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See Part II Page 6287  
for the Subject Index for  
January—September 2017

## Part I

### Agencies in this issue

The Courts  
Department of Banking and Securities  
Department of Environmental Protection  
Department of Health  
Environmental Hearing Board  
Executive Board  
Insurance Department  
Patient Safety Authority  
Pennsylvania Public Utility Commission

**Detailed list of contents appears inside.**



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

**No. 515, October 2017**

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# CONTENTS

## THE COURTS

**DISCIPLINARY BOARD OF THE SUPREME COURT**  
 Notice of disbarment ..... 6204

**LOCAL COURT RULES**

**Clearfield County**  
 Civil rules of court; 2017-24-MD ..... 6175

**Dauphin County**  
 Promulgation of local rules; No. 1793 S 1989,  
 2217-0001; 1372 MD 2017 ..... 6184

**Fayette County**  
 Public access policy: case records of the trial courts;  
 F.C.R.J.A. 102; No. 2062 of 2017GD ..... 6186

**Huntingdon County**  
 Public access policy of the Huntingdon County court  
 of common pleas: case records; No. CP-31-MD-  
 198-2017; AO No. 1-2017 ..... 6187

**Potter County**  
 Local rules; No. 113 of 2017 misc. division ..... 6192

**Somerset County**  
 Consolidated rules of court; administrative order  
 No. 4 of 2017; No. 4 misc. 2017 ..... 6203

**RULES OF CRIMINAL PROCEDURE**  
 Order revising the comment to Rule 578 of the  
 Rules of Criminal Procedure; No. 494 criminal  
 procedural rules doc. .... 6173

## EXECUTIVE AND INDEPENDENT AGENCIES

**DEPARTMENT OF BANKING AND SECURITIES**

**Notices**  
 Actions on applications ..... 6214

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Notices**  
 Applications, actions and special notices ..... 6215

## DEPARTMENT OF HEALTH

**Notices**

Ambulatory surgical facilities; requests for excep-  
 tions ..... 6278

Hospitals; requests for exceptions ..... 6279

Pennsylvania Achieving Better Care by Monitoring  
 All Prescriptions Board meeting ..... 6280

Temporary waiver for a disaster impacting the  
 ability of children transferring into a school to  
 provide immunization records ..... 6280

## ENVIRONMENTAL HEARING BOARD

**Rules and Regulations**  
 Practice and procedure ..... 6205

## EXECUTIVE BOARD

**Statements of Policy**  
 Reorganization of the Department of General Ser-  
 vices ..... 6212

## INSURANCE DEPARTMENT

**Notices**

Application for renewal of designation as a certified  
 reinsurer (2 documents) ..... 6280

Arson and insurance fraud reporting; notice  
 2017-10 ..... 6281

## PATIENT SAFETY AUTHORITY

**Notices**  
 Public meeting ..... 6281

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

**Notices**

Electric generation supplier license cancellations of  
 companies with an expired financial security or  
 insufficient financial security amount ..... 6281

Service of notice of motor carrier applications ..... 6283

Transmission line project; prehearing conference .... 6283

Water service ..... 6284

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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.

### 4 Pa. Code (Administration)

#### Proposed Rules

|     |      |
|-----|------|
| 91  | 2332 |
| 95  | 2332 |
| 97  | 2332 |
| 98  | 2332 |
| 99  | 2332 |
| 103 | 2332 |
| 105 | 2332 |
| 110 | 2332 |

#### Statements of Policy

|   |   |
|---|---|
| 9 | 832, 1163, 1515, 1855, 2105, 3220, 3372, 3975, 5228, 6212 |
|---|---|

### 7 Pa. Code (Agriculture)

#### Proposed Rules

|     |      |
|-----|------|
| 28a | 5951 |
|-----|------|

#### Statements of Policy

|     |      |
|-----|------|
| 28b | 5230 |
|-----|------|

### 19 Pa. Code (Corporations and Business Associations)

#### Statements of Policy

|    |      |
|----|------|
| 71 | 1165 |
|----|------|

### 22 Pa. Code (Education)

#### Adopted Rules

|     |      |
|-----|------|
| 11  | 3091 |
| 741 | 3093 |

### 25 Pa. Code (Environmental Protection)

#### Adopted Rules

|      |      |
|------|------|
| 252  | 4085 |
| 806  | 4107 |
| 901  | 313  |
| 1021 | 6205 |

#### Proposed Rules

|     |            |
|-----|------------|
| 109 | 4986       |
| 121 | 1157, 3356 |
| 126 | 1157       |
| 129 | 3356       |
| 208 | 1636       |
| 215 | 2722       |
| 216 | 2722       |
| 217 | 2722       |
| 218 | 2722       |
| 219 | 2722       |
| 220 | 2722       |
| 221 | 2722       |
| 223 | 2722       |
| 225 | 2722       |
| 227 | 2722       |
| 228 | 2722       |
| 230 | 2722       |
| 240 | 2722       |
| 806 | 4140       |

### 28 Pa. Code (Health and Safety)

#### Adopted Rules

|      |      |
|------|------|
| 23   | 1300 |
| 1141 | 199  |
| 1151 | 199  |
| 1161 | 217  |
| 1181 | 3096 |

### 34 Pa. Code (Labor and Industry)

#### Statements of Policy

|     |     |
|-----|-----|
| 123 | 440 |
|-----|-----|

### 40 Pa. Code (Liquor)

#### Adopted Rules

|   |      |
|---|------|
| 7 | 5600 |
|---|------|

#### Proposed Rules

|    |      |
|----|------|
| 9  | 2977 |
| 11 | 2977 |

### 49 Pa. Code (Professional and Vocational Standards)

#### Adopted Rules

|     |                  |
|-----|------------------|
| 5   | 3494             |
| 11  | 5940             |
| 37  | 6048             |
| 43b | 3814, 5948, 6051 |
| 45  | 3814             |

#### Proposed Rules

|    |      |
|----|------|
| 27 | 1509 |
|----|------|

### 52 Pa. Code (Public Utilities)

#### Adopted Rules

|      |           |
|------|-----------|
| 1    | 3099      |
| 3    | 3099      |
| 23   | 3099      |
| 29   | 429, 3099 |
| 57   | 4118      |
| 1001 | 2558      |
| 1002 | 2558      |
| 1003 | 2558      |
| 1005 | 2558      |
| 1011 | 2558      |
| 1013 | 2558      |
| 1017 | 2558      |
| 1019 | 2558      |
| 1021 | 2558      |
| 1027 | 2558      |
| 1029 | 2558      |
| 1030 | 2558      |
| 1051 | 2558      |
| 1053 | 2558      |
| 1055 | 2558      |
| 1057 | 2558      |
| 1059 | 2558      |
| 1063 | 2558      |

#### Proposed Rules

|    |           |
|----|-----------|
| 56 | 965, 4135 |
| 59 | 19        |

### 55 Pa. Code (Human Services)

#### Proposed Rules

|      |      |
|------|------|
| 1153 | 4689 |
| 5200 | 4689 |

### 58 Pa. Code (Recreation)

#### Adopted Rules

|     |                        |
|-----|------------------------|
| 65  | 1465, 1466             |
| 131 | 1467, 2710             |
| 133 | 1467                   |
| 135 | 2599, 2600, 2715, 4982 |
| 137 | 2601                   |

139 ..... 2603, 2609, 2717  
 141 ..... 2610, 2710, 2718, 4983  
 143 ..... 4982  
 147 ..... 2611, 2612, 2720, 4983, 4984

**Proposed Rules**

65 ..... 1469, 5786  
 105 ..... 3974  
 131 ..... 1769  
 135 ..... 1475, 1477, 1479, 2774  
 137 ..... 1493  
 139 ..... 1480, 1486  
 141 ..... 1472, 1473, 1769, 2774, 4710, 4711  
 143 ..... 2774  
 147 ..... 1490, 1492, 2776, 2777  
 423a ..... 3827  
 429a ..... 3827  
 437a ..... 3827  
 439a ..... 3827  
 440a ..... 3827  
 461a ..... 3827  
 465a ..... 3827  
 601a ..... 3827  
 609a ..... 3827  
 617a ..... 3182  
 621a ..... 3827  
 625a ..... 3182  
 635a ..... 3827  
 637a ..... 3182  
 639a ..... 3182  
 641a ..... 3182  
 643a ..... 3182  
 647a ..... 3182  
 649a ..... 3827  
 653a ..... 3182  
 655a ..... 3182  
 657a ..... 3182  
 659a ..... 3827  
 669a ..... 3827  
 670a ..... 3827  
 674a ..... 3827  
 675a ..... 3827  
 677a ..... 3182  
 678a ..... 3827  
 679a ..... 3182  
 680a ..... 3827  
 682a ..... 1495  
 683a ..... 1495  
 684a ..... 3182

**67 Pa. Code (Transportation)**

**Proposed Rules**  
 175 ..... 1748

**Statements of Policy**

173a ..... 3116

**70 Pa. Code (Weights, Measures and Standards)**

**Proposed Rules**  
 9 ..... 5952  
 110 ..... 2974

**201 Pa. Code (Rules of Judicial Administration)**

**Adopted Rules**  
 1 ..... 937

**204 Pa. Code (Judicial System General Provisions)**

**Adopted Rules**  
 29 ..... 4830  
 81 ..... 4802  
 83 ..... 1276, 2539

87 ..... 3075, 4519  
 89 ..... 3075  
 93 ..... 2539, 3075  
 213 ..... 291  
 215 ..... 6036  
 303 ..... 5141

**Proposed Rules**

71 ..... 2423  
 81 ..... 1122, 2181, 5926, 5927  
 82 ..... 3487  
 83 ..... 3488, 3490  
 303 ..... 1999  
 305 ..... 1999

**207 Pa. Code (Judicial Conduct)**

**Adopted Rules**  
 33 ..... 2181

**210 Pa. Code (Appellate Procedure)**

**Adopted Rules**  
 25 ..... 1277  
 69 ..... 2101

**Proposed Rules**

1 ..... 7, 4622  
 5 ..... 4622, 4810  
 7 ..... 4622, 4633  
 9 ..... 4622, 4633, 4811  
 11 ..... 4622  
 13 ..... 4622  
 15 ..... 4622, 4633  
 17 ..... 4622, 4633  
 19 ..... 4622, 4633  
 21 ..... 4622, 4633  
 25 ..... 4622, 4633  
 27 ..... 4622  
 33 ..... 4633

