....	\$7.79	Cereal (per oz.) ....	\$0.35
Similac Advance Powder Formula—Blue—		Cheese, 16 oz. ....	\$7.20
12.4 oz. ....	\$17.89	Eggs ....	\$3.09
Similac Expert Care Alimentum RTF		Infant Cereal—8 oz. ....	\$2.86
Formula—32 oz. ....	\$10.59	Infant Fruits, 100%—4 oz. ....	\$1.05
Similac Expert Care Alimentum Powder		Infant Vegetables, 100%—4 oz. ....	\$1.05
Formula—16 or 12.1 oz. ....	\$30.19	Infant Meats, 100%—2.5 oz. ....	\$1.25
Similac Expert Care for Diarrhea RTF		Juice—11.5/12 oz. ....	\$2.70
Formula—32 oz. ....	\$8.49	Juice—48 oz. ....	\$3.47
Similac Expert Care NeoSure RTF Formula—		Juice—64 oz. ....	\$4.20
32 oz. ....	\$8.74	Kosher Cheese—16 oz. ....	\$8.40
Similac Expert Care NeoSure Powder		Kosher Lowfat Milk—1/2 gallon ....	\$3.35
Formula—13.1 oz. ....	\$17.99	Kosher Whole Milk—1/2 gallon ....	\$3.39
Similac Go and Grow Powder Milk Based		Milk, Lowfat—1/2 gallon ....	\$2.58
Formula—Blue—1.5 lbs. ....	\$23.45	Milk, Whole—1/2 gallon ....	\$2.70
Similac for Spit Up RTF Formula—Green—		Peanut Butter—16—18 oz. ....	\$3.59
32 oz. ....	\$8.29	Whole Grain—Bread, 16 oz. ....	\$3.55
Similac for Spit Up Powder Formula—Green—		Whole Grain—Brown Rice, 16 oz. ....	\$2.40
12.0 oz. ....	\$18.09	Whole Grain—Oats, 16 oz. ....	\$2.99
Similac Sensitive RTF Formula—Orange—		Whole Grain—Soft Corn or Whole Wheat	
32 oz. ....	\$8.29	Tortillas, 16 oz. ....	\$2.60
Similac Sensitive Powder Formula—Orange—		Whole Wheat Pasta ....	\$2.70
12.0 oz. ....	\$17.39	Similac Advance Concentrate Formula—Blue—	
Similac Soy Isomil Concentrate Formula—Pink—		13 oz. ....	\$5.78
13 oz. ....	\$6.25	Similac Advance Powder Formula—Blue—	
Similac Soy Isomil RTF Formula—Pink—32 oz. .	\$8.14	12.4 oz. ....	\$17.89
Similac Soy Isomil Powder Formula—Pink—		Similac Soy Isomil Concentrate Formula—Pink—	
12.4 oz. ....	\$18.19	13 oz. ....	\$6.25
Similac Total Comfort Powder Formula—Purple—		Similac Soy Isomil Powder Formula—Pink—	
12.0 oz. ....	\$17.79	12.4 oz. ....	\$18.19

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2017, through June 30, 2017, the Competitive Prices for WIC Authorization for Type 3 Stores in High Cost Counties are as follows:

Persons with a disability who require an alternative format of this listing (for example, large print, audiotape, Braille) should contact Perce Morgan, Department of Health, Bureau of WIC, 625 Forster Street, 7th Floor West, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-1289, 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. 17-515. Filed for public inspection March 24, 2017, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### 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](http://www.irrc.state.pa.us).

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
6-336	State Board of Education Nonimmunized Children	3/13/17	4/20/17

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 17-516. Filed for public inspection March 24, 2017, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Mutual of Omaha Insurance Company (SERFF # MUTA-130934119); Rate Increase Filing for Several Individual LTC Forms

Mutual of Omaha Insurance Company is requesting approval to increase the premium an aggregate 22.1% on 672 policyholders with forms LT50, NH50, HCA, NHA and LTA.