**225 Pa. Code (Rules of Evidence)**

**Adopted Rules**  
 Article VI ..... 1623  
 Article VIII ..... 1623  
 Article IX ..... 3491

**Proposed Rules**

Article IX ..... 4658

**231 Pa. Code (Rules of Civil Procedure)**

**Adopted Rules**  
 200 ..... 178  
 400 ..... 178  
 1000 ..... 178, 937, 3805  
 1650 ..... 3805  
 1910 ..... 1123, 3744, 4813

**Proposed Rules**

200 ..... 4662  
 1000 ..... 3076  
 1900 ..... 4664  
 1910 ..... 2540, 4664, 5928  
 1915 ..... 2181, 3333, 4664  
 1920 ..... 2540, 4664  
 1930 ..... 4664  
 1950 ..... 4664  
 2000 ..... 3076  
 Part II ..... 4671, 4815, 5930

**234 Pa. Code (Rules of Criminal Procedure)**

**Adopted Rules**

2 ..... 4680  
 5 ..... 2871, 6173

**Proposed Rules**

1 ..... 179, 1731, 4520, 4674, 4633  
 2 ..... 182, 3958, 4674  
 4 ..... 1850, 3959  
 5 ..... 182, 185, 306, 1731, 4674  
 6 ..... 4520  
 8 ..... 4633  
 9 ..... 4633  
 10 ..... 186

**237 Pa. Code (Juvenile Rules)**

**Adopted Rules**

1 ..... 941, 2313  
 2 ..... 941, 2313, 3078  
 4 ..... 820  
 5 ..... 2313, 2969  
 6 ..... 2969  
 8 ..... 2313  
 11 ..... 2313  
 12 ..... 2313, 3078  
 13 ..... 2313, 3079  
 15 ..... 2313  
 16 ..... 2313  
 18 ..... 2313

**Proposed Rules**

1 ..... 938, 3336, 3342  
 4 ..... 942

5 ..... 942, 3336  
 6 ..... 942  
 11 ..... 3336, 3342, 3962  
 12 ..... 3962  
 13 ..... 3962  
 14 ..... 3342, 3962  
 15 ..... 3342, 3962  
 16 ..... 947, 3342, 3962, 3970

**246 Pa. Code (Minor Court Civil Rules)**

**Proposed Rules**

200 ..... 4682  
 300 ..... 4082  
 500 ..... 2324  
 1000 ..... 2324

**249 Pa. Code (Philadelphia Rules)**

Unclassified ..... 420, 1628, 1732, 2330, 3492, 3806, 6036

**252 Pa. Code (Allegheny Rules)**

Unclassified ..... 3809, 4685

**255 Pa. Code (Local Court Rules)**

Unclassified .. .8, 9, 12, 14, 15, 17, 18, 188, 190, 191, 192,  
 193, 194, 195, 308, 309, 310, 311, 420, 422, 423, 426, 428,  
 666, 667, 669, 825, 828, 829, 830, 949, 950, 951, 952, 958,  
 959, 963, 1278, 1279, 1628, 1630, 1736, 1738, 1741, 1742,  
 1852, 2101, 2102, 2103, 2187, 2188, 2330, 2424, 2431,  
 2544, 2874, 2880, 2973, 3081, 3086, 3087, 3088, 3180,  
 3181, 3348, 3349, 3350, 3352, 3354, 3810, 3972, 4083,  
 4522, 4523, 4524, 4830, 5227, 5778, 5779, 5780, 5781,  
 6038, 6043, 6044, 6046, 6175, 6184, 6186, 6187, 6192,  
 6203



# THE COURTS

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CH. 5 ]

**Order Revising the Comment to Rule 578 of the Rules of Criminal Procedure; No. 494 Criminal Procedural Rules Doc.**

### Order

*Per Curiam*

*And Now*, this 21st day of September, 2017, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 47 Pa.B. 306 (January 21, 2017), and a Final Report to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the revision to the Comment to Pennsylvania Rule of Criminal Procedure 578 is approved, in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective January 1, 2018.

### Annex A

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

#### PART G(1). Motion Procedures

#### Rule 578. Omnibus Pretrial Motion for Relief.

Unless otherwise required in the interests of justice, all pretrial requests for relief shall be included in one omnibus motion.

#### Comment

Types of relief appropriate for the omnibus pretrial motions include the following requests:

- (1) for continuance;
  - (2) for severance and joinder or consolidation;
  - (3) for suppression of evidence;
  - (4) for psychiatric examination;
  - (5) to quash or dismiss an information;
  - (6) for change of venue or venire;
  - (7) to disqualify a judge;
  - (8) for appointment of investigator;
  - (9) for pretrial conference;
  - (10) challenging the array of an indicting grand jury;
- [ and
- (10) ] (11) for transfer from criminal proceedings to juvenile proceedings pursuant to 42 Pa.C.S. § 6322[ . ] ;
- and

(12) proposing or opposing the admissibility of scientific or expert evidence.

The omnibus pretrial motion rule is not intended to limit other types of motions, oral or written, made pretrial or during trial, including those traditionally called motions *in limine*, which may affect the admissibility of evidence or the resolution of other matters. The earliest feasible submissions and rulings on such motions are encouraged.

**See Pa.R.E. 702 and 703 regarding the admissibility of scientific or expert testimony. Pa.R.E. 702 codifies Pennsylvania's adherence to the test to determine the admissibility of expert evidence first established in *Frye v. United States*, 293 F. 1013 (D.C. Cir. 1923) and adopted by the Pennsylvania Supreme Court in *Commonwealth v. Topa*, 369 A.2d 1277 (Pa. 1977). Given the potential complexity when the admissibility of such evidence is challenged, such challenges should be raised in advance of trial as part of the omnibus pretrial motion if possible. However, nothing in this rule precludes such challenges from being raised in a motion *in limine* when circumstances necessitate it.**

*See* Rule 556.4 for challenges to the array of an indicting grand jury and for motions to dismiss an information filed after a grand jury indicts a defendant.

**Official Note:** Formerly Rule 304, adopted June 30, 1964, effective January 1, 1965; amended and renumbered Rule 306 June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; amended October 21, 1983, effective January 1, 1984; Comment revised October 25, 1990, effective January 1, 1991; Comment revised August 12, 1993, effective September 1, 1993; renumbered Rule 578 and Comment revised March 1, 2000, effective April 1, 2001; Comment revised June 21, 2012, effective in 180 days; Comment revised July 31, 2012, effective November 1, 2012; **Comment revised September 21, 2017, effective January 1, 2018.**

*Committee Explanatory Reports:*

\* \* \* \* \*

Final Report explaining the July 31, 2012 Comment revision adding motions for transfer published with the Court's Order at 42 Pa.B. 5340 (August 18, 2012).

**Final Report explaining the September 21, 2017 Comment revision regarding pretrial challenges to the admissibility of expert evidence published with the Court's Order at 47 Pa.B. 6173 (October 7, 2017).**

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

#### Revisions to the Comment to Pa.R.Crim.P. 578

#### Pretrial Resolution of Admissibility of Expert Testimony

On September 21, 2017, effective January 1, 2018, upon the recommendation of the Criminal Procedural Rules Committee, the Court approved the revision of the Comment to Rule 578 (Omnibus Pretrial Motion for Relief) to encourage the pre-trial resolution of the admissibility of scientific or expert evidence. In particular, the revision

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

adds to the list of types of relief that may be sought in an omnibus pretrial motion proposing or opposing the admissibility of scientific or expert evidence.

The Committee recently examined the question of the pretrial determination of the admissibility of expert testimony. This was prompted by Justice Dougherty's dissenting opinion in *Commonwealth v. Safka*, 141 A.3d 1239 (Pa. 2016). At issue in *Safka* was the trial court's *sua sponte* allowance of the Commonwealth to establish the reliability of the scientific evidence after the Commonwealth had rested. In his dissent from the majority's upholding of the trial court's action, Justice Dougherty noted that this issue could have been avoided had the particular scientific evidence's reliability been challenged earlier than at trial as it had been. Acknowledging that the defense did nothing improper under the current rules, he recommended that the Committee examine rule changes that would encourage the pretrial resolution of these types of challenges.

In undertaking this examination, the Committee first reviewed the law regarding admissibility of scientific evidence and the procedural mechanisms to address the question. *Frye v. United States*, 293 F. 1013 (App. D.C. 1923) is the seminal case establishing the test for the admissibility of scientific evidence. The *Frye* test requires the proponent of scientific evidence to establish that the theory and method used by the expert witness were generally accepted within the relevant scientific community. Although modified in a number of jurisdictions by acceptance of the holding in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) and *Kumho Tire Co. v. Carmichael*, 526 U.S. 137 (1999), Pennsylvania still adheres generally to the *Frye* test and this standard is recognized in Rule of Evidence 702. Rule of Evidence 703 also enumerates the basis for expert opinion testimony.

Neither of these rules of evidence addresses procedures for raising such challenges. Pennsylvania Rule of Civil Procedure 207.1 provides specific procedures for raising challenges to scientific evidence. However, as Justice Dougherty notes in the *Safka* dissent, the civil rule does not provide for specific timing but is primarily a content rule. In fact, paragraph (b) of Pa.R.C.P. 207.1 states that a party is not required to raise the admissibility of expert testimony pre-trial unless the court so orders. There is language in the Official Note to Pa.R.C.P. 207.1 providing some guidance as to the pretrial determination of such issues:

In deciding whether to address prior to trial the admissibility of the testimony of an expert witness, the following factors are among those which the court should consider: the dispositive nature or significance of the issue to the case, the complexity of the issue involved in the testimony of the expert witness, the degree of novelty of the proposed evidence, the complexity of the case, the anticipated length of trial, the potential for delay of trial, and the feasibility of the court evaluating the expert witness' testimony when offered at trial.

However, this guidance is directed toward the judge in deciding the issue and not toward the parties regarding the time for raising such issues.

The Rules of Criminal Procedure do not provide specific procedures for raising *Frye* issues. *Frye* challenges generally are raised as motions *in limine* but the rules do not

provide for any specific timing for raising these motions. Rules 578 and 579 require an omnibus pretrial motion to be served within 30 days of arraignment and a court to determine all pretrial motions before trial. However, motions *in limine* are distinguished from the omnibus pre-trial motion (and its timing provisions) in the Rule 578 Comment.

The Committee noted that the federal system encourages the pretrial determination of challenges to expert testimony. For example, the Third Circuit has emphasized the importance of conducting *in limine* hearings under Fed. R. Evid. 104 (resolution of preliminary questions) when making reliability determinations required by Fed. R. Evid. 702 and *Daubert. Padillas v. Stork-Gamco, Inc.*, 186 F.3d 412, 417 (3d Cir. 1999). However, this is based heavily on the gatekeeping function that is placed on the trial court by *Daubert* and such motions may still be brought during trial. See, e.g., *Smoot v. Mazda Motors of America, Inc.*, 469 F.3d 675, 676 (7th Cir. 2006).

Based on a review of the foregoing, the Committee concluded that the rules should encourage the pre-trial determination of the admissibility of expert testimony. However, the Committee did not believe that it would be effective to create a specific deadline by which time the motion must be filed, given the wide variations of the types of evidence involved and the circumstances under which the evidence is discovered. The Committee decided that the question would be best addressed by adding a general provision to encourage pre-trial determination of these issues. Therefore, the Comment to Rule 578, which contains a list of suggested types of pretrial motions to be included in the omnibus pretrial motion, has been revised by adding to that list those motions that would "establish a challenge to the admissibility of scientific or expert evidence."<sup>2</sup>

One of the issues that the Committee discussed was the question of whether or not adding these types of motions to the Rule 578 Comment list of suggested motions would now tie them to the time limitations for omnibus pretrial motions. The Committee first noted that the time limitations for filing omnibus motions often are treated more flexibly by most courts, given the wide variations of issues raised. More specifically, the Committee believes that if there is a legitimate question concerning the reliability of scientific evidence, a trial judge would permit it to be raised even if it was after the Rule 578 time limit. The Committee discussed removing the Rule 578 Comment language referring to motions *in limine* but decided that there are motions *in limine* unrelated to *Frye* issues that should continue to be exempt and did not want to confuse the issue.

The Committee ultimately agreed to add language to the Comment that would state that the pre-trial determination of *Frye* issues should be encouraged but that raising these issues in a later motion *in limine* is permissible as well. Additionally, a cross-reference in the Rule 578 Comment to Rules of Evidence 702 and 703, which address more substantive aspects of the admissibility of expert testimony, has been added. Finally, the revision adds a cross-reference to *Frye* and the chief Pennsylvania cases applying it.

[Pa.B. Doc. No. 17-1661. Filed for public inspection October 6, 2017, 9:00 a.m.]

<sup>2</sup> Additionally, a typographical error in the numbering of the list would be corrected.

# Title 25—LOCAL COURT RULES

## CLEARFIELD COUNTY Civil Rules of Court; 2017-24-MD

### Order

Now This 27th day of April, 2017, upon written certification from the Local Rules Committee that the foregoing proposed rules are not inconsistent with any general rule of the Supreme Court, the rules following are hereby adopted as the Rules of Civil Procedure for the Court of Common Pleas of Clearfield County.

It is the further *Order* of this Court that pursuant to Pa.R.J.A. 103(D)(5)(II) two paper copies of these rules be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* and that a copy of said rules be distributed to the Legislative Reference Bureau on computer disc (CD-ROM).

It is the further *Order* of this Court that pursuant to Pa.R.J.A. 103(D)(5)(III) said rules shall become effective thirty (30) days after publication of the rules in the *Pennsylvania Bulletin*.

It is the further *Order* of this Court that pursuant to Pa.R.J.A. 103(D)(6) one (1) copy of the local rules be filed with the administrative office and that a copy of the rules be published on the website of the Court of Common Pleas for Clearfield County.

It is the further *Order* of this Court that these rules shall be kept continuously available for public inspection and copying in the Office of the Prothonotary for Clearfield County and on the website for the Court of Common Pleas for Clearfield County, and that the Prothonotary, upon request and payment of reasonable cost for reproduction and mailing, shall furnish to any person a written copy of these rules.

Finally, it is the *Order* of this Court that all prior Local Rules of Civil Procedure are hereby *Rescinded*.

*By the Court*

FREDRIC J. AMMERMAN,  
*President Judge*

### Rule 51. Title and Citation Rules.

These Rules shall be known as “Court of Common Pleas of Clearfield County, 46th Judicial District, Commonwealth of Pennsylvania, Rules of Civil Procedure” and may be cited as “46 J.D.R.C.P. \_\_\_\_\_”

### Rule 52. Effective Date of Rules.

Each Rule adopted by the Court of Common Pleas of Clearfield County, 46th Judicial District, Commonwealth of Pennsylvania, shall become effective upon the date specified by the Court in promulgating such Rule.

### Rule 53. Definition.

Unless the context clearly indicates otherwise, each word or phrase set forth in any Rule promulgated by the Court of Common Pleas of Clearfield County shall have the same meaning as that word or phrase is given in the Pennsylvania Rules of Civil Procedure with the exception of the following words or phrases:

(a) “Clerk” shall signify the Clerk of the Orphan’s Court Division of the Court of Common Pleas of Clearfield County, 46th Judicial District, Commonwealth of Pennsylvania.

(b) “Court” shall signify the Court of Common Pleas of Clearfield County, 46th Judicial District, Commonwealth of Pennsylvania.

(c) “Rule” shall signify any Rule promulgated by the Court of Common Pleas of Clearfield County, 46th Judicial District, Commonwealth of Pennsylvania.

(d) “Party” or “Parties” shall signify the party or parties appearing in an action or the attorney or attorneys of record for such party or parties, whichever the context requires.

(e) “Prothonotary” shall signify the Prothonotary of the Court of Common Pleas of Clearfield County, 46th Judicial District, Commonwealth of Pennsylvania.

### Rule 101. Principles of Interpretation and Construction of Rules.

When interpreting any Rule, the Principles of Interpretation, Rules of Construction, and Presumptions in Ascertaining Intent, set forth in the Pennsylvania Rules of Civil Procedure, “Pa.R.C.P.,” shall be applied.

### Rule 181. Admission to the Bar of this Court.

(a) During the month of January of each year, the Court Administrator shall certify to the Prothonotary and the Clerk a list of the active members of the Bar of the 46th Judicial District, which certified list shall be conclusive as to the seniority of the members of this Bar.

(b) Admission to the Bar of this Court shall be by petition of the applicant, presented by a member of this Bar, which petition shall show: (1) that the applicant has been admitted to the Bar of the Supreme Court of Pennsylvania; (2) that he is a person of good moral character; and (3) either that he is a bona fide resident of Clearfield County or that he maintains his principal office for the practice of law in Clearfield County.

(c) Nothing contained in this Rule shall prevent any attorney who is in good standing as a member of the Bar of the Supreme Court of Pennsylvania from practicing in this court.

(d) Fifteen (15%) percent of the fee paid each attorney who serves as a Court appointed arbitrator or who serves as a Court appointed master or auditor shall be paid over by Clearfield County to the Clearfield County Bar Association to further the general purposes of that association.

(e) No attorney shall be admitted as surety in any action pending before that Court and the Prothonotary shall not accept any such bond or surety unless by leave of Court for special cause shown.

### Rule 182. Appearances and Withdrawals.

(a) The signing of a pleading or motion by an attorney shall be deemed to constitute that attorney’s entry of appearance, whether or not the signature is made on behalf of a professional corporation, partnership, or similar entity. Appearance by attorneys or parties not signing pleadings or motions shall be made by a written praecipe filed with the Prothonotary.

(b) Any appearance or pleading filed by an attorney must state an address at which pleadings and other legal papers can be served in the manner provided in Pa.R.C.P. 440 A.1. Said endorsement shall include a telephone number and the attorney’s email address.

(c) Appearances of counsel may not be withdrawn, except by:

(i) Substitution of counsel by means of praecipe endorsed by each substituted attorney and the withdrawing attorney.

(ii) Leave of Court, in which case, a Rule to Show Cause shall be issued to the client represented by the movant and all other parties to the litigation or proceedings.

(iii) Leave of Court without a Rule to Show Cause where the Petition to Withdraw attaches thereto a consent to withdrawal signed by the client(s). The Petition shall be served upon all other parties to the litigation or proceedings and must state if any hearings or proceedings are scheduled in the case. It will be strictly up to the discretion of the Court whether to allow a withdrawal under this subsection without a hearing.

(iv) No PRAECIPE FOR SELF-REPRESENTATION—Pro Se will be accepted for filing or acknowledged as a withdrawal of appearance.

(d) All changes in counsel shall be evidenced by an appropriate praecipe filed in the office of the Prothonotary. Change of counsel will not be a basis for a continuance of any proceeding unless specifically allowed by the Court.

#### Rule 206.1. Petition Practice.

(a) As used in this chapter, “petition” means

(1) an application to strike and/or open a default judgment or a judgment of non pros, and

(2) any proper matter for which no other specific procedure is authorized or in which only a Petition is prescribed as the authorized procedure for bringing such matter before the Court for disposition.

(b) Rules to Show Cause shall be made returnable by the Court at a specified time, on a specified day, which Return Day shall not be less than twenty (20) days from the date of issuance of the Rule to Show Cause, unless the Court for good cause makes the Rule returnable at a different time.

(c) Motions and petitions shall be presented to the Court through the Court Administrator.

(d) Except for emergency matters and routine matters that are not contested, no motion or petition requesting ex parte action shall be heard by the Court unless the motion or petition contains a certification by counsel for the moving party that prior notice of its presentation has been given to the other party or parties and all counsel of record.

(e) No rule shall be entered by the Court in which a matter is stayed unless said rule contains a certification by counsel for the moving party that prior notice of the presentation of the motion or petition has been given to the other party or parties or their counsel and all counsel of record, and the party or parties are given an opportunity to be heard consistent with exigencies of the case.

(f) The party who has obtained the issuance of a Rule to Show Cause shall forthwith serve a true and correct copy of both Court Order entering the Rule and specifying a return date, and the underlying Petition or Motion, upon every other party to the proceeding in the manner prescribed by the Pennsylvania Rules of Civil Procedure (see Pa.R.C.P. 440) and upon the Court Administrator.