Unless formal administrative action is taken prior to June 8, 2017, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 17-517. Filed for public inspection March 24, 2017, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insurer has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 1171.8) in connection with the company's termination of the insured's homeowners policy. The hearing will be held in accordance with the requirements of the act; 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to Administrative Rules of Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of State Farm Fire & Casualty Company; File No. 16-116-205354; Adam and Donna J. Williams; Doc. No. P17-03-009; May 2, 2017, 10 a.m.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Donna R. Fleischauer, Human Resources Director, at (717) 705-4194.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 17-518. Filed for public inspection March 24, 2017, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by April 10, 2017. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Application of the following for approval to begin operating as common carriers for transportation of persons as described under the application.**

**A-2017-2589096. SC&S Limo-Car Service LLC, t/a Safe Comfort & Style Transportation Service** (3836 Spring Garden Street, Apartment # 13, Philadelphia, Philadelphia County, PA 19104) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, from points in the Counties of Berks,



Bucks, Chester, Lancaster, Lehigh, Montgomery and Northampton, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**Application of the following for the approval of the right and privilege to *discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.***

**A-2017-2592584. Raymond Shirk** (310 Don Drive, New Holland, Lancaster, Lancaster County, PA 17557) discontinuance of service and cancellation of his certificate—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 17-519. Filed for public inspection March 24, 2017, 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, April 10, 2017, and must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. City 2 City Travel & Tours, Inc.; Docket No. C-2017-2592077**

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 City 2 City Travel & Tours, Inc., (respondent) is under suspension effective February 17, 2017 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 5704 Newtown Avenue, Philadelphia, PA 19120.
3. That respondent was issued a Certificate of Public Convenience by this Commission on November 14, 2014, at A-6416991.
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-6416991 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: 3/8/2017

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmpltResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

ROSEMARY CHIAVETTA,  
 Secretary

[Pa.B. Doc. No. 17-520. Filed for public inspection March 24, 2017, 9:00 a.m.]

## PHILADELPHIA PARKING AUTHORITY

### Service of Notice of Broker Application in the City of Philadelphia

The following registration application to render service as a broker in the City of Philadelphia has been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than April 10, 2017. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The application is available for inspection at the TLD with Administrative Counsel between 9 a.m. and 4 p.m., Monday through Friday (contact Christine Kirlin, Esq. at (215) 683-9653 to make an appointment) or may be inspected at the business address of the respective applicant.

**Doc. No. A-16-09-02. Christopher Etemad** (4421 Aramingo Avenue, Philadelphia, PA 19124): An application for the registration of an individual to act as a broker to prepare and file application related documents, appear at settlements and otherwise act on behalf of a party as to matters related to applications, sales and/or transfers of transferable rights. *Attorney:* Drew Salaman, Esq., Salaman/Henry, PC, 100 South Broad Street, Suite 650, Philadelphia, PA 19110.

CLARENA TOLSON,  
 Executive Director

[Pa.B. Doc. No. 17-521. Filed for public inspection March 24, 2017, 9:00 a.m.]

### Service of Notice of Motor Carrier Application in the City of Philadelphia

The following permanent authority application to render service as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than April 10, 2017. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The application is available for inspection at the TLD with Administrative Counsel between 9 a.m. and 4 p.m., Monday through Friday (contact Christine Kirlin, Esq. at (215) 683-9653 to make an appointment) or may be inspected at the business address of the respective applicants.

**Doc. No. A-17-03-01. Blaze Trans, Inc.** (227 Swedeland Road, King of Prussia, PA 19406): An application for a limousine certificate of public convenience to transport persons and their baggage in luxury limousine service on an exclusive basis, arranged for in advance, between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

CLARENA TOLSON,  
 Executive Director

[Pa.B. Doc. No. 17-522. Filed for public inspection March 24, 2017, 9:00 a.m.]

## STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v.  
Ellen M. Trobovic, RN; File No. 15-51-02293; Doc.  
No. 1810-51-15**

On November 18, 2016, Ellen M. Trobovic, RN, license No. RN318222L, last known of Wayne, Delaware County, was suspended for 6 months, the first month of which shall be actively served and the remainder stayed in favor of probation, based on pleading guilty to a crime of moral turpitude.

Individuals may obtain a copy of the adjudication by writing to Ariel E. O'Malley, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

LINDA L. KMETZ, PhD, RN,  
*Chairperson*

[Pa.B. Doc. No. 17-523. Filed for public inspection March 24, 2017, 9:00 a.m.]

## STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

**Bureau of Professional and Occupational Affairs v.  
Michael Clarence Johnston, LPC; Doc. No. 0490-  
69-16**

On December 16, 2016, Michael Clarence Johnston, LPC, Pennsylvania license No. PC005541, last known of Caldwell, NJ, was indefinitely suspended and assessed a \$3,000 civil penalty, based on findings he failed to complete 30 hours of continuing education, failed to provide documents of continuing education and submitted false or deceptive biennial renewal to the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board).