(g) The party who has obtained the issuance of a Rule to Show Cause shall file with the Prothonotary, within seven (7) days of the issuance of the Rule, an Affidavit of Service indicating the time, place and manner of service. Failure to comply with this provision may constitute sufficient basis for the Court to deny the prayer of the Petition or Motion.

(h) The respondent to whom the Rule to Show Cause is directed shall file and serve in the same manner as service is authorized by the Pennsylvania Rules of Civil Procedure (See Pa.R.C.P. 440) a verified Answer to the Petition or Motion at or before the time on the Return Day fixed in the Rule to Show Cause. Any objection shall be expressed in the Answer, and not by Preliminary Objections or New Matter.

(i) The Order for the issuance of a Rule to Show Cause shall be in the following form:

Now this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon consideration of the attached petition, a Rule is hereby issued upon \_\_\_\_\_ to Show Cause why the Petition should not be granted with written response to be filed within no more than twenty (20) days from the date of this Order.

1. Pre-trial conference with the Court is hereby scheduled on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at the Clearfield County Courthouse, in Judge’s Chambers.

2. Hearing shall be held on the merits of the Petition on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at the Clearfield County Courthouse, Courtroom No. \_\_\_\_ .

#### NOTICE

A PETITION OR MOTION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING \_\_\_\_\_ BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITIONER OR MOVANT. YOU MAY LOSE RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, PA 16830  
(814) 765-2641 ext. 5010

BY THE COURT,

\_\_\_\_\_  
JUDGE

Hearing on the merits shall be scheduled in the Order issuing the Rule to Show Cause, or at the discretion of the Court at time of the pre-trial conference.

(l) Upon the rule being issued, petitions and motions may be filed at any time.

*Comment:* This rule clarification is to make clear that the rule to show cause in petition/motion practice is a “notice to plead” by which time an answer to the petition or motion must be filed. A hearing date will be set contemporaneously with the issuance of the rule, unless the Court orders a pre-trial conference. The Court will resolve all factual issues relevant to the petition/motion at the hearing.

(j) All facts alleged in the Petition or Motion which has the notice set forth in Rule 206.0(i) attached and which are not sufficiently denied by an Answer shall be deemed admitted. Where a Petition or Motion contains a rule to show cause with a notice set forth in Rule 206.1(i) and the Respondent does not file an Answer to the Petition or Motion, then the Court, upon motion of any party, may make the Rule absolute.

(k) No petition or motion shall contain exhibits which are already filed of record. To the extent that exhibits may be necessary at time of hearing the Court will take judicial notice of those exhibits. If necessary to resolve any factual issues, the Court shall admit such exhibits as part of the hearing record.

### **Rule 208.3. Motions.**

(i) All Petitions and Motions, except those made in the course of trial or hearing, shall be in writing. The signing of a Petition or Motion by the attorney of record shall constitute a certification that he or she has read the Petition or Motion and that to the best of his or her knowledge, information and belief, there are good grounds to support it and that it is not interposed merely for delay.

(ii) All Petitions and Motions shall state with particularity the grounds on which they are based and, where written shall be in paragraph form, in conformity with Pa.R.C.P. 206.2. Further, all Petitions and Motions in writing shall precisely state the relief which is being sought and shall cite any statute or procedural rule authorizing the grant of such relief.

(iii) Petitions and Motions authorized by Pa.R.C.P. 1017(b) (Preliminary Objections), 1034 (Summary Judgment) and 1509 (Preliminary Objections) shall be filed with the Prothonotary. All other motions shall also be filed with the Prothonotary.

(iv) Any motion which does not require argument or hearing may in the sound discretion of the Court be signed granting the relief requested in the motion. All other motions shall proceed in the manner prescribed in Rule 206.1 et. seq.

(v) No motion shall contain exhibits which are already filed of record. To the extent that exhibits may be necessary at time of hearing the Court will take judicial notice of those exhibits. If necessary to resolve any factual issues, the Court shall admit such exhibits as part of the hearing record.

### **Rule 210. Briefs.**

(a) No brief shall be lodged or filed with the Court unless the Court expressly directs the parties to do so.

(b) All briefs shall be lodged with the Court Administrator and a copy thereof served upon every other party.

(c) Briefs shall be typewritten or printed on one side of the paper and double-spaced (except for quotations) on paper approximately 8-1/2 inches by 11 inches in size, and shall contain:

- (1) A history of the case.
- (2) A statement of the question or questions involved.
- (3) A copy of, or reference to, the pertinent parts of any relevant document, report, recommendation, or order.
- (4) An argument with citations of the authority relied upon.
- (5) A conclusion.
- (6) Opinions of Court or Agency involved.

### **Rule 212.1. Status Conference.**

In any civil action, a party shall have the right to request a status conference after sixty (60) days from the filing of the Complaint. Status conference shall be requested by filing a Praecipe for the same and providing a copy to the Court Administrator and opposing counsel (or party). Upon the conclusion of the Status Conference, the Court may enter a case management order:

(a) directing that discovery shall be completed within a certain time, after which discovery may not be sought without agreement of the parties or special leave of court;

(b) directing the parties take such other actions as the Court deems will aid in the disposition of the action;

(c) directing that a further status conference be held within ninety (90) days; or

(d) setting forth any other such direction(s) as the Court deems to be appropriate.

### **Rule 212.2. Praecipe for Trial.**

(a) Either party may file a praecipe to list the case for trial upon filing the following certificate:

(1) that no motions are outstanding and that discovery has been completed and the case is ready for trial; or

(2) that no motions are outstanding and that an order of the Court has been entered limiting the discovery to a period ending more than thirty (30) days prior to the filing of the praecipe; and

(3) whether the case is to be heard jury or non-jury; and

(4) that notice of the praecipe has been given to the attorney or attorneys representing the other parties.

(b) Any party objecting to the case being listed for trial shall file his motion to strike the case from the trial list within fifteen (15) days after receiving notice of the praecipe from the other party. Such motion shall:

(1) set forth whether the other party has complied with subsection (a) of this rule;

(2) set forth whether the action has been listed for trial previously; and

(3) set forth the reason why the case should be stricken from the trial list;

(c) In the event the Court strikes the action from the trial list for failure to comply with subsection (a)(1) or (2) of this rule, the case will not be listed unless one of the parties files a praecipe for trial, or the Court orders that the case be listed for trial.

### **Rule 212.2A. Pre-Trial Conference Upon Praecipe for Trial.**

(a) Upon a praecipe for trial, whether the trial is to be by jury or non-jury, the Court will schedule a pre-trial conference within sixty (60) days of the filing of the praecipe in order to establish a schedule for the filing of pretrial memoranda, exchange of expert reports, and to schedule trial dates and jury selection if necessary.

### **Rule 212.3. Call of the List.**

There shall be no formal Call of the Trial List. Pre-trial conferences shall be scheduled following the Court's receipt of a Praecipe for Trial pursuant to the Clearfield County Local Rule 212.4.

**Rule 212.4. Pre-Trial Conference.**

(a) For purposes of this rule, "pre-trial" shall mean a type of conference described in Pa.R.C.P. No. 212.3.

(b) Pre-Trial conferences are extended to all actions, whether jury or non-jury, not subject to arbitration under Rule 1301.

(c) Any application for continuance of the conference shall be addressed to the Court.

(d) Counsel attending the pre-trial conference must have complete authority to stipulate on all items of evidence and admissions and shall, if possible, have full settlement authority.

(e) One week before the date set for the pre-trial conference each party shall file a pre-trial statement with the Prothonotary containing the following:

(1) A narrative statement of the facts that will be offered by oral or documentary evidence at trial, and a statement of any unusual questions of evidence anticipated with respect to proof of such facts.

(2) A statement of any unusual question of law anticipated with respect to the issues in the case. All such questions shall be presented with a statement of authority supporting the position taken with respect to such unusual questions of law.

(3) A list of names and addresses of all persons who may be called as witnesses, classifying them as liability and/or damage witnesses.

(4) Medical reports of any doctor who treated, examined or was consulted in connection with the injuries complained of, and who may be called as a witness.

(5) The reports of any expert whose opinion will be offered in evidence at the time of trial. Such report shall include the findings and conclusions of the expert.

(6) A list of all items of special damages which the party intends to prove, including medical bills, property damage bills (or estimates if there are no bills) and loss of earnings. Claims for loss of earnings shall set forth the names of employers, dates of absences and rates of pay. If the party is self-employed, information which forms the basis for the loss of income attributable to the injuries shall be supplied.

(7) A list of exhibits which the party may use at trial.

(8) A copy of any photographs, plan or plot proposed to be introduced into evidence.

(9) An estimate of the length of time which will be required to try the case.

(10) A list of proposed stipulations or special arguments which would simplify the trial of the case.

(f) Once a pre-trial conference has been held, a party shall not have the right to call any witness where the witness was not listed in the pre-trial statement, to call an expert witness where the report was not appended to the pre-trial statement, or to present any exhibit, photograph, plot or plan not listed or appended in the pre-trial statement unless application is made to the Court setting forth the reasons the witness, the report, the exhibit, photograph, plot or plan was not listed or appended to the pre-trial statement and after argument, the Court, in the exercise of its discretion, permits the use of said witness, report, exhibit, photograph, plot or plan at trial. Once the trial commences, no witness, exhibit, photograph, plot or plan shall be used by either party, except as rebuttal,

unless they were listed in the pre-trial statement or their use has been authorized by special leave of court.

(g) The Court shall enter an order at the conclusion of the pre-trial conference setting forth the time of the selection of the jury, the days certain for the commencement of the trial, and any stipulations or any special agreements as to the case agreed upon by the parties.

**Rule 212.5. Settlement Conference.**

(a) In any action, the Court, on written application of any party, may list the case for a settlement conference if the following requirements are met:

(1) Praecipes for trial have been filed with the Prothonotary.

(2) All preliminary motions have been resolved.

(3) All counsel involved in the case agree to the submission of the case.

(4) All counsel agrees there is a reasonable chance of settlement.

(5) All discovery has been completed.

(b) The name of the insurance carrier must be disclosed and a representative of the insurance carrier must be present at the settlement conference with unlimited authority.

(c) The Plaintiffs and Defendants, if there is no insurance, in all cases listed must be present at the settlement conference.

(d) In order to expedite the preparation of the settlement conference list, counsel are required to submit the following information:

(1) Caption of case and number.

(2) Companion case, if any; and number.

(3) Date praecipe for trial was filed.

(4) Names of all counsel involved in case.

(5) Names of insurance carriers.

(6) Names of insurance company representatives who attend conference.

(7) Policy limits of applicable insurance, if any.

(e) Counsel shall submit a memorandum to the judge before whom the case is scheduled at least ten (10) days prior to the scheduled conference.

(f)

(1) Counsel shall be notified at least thirty (30) days in advance of settlement conference of the scheduling thereof.

(2) Settlement conference memoranda shall include, but not be limited to a statement of facts, damages, stipulations desired, witnesses, negotiations, strength and weaknesses of each side of the case and any unusual law. The parties' memoranda shall be for the eyes of the settlement conference judge only. There is to be no exchange by the parties of the memoranda.

(3) Failure to submit a memorandum in accordance with these rules and/or failure to promptly attend the settlement conference may be deemed to be contempt of Court and subject to such sanctions as the Court may impose.

(g)

(1) The settlement conference Judge may request part of the time alone with each attorney in order to discuss strengths and weaknesses of each side of the case.

(2) In the event no settlement is reached, further attempts to settle the case as the settlement conference Judge deems appropriate shall be instituted by said Judge, with the approval of the President Judge if the settlement conference Judge is a Senior Judge.

(i) Where the case has been assigned to one Judge for trial, the other Judge or a Judge specifically assigned shall be assigned as the settlement conference Judge.

**Rule 216. Jury Selection and Continuances.**

(a) *Jury Selection*: Jury selection shall be held three times each year at such dates as determined by the President Judge.

(b) *Continuances*:

(1) A case that has been properly certified as ready for jury selection and is in all other respects ready for trial may, nevertheless, be continued one time by agreement of counsel without Court approval, unless a jury has been selected.

(2) No continuance by agreement of counsel will be permitted after a jury has been selected without the written consent of the attorneys and approval of the Court.

(3) A continuance may be granted by the Court in the exercise of its discretion due to the death, illness, or incapacity of a party or witness only after argument and the presentation of evidence of such death, illness or incapacity.

**Rule 221. Examination of Jurors.**

(a) After the jury panel for a particular case is drawn, a list of the persons on such panel shall be handed to each attorney involved in the case, and the Court shall inform the jurors of the names and residences of each of the parties, the nature of the suit, and the names of the attorneys and their associates.

(b) Initial voir dire examination shall be conducted by the Court. The Court shall permit counsel to supplement the Court's voir dire examination by such further inquiry as it deems proper.

**Rule 225. Openings and Closings.**

(a) The opening addresses and closing arguments of counsel engaged in trial shall be in accordance with the following principles:

(1) Unless the trial Judge shall otherwise permit, only one (1) attorney may present an opening address or a closing argument for any party.

(2) Opening remarks shall consist only of a succinct statement, without argument, of the positions and contentions of the party represented by the speaker and a brief recital of the evidence intended to be introduced in support of same.

(3) Counsel for the party having the burden of proof of the issue on the pleadings shall open the case and shall be followed by opposing counsel and by third parties in the order in which they appear in the caption of the action, unless otherwise agreed.

(4) Counsel for defendant or any third party defendant may elect to make the opening address prior to the taking of any testimony or immediately prior to the presentation

of evidence by the defense, unless the trial Judge in a particular case requires such opening address by the defense counsel to be made at a particular time.

(5) At the conclusion of the evidence, closing argument shall be presented by counsel in the reverse order in which counsel was entitled to open, so that counsel for the party having the burden of proof shall close last.

**Rule 226. Points for Charge.**

Points for charge shall be provided to the Court prior to closing arguments of counsel. For each requested point for charge, Counsel shall cite legal authority in support of the requested point for charge. At request of counsel, conferences may be held prior to closing arguments on points for charge and specific judicial rulings on the points submitted may be requested.

**Rule 227.1. Post-Trial Conferences.**

In every case in which a Motion for Post-Trial Relief has been filed, the Court may schedule a post-trial conference to be held as soon as the business of the Court permits. The purpose of such conference shall be to determine the precise issue or issues that have been raised in said post trial motion and the extent of the trial record which will need to be transcribed. Additional reasons in support of the motion for post trial relief shall be filed within ten (10) days of the receipt of the trial transcript but only if leave is requested at the time of the filing of the motion for post trial relief and leave is granted by the Court at the post trial conference.

**Rule 227.2. Motions: Post-Trial and Post-Hearing.**

The moving party in all post-trial motions and post-hearing motions or petitions shall, if argument thereon is to be with reference to the testimony, include a request for a transcript of the testimony, or such part thereof as the moving party desires to have transcribed for the purposes of such motion.

**Rule 223. Service of Petitions, Rules, Complaints, Orders and Notices.**

Whenever service by publication is authorized by law or rule of Court and the manner of publication is not otherwise specified, such service shall be made by publishing the required notice one time in a newspaper of general circulation in Clearfield County and in the *Clearfield County Legal Journal*. Affidavits of publication shall be filed in the Office of the Prothonotary or Clerk. Newspaper publication shall be in the *Clearfield Progress*. However, if the Defendant(s)/Respondent(s) last known address was in the City of DuBois, Troutville Borough or the Townships of Brady, Houston, Sandy or Union publications shall be in the *DuBois Courier Express*. Newspaper publication shall also be in the *DuBois Courier Express* if the action involves real property located in any of the above listed municipalities.

**Rule 251. Court Records.**

(a) *Filing*.

(1) All documents filed in any office of the Court shall be endorsed with the day and exact time of filing, which endorsement, in the absence of fraud, accident or mistake shall be conclusive evidence of such date and time of filing.

(2) All pleadings shall be endorsed with the name of the party filing the pleading, the party's complete address, telephone number, fax number and email address. In the case of a pleading filed by an attorney said pleading shall be endorsed with the full name of the

attorney, the name of the firm, the complete address of the firm, telephone number, fax number and email address.

(3) No pleadings, papers, affidavits or other documents may be filed in any office of the Court on paper other than 8-1/2" x 11" in size.

(4) No paper shall be filed in any office of the Court unless it is written in ink, clearly legible, printed or typewritten in print no smaller than pica, and double spaced; and contains the caption of the proceeding, including the name and division of the Court, identifying case number, the names of the parties, the title of the proceeding and the name of the paper. All papers filed shall be endorsed with the name, address and I.D. number of the attorney filing it or the name and address of the party if there is no attorney. The caption of any paper filed subsequent to a Complaint need only state the name of the first party on each side with an appropriate indication of the other parties.

(b) *Removal of Court Records.*

(1) Except as hereinafter provided, no record or document shall be taken from the Office of the Prothonotary or Clerk without a written order signed by the Court requiring the return of such record or document within a specified time; provided, however, that under no circumstances shall a bond or recognizance be removed while the same continues in force or effect. In cases where the Court authorizes the removal of records or documents, the Prothonotary or Clerk, as the case may be, shall take a written receipt for the records or documents removed and shall cause the same to be noted in a book maintained for such purpose and filed with the record papers in the case, which receipt shall be cancelled upon return of the records or documents removed.

(2) In cases pending in this Court or in proceedings held before duly appointed officers of the Court, the Prothonotary or Clerk may deliver record papers or dockets to the appointed officer of the Court, accepting in return such officer's written receipt which shall be noted and filed as hereinbefore set forth.

(3) The provisions of this Rule do not apply to the delivery of records to Judge's chambers or courtrooms.

**Rule 252. Costs.**

(a) Costs shall follow the verdict or decree, unless the Court orders otherwise.

(b) *Taxation of costs.* A party entitled to costs shall file a bill of cost, accompanied by an affidavit as to correctness, with the Prothonotary, and serve a copy thereof upon all other parties. A certificate of service will be filed within five (5) days of the filing of the bill of cost. If no objections to the bill of costs are filed by any party within twenty (20) days of the date of filing with the Prothonotary, costs shall be taxed by the Prothonotary.

(c) Bill of costs shall be filed within thirty (30) days of the entry of the verdict or decree, or within sixty (60) days of the entry of an order of the appellate Court where a matter is reversed.

**Rule 261. Court Administrator.**

The President Judge shall appoint a Court Administrator, who shall serve at the discretion of the Court (and the Administrative Office of Pennsylvania Courts) and under the supervision and jurisdiction of the Court. The duties of the Court Administrator shall be:

(a) List all cases at law for trial upon praecipe filed with the Prothonotary or upon order of the Court.

(b) List all cases in equity for trial upon praecipe filed with the Prothonotary or upon order of the Court.

(c) List all motions, exceptions or reports of masters in divorce, and preliminary objections for argument or decision in conformity with Local Rules 206 and 211.

(d) Schedule the trial of equity cases and other civil nonjury trials.

(e) Perform such other duties at the Court may from time to time assign to him or her.

**Rule 307. Prothonotary.**

(a) The Prothonotary shall immediately endorse all papers filed with the date of such filing, and shall enter into an appropriate docket all pleadings, rules, orders of court and other papers filed in every case before the pleadings, rules, orders of Court and other papers leave the Prothonotary's office.

(b) Except as hereinafter provided, no record or document shall be taken from the Office of the Prothonotary or Clerk, except in accordance with Rule 251(b).

(c) Only the Prothonotary, his clerk, attorneys registered in Clearfield County and Attorneys of record in a particular case and such other persons as the Prothonotary or the Court shall specially authorize shall be permitted to have direct access to the Court's files in the Prothonotary's Office.

(d) No entries shall be made in any Prothonotary's docket except at the direction of the Prothonotary or by order of Court.

(e) All papers filed with the Prothonotary shall be designated numerically starting with the number one for each calendar year and with appropriate alphabetical symbols to differentiate between the various proceedings filed.

**Rule 319. Termination of Inactive Civil Cases.**

(a) From time to time the Court shall list for General Call a list of all civil matters in which no steps or proceedings have been taken for two years or more prior thereto.

(b) The Court shall give at least thirty (30) days notice to counsel of record, and to the parties for whom no appearance has been entered and that an order will be entered at that time terminating the case on grounds of unreasonable inactivity pursuant to Rule of Judicial Administration 1901 unless some action is taken before the General Call, or good cause is shown as to why the case should not be terminated.