Individuals may obtain a copy of the adjudication by writing to Dana M. Wucinski, Board Counsel, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, P.O. Box 69523, Harrisburg, PA 17106-9523.

This adjudication and 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.

JAMES K. MATTA, Sr., EdD, NCC, LPC,  
*Chairperson*

[Pa.B. Doc. No. 17-524. Filed for public inspection March 24, 2017, 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>
Keith Martin—Site 2 990 Forest Hill Road Stevens, PA 17578	Lancaster County/ Clay Township	275.89	Broilers	Amended	Approved
Stonewall Pork, LLC 242 Alder Run Road Millerton, PA 16936	Tioga County/ Jackson Township	713.42	Swine	New	Approved
Amos Zook 3438B Harvest Drive Gordonville, PA 17529	Lancaster County/ Leacock Township	0	Cattle	Amended	Approved
Leonard Hoover 6188A Old Route 22 Bernville, PA 19506	Berks County/ Upper Tulpehocken Township	401.8	Broilers/ Cattle	Amended	Approved
Philip Courter 6527 Jacksonville Road Mill Hall, PA 17751	Clinton County/ Porter Township	713.42	Swine	Amended	Approved
Mervin and Wilmer Zimmerman 401 Laurel Road Millmont, PA 17845	Union County/ Hartley Township	125.85	Broilers	New	Approved
Kenneth Beers 1236 Newport Road Duncannon, PA 17020	Perry County/ Miller Township	0	Pullets	New	Approved
J. David Lapp 380 Auction Road Mill Hall, PA 17751	Clinton County/ Lamar Township	66.45	Turkey	New	Approved
Tim Wentzel— Quint T Egg Farm 3819 Powells Valley Road Halifax, PA 17032	Dauphin County/ Jefferson Township	197.69	Layers	Amended	Approved
Jonathan Z. Lapp 274 Media Road Oxford, PA 19363	Chester County/ East Nottingham Township	78.43	Pullets	New	Approved
James Hoover 1103 Greble Road Lebanon, PA 17046	Lebanon County/ Bethel Township	76.64	Broilers	Amended	Approved

PATRICK McDONNELL,  
*Acting Chairperson*

[Pa.B. Doc. No. 17-525. Filed for public inspection March 24, 2017, 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 February 1, 2017, through February 28, 2017.

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(f) (relating to standards for consumptive uses of water) for the time period previously specified:

#### *Approvals by Rule Issued Under 18 CFR 806.22(f)*

1. Chesapeake Appalachia, LLC, Pad ID: Maple Ln Farms, ABR-201202021.R1, Athens Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 6, 2017.

2. SWEPI, LP, Pad ID: My TB INV LLC 6076, ABR-201702001, Deerfield Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: February 6, 2017.

3. Range Resources—Appalachia, LLC, Pad ID: Bobst Mtn Hunting Club 30H—33H, ABR-201202017.R1, Cogan House Township, Lycoming County, PA; Consumptive Use of Up to 1.0000 mgd; Approval Date: February 8, 2017.

4. Range Resources—Appalachia, LLC, Pad ID: Bobst A Unit 25H—27H, ABR-201202018.R1, Cogan House

Township, Lycoming County, PA; Consumptive Use of Up to 1.0000 mgd; Approval Date: February 8, 2017.

5. SWN Production Company, LLC, Pad ID: HEBDA-VANDEMARK, ABR-201201025.R1, Stevens Township, Bradford County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: February 10, 2017.

6. Cabot Oil & Gas Corporation, Pad ID: Jeffers Farms P2, ABR-201702002, Harford Township, Susquehanna County, PA; Consumptive Use of Up to 4.2500 mgd; Approval Date: February 14, 2017.

7. Cabot Oil & Gas Corporation, Pad ID: FoltzJ P2, ABR-201702003, Brooklyn Township, Susquehanna County, PA; Consumptive Use of Up to 4.2500 mgd; Approval Date: February 14, 2017.

8. Carrizo (Marcellus), LLC, Pad ID: EP Bender B (CC-03) Pad (2), ABR-201201030.R1, Reade Township, Cambria County, PA; Consumptive Use of Up to 2.1000 mgd; Approval Date: February 14, 2017.