(c) The notice herein required shall be in person or by mail to the last address of record of counsel or the parties setting forth a brief identity of the matter to be terminated.

(d) When the Prothonotary is unable to give notice in person or by mail, notice of service shall be made in such form and manner as are in accordance with P.A.R.J.A. 1901(c) or as the Court, by order, may direct.

(e) The Prothonotary shall file an affidavit of service or other effective proof of service of the herein prescribed notice of intention to terminate inactive cases.

(f) If no good cause for continuing any case is shown at the General Call, an order shall be issued forthwith by the Court for dismissal of said case.



**Rule 1018.1. Notice to Defend.**

The person, to be named in the Notice to Defend, from whom legal help can be obtained is:

COURT ADMINISTRATOR  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, PA 16830  
(814) 765-2641 ext. 5010

**Rule 1028C. Preliminary Objections.**

(a) Preliminary Objections shall be filed with the Clearfield County Prothonotary, along with a scheduling order for the Court's use.

(b) The Court shall schedule argument upon the preliminary objections.

(c) The moving party shall notify all other parties to the proceeding of the date, time and location of the argument.

(d) No briefs shall be required from any party unless the Court directs the filing of briefs which shall be lodged with the Court Administrator on or before the due date specified by the Court. Copies of each parties' brief shall be served upon every other party to the proceeding.

(e) This rule shall not apply to family law matters or actions pursuant to the eminent domain code of 1960.

**Rule 1034.A. Motion for Judgment on the Pleadings.**

(a) All motions for judgment on the pleadings shall be filed with the Clearfield County Prothonotary, along with a scheduling order for the Court's use.

(b) A motion for judgment on the pleadings shall proceed as set forth in Local Rule 206.1 et. seq.

**Rule 1035.2A. Motion for Summary Judgment.**

(a) all motions for summary judgment shall be filed with the Clearfield County Prothonotary along with a scheduling order for the Court's use. The scheduling order shall also provide that the responding party(s) shall have no more than twenty (20) days to file a written response from the date of the Court's order.

(b) a motion for summary judgment shall proceed as set forth in Local Rule 206.1 et. seq.

**Rule 1301. Compulsory Arbitration.**

(a) All civil cases, wherein the amount in controversy (exclusive of interest and costs) shall be Twenty Thousand (\$20,000.00) Dollars or less shall be submitted to and be heard and decided by a Board of Arbitration consisting of three (3) members of the Clearfield County Bar Association upon the filing of a Certificate of Readiness on the form prescribed by these rules.

(b) Any civil case, regardless of the amount in controversy, upon approval of the Court, may be referred to a Board of Arbitration, by written agreement signed by all parties or their counsel.

(c) The Court, on its own motion, or on motion of either party, may direct that any case may be submitted, heard and decided by a Board of Arbitration. The Court may also determine the amount in controversy as to any case and may enter an Order directing that the case proceed to a Board of Arbitration in conformity to P.A.R.C.P. 1021(d).

(d) In all such instances set forth in subparagraphs (b) and (c) above the award of the Board of Arbitration shall be limited to an amount no greater than Twenty Thousand (\$20,000.00) Dollars.

**Rule 1302. Selection of Date for Arbitration and Selection of Board of Arbitration.**

(a) Upon receipt of a Certificate of Readiness, certifying there are no motions outstanding, discovery is completed and the case is ready for trial, the Office of the Court Administrator of Clearfield County shall select a date for arbitration which shall be sixty (60) to seventy-five (75) days from the date of filing of the Certificate of Readiness. The Certificate of Readiness shall also include the estimated time needed for the arbitration hearing.

(b) The Office of the Court Administrator of Clearfield County shall send notification to all counsel and/or pro se parties in the case, to verify they have no conflict with the arbitration date. Contact shall be made via regular USPS mail, and, in the case of pro se participants, also by USPS Certified mail with return receipt. Additionally, an e-mail can be sent to all parties that have provided their e-mail addresses. A deadline for reply as to acknowledgment of the arbitration date shall be included in the notice.

(c) When the arbitration date is set, the Office of the Court Administrator of Clearfield County shall contact members of the Clearfield County Bar Association with the date of the arbitration and case captions in order to obtain the services of four (4) to six (6) potential members for a Board of Arbitration. This contact can be made via regular mail or via an e-mail.

(d) The Office of the Court Administrator of Clearfield County shall send the list of potential members of the Board of Arbitrators to counsel and/or pro se participants, via regular mail or e-mail, if e-mail addresses are available, requesting a reply in writing by a date certain as to name of one potential arbitrator that counsel and/or the pro se participant wishes to strike from the Board.

(e) Once the date certain for response has passed, the Office of the Court Administrator shall eliminate from the potential Board of Arbitration those individuals who have been stricken and then shall select for appointment by the Court the three Bar Association members, in order of seniority within the Bar Association, with the most senior member being designated as Chairperson.

(f) In the event of extraordinary circumstances, the President Judge, in the exercise of the Court's discretion, may directly select and appoint a Board of Arbitration without the input of the parties or their counsel.

(g) The Office of the Court Administrator shall mail or e-mail a certified copy of the Court Order setting the date of Arbitration and appointing the individual Board members to all counsel, pro se participants and members of the Board.

**Rule 1303. Continuance of Arbitration Cases.**

Once the case has been scheduled for an arbitration, no continuance shall be granted without Court approval. The requestor must file a Motion for Continuance with the Prothonotary in order for the Court to consider the request.

**Rule 1304. Pre-Trial Statement.**

(a) At least seven (7) days prior to the day of the scheduled arbitration, each party shall file a Pre-Trial Statement with the Clearfield County Court Administrators Office, with a copy thereof being served on each of the three members of the Board of Arbitration and all other named parties in the case.

(b) The Pre-Trial Statement shall consist of the following:

- (1) a brief statement of the facts of the case and/or the defense being asserted;
- (2) citation to any applicable statutes or cases;
- (3) a list of the witness to be called; and
- (4) a statement of damages and copies of those bills which each party intends to offer.

(c) In the event no Pre-Trial Statement is filed for a party within at least seven (7) days prior to the date of arbitration, that party shall not have the right to call any witness or present any exhibit, photograph, plot or plan not listed or appended in the Complaint or in the parties pleadings or Pre-Trial Statement, unless application is made to the Court setting forth the reasons a Pre-Trial Statement was not filed and, after consideration by the Court, the Court in the exercise of its discretion permits the late filing of the Pre-Trial Statement.

#### **Rule 1305. Arbitration Hearings.**

(a) When a panel of Arbitrators shall be assembled, they shall be sworn or affirmed to justly and equitably try all matters properly at issue and submitted to them by any person having authority to administrator oaths.

(b) The Board of Arbitration shall conduct the hearing before them with due regard to the law and according to the established rules of evidence and they shall have the powers of a Court to administer oaths or affirmations to witnesses, to determine the admissibility of evidence, to permit testimony to be offered by depositions and to decide the law and the facts of the case submitted to them.

(c) The President Judge shall have full supervisory powers with regard to any questions that arise in all arbitration proceedings as well as in regard to the application of these rules.

(d) Witness fees in any cases referred to the Board of Arbitration shall be in the same amount as is currently in effect for witnesses in trials before the Court of Common Pleas of Clearfield County. The cost thereof, in any case, shall be paid by the same party or parties by whom they would have been paid had the case been tried before the Court of Common Pleas of Clearfield County.

#### **Rule 1306. Report and Award of Board of Arbitration.**

(a) Immediately following the hearing, unless a question of law arises which requires briefing in which case the award shall be filed no later than ten (10) days after the hearing, the Board of Arbitration shall file a report and award with the Prothonotary on the same day. The report and award shall be signed by all or a majority of the members of the Board. The Prothonotary shall mail or otherwise forward copies thereof to all parties or their counsel. The Prothonotary shall file the report and award on the docket of the case.

(b) The report and award, unless appealed from as herein provided, shall be final and shall have all the attributes and legal effect of a verdict. If no appeal is taken within the time allotted therefore, the successful party or counsel may enter a judgment on the award upon praecipe after which execution process may be issued upon such judgment as in the case of other judgements.

#### **Rule 1307. Bills as Evidence in Arbitration Hearings.**

(a) In actions before the Board of Arbitration involving personal injury, the following bills may be offered and received in evidence, without further proof, for the purpose of proving the value and reasonableness of the charges for services, labor and materials, or items contained therein and where applicable, the necessity for furnishing the same, on condition that Thirty (30) days written notice prior to the day set for arbitration has been given to the adverse party or parties, or their attorneys, accompanied by a copy of the bills to be offered in evidence, unless counsel for the adverse party or the adverse party shall notify counsel for the claimant in writing no later than Two (2) weeks prior to the day set for hearing that the value and reasonableness of the charges are disputed:

(1) Hospital bills on the official letterhead or billhead of the hospital when dated and itemized;

(2) Bills of doctors, eye doctors, mental health professionals and dentists, when dated and containing a statement showing the date of each visit and the charge therefore, and accompanied by a statement of the correctness and reasonableness of the charges and that the service rendered was, in his or her opinion, necessary and casually connected with the incident involved;

(3) Bills of registered nurses, licensed practical nurses or physical therapists, when dated and containing an itemized statement of the days and hours of service and the charges therefore, and accompanied by a statement of the nurse or physical therapist of the correctness and reasonableness of the charge and that the services rendered were in his or her opinion necessary;

(4) Bills for medicine, eye glasses, prosthetic devices or similar items, when accompanied by a letter from the supplier stating that the charge is correct, reasonable and represents the market value of the item or items referred to therein;

(b) In actions before the Board of Arbitration involving damage to property, repair bills and estimates, when identified and itemized setting forth the charges for labor and materials, may be offered and received in evidence without further proof, for the purpose of proving the value and reasonableness of the charge, on condition that Thirty (30) days written notice prior to the day set for arbitration has been given to the adverse party or parties or their counsel and no indication has been received indicating the bills, estimates or amounts are disputed.

#### **Rule 1308. Appeals.**

(a) Any party may appeal from the award of the Board of Arbitration to the Court of Common Pleas of Clearfield County. The right to appeal shall be subject to the following conditions, all of which shall be complied with within thirty (30) day after the award is filed with the Prothonotary:

(1) The Appellant shall pay an appeal fee as required by law and shall file with the Prothonotary a Notice of Appeal and shall serve a copy thereof upon the adverse party or opposing counsel;

(2) The Appellant shall file an affidavit with the Prothonotary certifying that the appeal is not taken for delay, but because it is believed that an injustice has been done;

(3) The Appellant shall file a recognizance bond with sufficient surety in double the amount of the costs likely to accrue, conditioned for the payment of all costs that may be legally recovered in such case against the Appellant;

(4) The Appellant shall pay all record costs accrued to the time of the taking of the appeal; and

(5) The Appellant shall pay to the Prothonotary for the use of the Court the total sum of the amount of the Arbitrators fees paid in the case or an amount equal to fifty (50%) percent of the amount in controversy, whichever is the lesser. The sum so paid shall not be taxed as costs in the case and shall not be recoverable by the Appellant in any proceedings.

(b) All appeals taken from the Board of Arbitration award to the Court of Common Pleas of Clearfield County shall be de novo.

(c) In the event of an appeal from the award or decision of the Board of Arbitration, the Arbitrators shall not be called as witnesses as to what took place before them in their official capacity as Arbitrators upon any hearing de novo.

#### **Rule 1309. Compensation of Arbitrators.**

(a) Each member of the Board of Arbitration shall receive the following sums as a fee for their appearance as an arbitrator on the Board of Arbitration:

(1) Each attorney shall receive an appearance fee of One Hundred Fifty (\$150.00) Dollars for appearing as a member of the Board of Arbitration;

(2) An additional fee of Fifty (\$50.00) Dollars in the event that the attorney is required to hear cases until 10:00 A.M.

(3) An additional fee of Seventy-Five (\$75.00) Dollars if the attorney is required to be present and hear cases between the hours of 10:00 A.M. and 12:00 Noon;

(4) An additional fee of One Hundred Fifty (\$150.00) Dollars if an attorney, after a normal lunch break, is required to return for arbitration after 1:00 P.M.

(5) If an attorney is only scheduled for afternoon arbitration, an additional fee of Fifty (\$50.00) Dollars if the attorney is required to hear cases until 2:00 P.M. and an additional fee of Seventy-Five (\$75.00) Dollars if the attorney is required to remain after 2:00 P.M.

(b) In cases requiring hearing of undue length or of unusual complexity, the President Judge, on petition of the members of the Board of Arbitration and for cause shown, may allow additional compensation. The members of the Board of Arbitration shall not be entitled to receive their fees until all reports and awards shall be filed with the Prothonotary. Fees paid to Arbitrators shall not be taxed as costs nor following the awards as other costs.

#### **Rule 1511. Judgment upon Default or Admission.**

In all equity cases in which a judgment is entered upon default or admission, the plaintiff shall submit to the Court a proposed decree for the Court's consideration when entering the appropriate decree.

#### **Rule 1910. Application for Alimony Pendente Lite, Counsel Fees, Costs and Expenses.**

(a) Any party may file a count in the complaint, a counterclaim or petition for alimony pendente lite, counsel fees, costs and expenses.

(b) The moving party must file with the application for relief an income and expense statement, a copy of his or

her most recent tax return and pay receipts for six (6) months prior to the date of his or her application.

(c) If the application is filed by complaint or counterclaim, the complaint or counterclaim must be endorsed with a Rule to Show Cause as provided in Rule 206.1(h)(i). If the application for relief is filed by petition, the moving party shall follow the practice set forth in Rule 206.1 et. seq.

(d) The responding party must file an income and expense statement, a copy of his/her most recent tax return and pay receipts for six (6) months preceding the date of his/her response by the return date set by the Court.

(e) The failure of a party to file an income and expense statement, tax return or pay receipts shall not be cause for a continuance of the hearing date set by the Court. The Court shall have the option to proceed to a hearing without the required filings.

#### **Rule 1920. Divorce Master.**

(a) Either party may request the appointment of a Master in Divorce by filing a Praecipe with the record.

(b) Upon the receipt of a praecipe requesting appointment of a Master, the Court will appoint a Master and schedule a pre-hearing conference among the Master, counsel and the parties.

(c) At such time as designated by the Court or the Master, the parties shall file and exchange Inventory and Appraisal, Pre-Trial Statement and Budget Information documents, as well as providing copies of the same to the Master.

(d) In order to defray the costs of the Master's hearing, the Court will issue an order setting the amount payable by each party and setting a deadline for payment. Master's fees are payable at Judge Cherry's Chambers or mailed to J. Shirey, Judge Cherry's Chambers, 230 E. Market Street, Clearfield, Pa 16830 and any check or money order shall be made payable to the Treasurer of Clearfield County. The amount paid is non-refundable. In the event that any party fails to submit the payment for the Master by the due date, an additional Administrative fee of \$100.00 will be added to the delinquent party's fee for the Master's hearing.

(e) It shall be the responsibility of the Plaintiff to obtain the services of an independent court reporter to be present for the Master's Hearing for the purposes of producing the appropriate record. The court reporter hired must have the ability to prepare any order(s) and/or settlement documents required on the day of the hearing. No less than ten (10) days prior to the Master's Hearing, counsel for the Plaintiff (or the Plaintiff) shall, by letter, confirm to the Master that the Plaintiff has obtained an independent court reporter for the Master's Hearing. The Master in Divorce shall be at liberty to assign costs related to the court reporter to either or both parties in such manner as the Master deems to be appropriate when issuing the Master's Report. Following the hearing, any party which desires a transcript of the same shall be responsible for the costs of the same, pursuant to Local Rule and the Rules of Judicial Administration.

(f) In the event that either or both parties shall fail to comply with any of the provisions as set forth above, the Court will schedule a contempt hearing in order that the appropriate sanction(s) may be imposed.

**Rule 4005. Written Interrogatories to a Party.**

Without leave of Court or written consent, any party may serve upon any other party written Interrogatories not exceeding 50 in number, including all discreet subparts. Leave to serve additional Interrogatories may be granted by Order of Court upon cause shown and consistent with the provisions of Pa.R.C.P. Rule 4005(c).

**Rule 4008. Oral Depositions—Limitation.**

If the parties do not agree otherwise, the place of taking of any deposition of a non-expert shall be within the boundaries of Clearfield County, Pennsylvania. If counsel wish to take any deposition in the Clearfield County Courthouse, the date, place and time of deposition shall be coordinated with the Clearfield County Court Administrator.

[Pa.B. Doc. No. 17-1662. Filed for public inspection October 6, 2017, 9:00 a.m.]

**DAUPHIN COUNTY****Promulgation of Local Rules; No. 1793 S 1989, 2217-0001; 1372 MD 2017****Order**

*And Now*, this 22nd day of September 2017, Dauphin County Local Rules of Judicial Administration 101 and 102, Local Rule of Civil Procedure 1930.1, and Local Rule of Criminal Procedure 113 are promulgated and Local Rule of Civil Procedure 205.2(a) and Local Orphans' Court Rule 1.8(c) are amended as follows:

**Rule of Judicial Administration 101. Public Access—Confidential Information.**

A. In accordance with the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts, attorneys and self-represented parties shall not include the following confidential information in any document filed with the appropriate filing office (Prothonotary, Clerk of Courts, and Clerk of the Orphans' Court), except on the Confidential Information Form designed and published by the Administrative Office of Pennsylvania Courts.

1. Social Security Numbers;
2. Financial Account Numbers, except an active financial account number may be identified by the last four digits when the financial account is the subject of the case and cannot otherwise be identified;
3. Driver's License Numbers;
4. State Identification (SID) Numbers;
5. Minors' names and dates of birth except when a minor is charged as a defendant in a criminal matter (see 42 Pa.C.S. § 6355); and
6. Abuse victim's address and other contact information, including employer's name, address and work schedule, in family court actions as defined by Pa.R.C.P. 1931(a), except for victim's name.

B. Attorneys and self-represented parties shall file the Confidential Information Form in the appropriate filing office (Prothonotary, Clerk of Courts, and Clerk of the Orphans' Court), contemporaneously with the document.

C. This section is not applicable to cases that are sealed or exempted from public access pursuant to appli-

cable authority. Examples of such cases are juvenile cases, child support cases, and adoptions.

D. Attorneys and self-represented parties shall be solely responsible for complying with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts and the applicable state and local rules and shall certify their compliance to the Court. This certification shall accompany each filing and shall be substantially in the following form: "I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents."

E. The court or appropriate filing office (Prothonotary, Clerk of Courts, and Clerk of the Orphans' Court), is not required and will not review or redact any filed document for compliance with the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts.

**Rule of Judicial Administration 102. Public Access—Confidential Documents.**

A. In accordance with the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts, attorneys and self-represented parties shall file the following confidential documents with the appropriate filing office (Prothonotary, Clerk of Courts, and Clerk of the Orphans' Court) under a cover sheet titled "Confidential Document Form" designed and published by the Administrative Office of Pennsylvania Courts.

1. Financial Source Documents;
2. Minors' educational records;
3. Medical/Psychological records;
4. Children and Youth Services' records;
5. Marital Property Inventory and Pre-Trial Statement as provided in Pa.R.C.P. 1920.33;
6. Income and Expense Statements as provided in Pa.R.C.P. 1910.27(c); and
7. Agreements between parties as used in 23 Pa.C.S. § 3105.

B. Confidential documents submitted with the Confidential Document Form shall not be accessible to the public, except as ordered by the court. The Confidential Document Form shall be accessible to the public.

C. This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority. Examples of such cases are juvenile cases, child support cases, and adoptions.

D. Attorneys and self-represented parties shall be solely responsible for complying with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts and the applicable state and local rules and shall certify their compliance to the Court. This certification shall accompany each filing and shall be substantially in the following form: "I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents."

E. The court or appropriate filing office (Prothonotary, Clerk of Courts, and Clerk of the Orphans' Court), is not required and will not review or redact any filed document for compliance with the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts.

**Rule of Civil Procedure 205.2(a). Physical Characteristics of Pleadings and Other Legal Papers.**

(1) All documents filed in the Office of Prothonotary shall be on 8 1/2 inch by 11 inch paper and shall comply with the following requirements:

(a) The document shall be prepared on white paper of good quality and the use of recycled paper is encouraged.