9. EXCO Resources (PA), LLC, Pad ID: Warner North Unit Pad, ABR-201202001.R1, Penn Township, Lycoming County, PA; Consumptive Use of Up to 8.0000 mgd; Approval Date: February 14, 2017.

10. Inflection Energy, (PA), LLC, Pad ID: Eichenlaub B Pad, ABR-201206013.R1, Upper Fairfield Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: February 16, 2017.

11. Chief Oil & Gas, LLC, Pad ID: Boy Scouts Drilling Pad, ABR-201207023.R1, Elkland Township, Sullivan County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: February 17, 2017.

12. Cabot Oil & Gas Corporation, Pad ID: ManzerA P1, ABR-201203013.R1, Gibson Township, Susquehanna County, PA; Consumptive Use of Up to 3.5750 mgd; Approval Date: February 20, 2017.

13. Cabot Oil & Gas Corporation, Pad ID: MackeyR P1, ABR-201203015.R1, Lathrop Township, Susquehanna County, PA; Consumptive Use of Up to 3.5750 mgd; Approval Date: February 20, 2017.

14. Cabot Oil & Gas Corporation, Pad ID: TeddickM P1, ABR-201203016.R1, Brooklyn Township, Susquehanna County, PA; Consumptive Use of Up to 3.5750 mgd; Approval Date: February 20, 2017.

15. SWN Production Company, LLC, Pad ID: Conklin South Pad, ABR-201204018.R1, New Milford Township, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: February 20, 2017.

16. EXCO Resources (PA), LLC, Pad ID: Budman Well Pad, ABR-201201015.R1, Franklin Township, Lycoming County, PA; Consumptive Use of Up to 8.0000 mgd; Approval Date: February 23, 2017.

17. Chesapeake Appalachia, LLC, Pad ID: SGL289C, ABR-201201034.R1, West Burlington Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 24, 2017.

18. Chief Oil & Gas, LLC, Pad ID: SGL 12 K UNIT PAD, ABR-201702004, Leroy Township, Bradford County, PA; Consumptive Use of Up to 2.5000 mgd; Approval Date: February 24, 2017.

19. Inflection Energy (PA), LLC, Pad ID: Nature Boy, ABR-201111035.R1, Upper Fairfield Township, Lycoming

County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: February 24, 2017.

20. SWN Production Company, LLC, Pad ID: Conigliaro Pad, ABR-201204016.R1, New Milford Township, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: February 24, 2017.

21. Chesapeake Appalachia, LLC, Pad ID: Nina, ABR-201208003.R1, Asylum Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 27, 2017.

22. Chesapeake Appalachia, LLC, Pad ID: Stethers, ABR-201208004.R1, Wyalusing Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 27, 2017.

23. Chesapeake Appalachia, LLC, Pad ID: Harlan, ABR-201208005.R1, Overton Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 27, 2017.

24. Chesapeake Appalachia, LLC, Pad ID: BKT, ABR-201208012.R1, Wilmot Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 27, 2017.

25. Chesapeake Appalachia, LLC, Pad ID: Ronmary, ABR-201208013.R1, Elkland Township, Sullivan County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 27, 2017.

26. Chesapeake Appalachia, LLC, Pad ID: Tufano, ABR-201208020.R1, Overton Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 27, 2017.

27. Repsol Oil & Gas USA, LLC, Pad ID: ALDERFER (03 109) H, ABR-201203007.R1, Columbia Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: February 27, 2017.

28. SWEPI, LP, Pad ID: Barner 709, ABR-201201013.R1, Liberty Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: February 27, 2017.

29. SWEPI, LP, Pad ID: Tolbert 263, ABR-201201022.R1, Jackson Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: February 27, 2017.

30. SWN Production Company, LLC, Pad ID: GOOD, ABR-201201027.R1, Jackson and Cogan House Townships, Lycoming County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: February 28, 2017.

31. SWN Production Company, LLC, Pad ID: McNamara Well Pad, ABR-201203011.R1, Silver Lake Township, Susquehanna County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: February 28, 2017.

32. SWEPI, LP, Pad ID: Jones 276, ABR-201201021.R1, Jackson Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: February 28, 2017.

*Authority:* Pub.L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

*Dated:* March 10, 2017

ANDREW D. DEHOFF,  
*Executive Director*

[Pa.B. Doc. No. 17-526. Filed for public inspection March 24, 2017, 9:00 a.m.]