(b) The first sheet shall contain a 3-inch space from the top of the paper for all court stampings, filing notices, etc.

(c) The text must be double spaced, but quotations more than two lines long may be indented and single spaced. Except as provided in subsection b, margins must be at least one inch on all four sides.

(d) The lettering shall be clear, legible and no smaller than Arial 12 point.

(e) The lettering shall be on only one side of a page.

(f) All exhibit tabs shall appear at the bottom of the pleading.

(g) No backers shall be used on the original or any copies of pleadings or other legal papers filed with the Prothonotary. The original of pleadings or other legal papers should be stapled in the top left corner. If the document is over one-half inch thick, it should be secured with a binder clip. Backers may be used for copies provided to the court, opposing parties or clients.

(h) Exhibits or attachments smaller than 8 1/2 inches by 11 inches shall be attached to a regular size paper by using adhesive tape.

(i) Pages shall be consecutively numbered beginning with page 2 and said number shall appear on the bottom center of the pleading.

(j) The name of the attorney or party, the address at which service can be made, a telephone number and email address of the attorney or party shall appear on the top left hand corner of the first page of all papers filed in the Office of the Prothonotary.

(k) With the initiating filing and all subsequent filings, in cases where medical malpractice is or will be alleged, the notation "Civil Action—Medical Professional Liability Action" shall appear on all captions directly underneath the docket number.

(l) Any courtesy copies of filings that are provided to a judge and served on opposing parties must be firmly bound and any metal fasteners or staples must be securely covered with no sharp or protruding edges of any kind.

(m) Filings of record may be referenced in any subsequent filing but shall not be attached thereto.

(n) **[ Unless required by an applicable law or rule of court or unless so directed by the court, parties or their attorneys may include only:**

**(1) the last four digits of the social security number or the taxpayer identification number;**

**(2) the year of the individual's birth;**

**(3) the last four digits of the financial account information**

**in documents filed with the Prothonotary. The responsibility for redacting these personal identifiers rests solely with the parties. Documents will not be reviewed by the Prothonotary for compliance with the rule. This rule applies to exhibits to pleadings and to exhibits entered into evidence in Court. ]**

**Attorneys and self-represented parties shall comply with the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts and Local Rules of Judicial Administration 101 and 102 found at <http://www.dauphincounty.org/government/Court-Departments/Local-Rules-of-Court/Pages/default.aspx>.**

(2) The Prothonotary shall endorse upon each paper filed, the date and time of its filing, and enter it upon the proper docket.

(3)(a) All civil motions, petitions, administrative applications and answers or responses thereto shall be accompanied by a proposed order (or alternative orders).

(b) The proposed order(s) shall contain a distribution legend which shall include the name(s) and mailing address(es), telephone number(s), facsimile number(s) and e-mail address(es), if any, of all attorneys and **[ /or pro se ] self-represented parties** to be served.

(4) The judge(s) chambers shall:

(a) file the original order with the Prothonotary;

(b) prepare copies of the order for mailing;

(c) have the Prothonotary's Office certify the copies for mailing;

(d) mail copies of the certified order to all parties listed in the distribution legend;

(e) note the date of mailing and the initials of the person who accomplished the mailing on the filed original order.

**Comment**

Paragraph (3) of this rule is intended to formalize a practice of long standing in Dauphin County as well as the majority of other counties. The proposed order should identify the relief sought, e.g. continuance, rule to show cause, request status or discovery conference, amend a complaint, etc.

An accurate distribution legend naming all attorneys and **[ /or pro se ] self-represented parties** and their addresses, telephone numbers, facsimile numbers and e-mail addresses, if any, is essential since the court is now assuming the responsibility for service of its orders. Inclusion of facsimile numbers and e-mail addresses is not intended to authorize service by these methods.

Paragraph (4) of this rule is intended to formalize what is now a hybrid process which has left some doubt as to the responsibility for service of orders.

**[ Pursuant to 23 Pa.C.S.A. § 4304.1(a)(3), the complete Social Security Number is required when the divorce file is submitted to the court for entry of a divorce decree. Dauphin County uses a form entitled 'Divorce Information Sheet' for the collection of this information. This sheet is pulled from the Prothonotary's file after the entry of the divorce decree and is never available to the public. ]**

**Rule of Civil Procedure 1930.1. Public Access.**

Attorneys and self-represented parties shall comply with the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts and Local Rules of Judicial Administration 101 and 102 found at <http://www.dauphincounty.org/government/Court-Departments/Local-Rules-of-Court/Pages/default.aspx>.

**Rule of Criminal Procedure 113. Public Access.**

Attorneys and self-represented parties shall comply with the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts and Local Rules of Judicial Administration 101 and 102 found at <http://www.dauphincounty.org/government/Court-Departments/Local-Rules-of-Court/Pages/default.aspx>.

**Orphans' Court Rule 1.8(c). Docketing of Cases and Request for Assignment.**

(1) All matters shall be filed with the Clerk of the Orphans' Court before they are entertained by this Court. **Attorneys and self-represented parties shall comply with the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts and Local Rules of Judicial Administration 101 and 102 found at <http://www.dauphincounty.org/government/Court-Departments/Local-Rules-of-Court/Pages/default.aspx>.**

(2) When the issuance of a citation is requested, or when any petition, account, objection, preliminary objection, exception to an auditor's or master's report, or motion is ready to be scheduled for a hearing, argument, or disposition by the Court, or when a conference with the Court is requested, a party must file a "Request for Assignment" using the latest format, together with a proposed citation, rule, or order which contain a distribution legend. The Request for Assignment must state:

- (a) the name and docket number of the case;
- (b) the title and date of the matter(s) ready for assignment;
- (c) whether all responsive pleadings have been filed or the time for responsive pleadings has elapsed;
- (d) if a hearing or argument is requested, the anticipated length of the hearing or argument;
- (e) a list of any related cases; and
- (f) the names, addresses, telephone numbers, and email addresses of all counsel and self-represented parties.

Request for Assignment forms shall be available from the Clerk of the Orphans' Court or online at [www.dauphincounty.org](http://www.dauphincounty.org).

These amendments shall be published in the *Pennsylvania Bulletin* and are effective January 6, 2018.

*By the Court*

RICHARD A. LEWIS,  
*President Judge*

[Pa.B. Doc. No. 17-1663. Filed for public inspection October 6, 2017, 9:00 a.m.]

**FAYETTE COUNTY****Public Access Policy: Case Records of the Trial Courts; F.C.R.J.A. 102; No. 2062 of 2017GD****Order**

*And Now*, this 18th day of September, 2017, it is hereby Ordered that a Public Access Policy: Case Records of the Trial Courts, is adopted as a local rule of judicial administration as follows.

The Prothonotary is directed as follows:

(1) A copy of the order and rule shall be filed with the Administrative Office of Pennsylvania Courts via email to [adminrules@pacourts.us](mailto:adminrules@pacourts.us).

(2) Two copies and CD-ROM of the order and rule shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

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

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

(1) Publish a copy of this rule on the website of Administrative Office of Fayette County Courts at [www.co.fayette.pa.us](http://www.co.fayette.pa.us).

(2) Compile the rule within the complete set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*.

The Public Access Policy: Case Records of the Trial Courts shall become effective on January 6, 2018.

*By the Court*

JOHN F. WAGNER, Jr.,  
*President Judge*

**Rule 102. Public Access Policy: Case Records of the Trial Courts.**

All filings in the Court of Common Pleas of Fayette County shall comply with the Public Access Policy of the Unified Judicial System of Pennsylvania. Information that is confidential as defined by the Public Access Policy shall not be included in any document filed in the Court of Common Pleas of Fayette County, except on a Confidential Information Form filed contemporaneously with the document.

Confidential information filed in accordance with the Public Access Policy shall be on a standardized Confidential Information Form provided by the Administrative Office of Pennsylvania Courts. The form shall be available in each filing office as well as on the Court's website at [www.co.fayette.pa.us](http://www.co.fayette.pa.us). Failure to comply with the requirements may result in the matter being before the court for hearing or sanctions.

A copy of this policy shall be continuously available for public inspection in the custodian's office, in the Administrative Office of Fayette County Courts and on the Court's website at [www.co.fayette.pa.us](http://www.co.fayette.pa.us).

[Pa.B. Doc. No. 17-1664. Filed for public inspection October 6, 2017, 9:00 a.m.]

## HUNTINGDON COUNTY

## Public Access Policy of the Huntingdon County Court of Common Pleas: Case Records; No. CP-31-MD-198-2017; AO No. 1-2017

## Administrative Order of Court

*And Now*, this 20th day of September, 2017, the Public Access Policy of the Huntingdon County Court of Common Pleas: Case Records, as follows, is hereby *Adopted* and shall be referenced as Public Access Policy of the Huntingdon County Court of Common Pleas: Case Records. It is *Ordered* that in compliance with Pa.R.C.P. 239:

1. The Huntingdon County District Court Administrator shall file one certified copy of the Rule with the Administrative Office of Pennsylvania Courts;

2. The Huntingdon County District Court Administrator shall distribute two certified copies and a computer diskette containing the text of the Rule to the Legislative Reference for publication in the *Pennsylvania Bulletin*.

3. The Huntingdon County District Court Administrator shall file one certified copy of the Rule with the Civil Procedural Rules Committee.

4. The Huntingdon County Prothonotary shall ensure that the Rule is continuously available for public inspection in the office of Prothonotary.

5. This rule shall become effective January 8, 2018.

*By the Court*

GEORGE N. ZANIC,  
*President Judge*

## PUBLIC ACCESS POLICY OF THE HUNTINGDON COUNTY COURT OF COMMON PLEAS: CASE RECORDS

## Section 1.0. Definitions.

A. "Abuse Victim" is a person for whom a protection order has been granted by a court pursuant to Pa.R.C.P. No. 1901 et seq. and 23 Pa.C.S. § 6101 et seq. or Pa.R.C.P. No. 1951 et seq. and 42 Pa.C.S. § 62A01 et seq.

B. "Case Records" are (1) documents for any case filed with, accepted and maintained by a court or custodian; (2) dockets, indices, and documents (such as orders, opinions, judgments, decrees) for any case created and maintained by a court or custodian. This term does not include notes, memoranda, correspondence, drafts and work product of judges and court personnel. Unless otherwise provided in this policy, this definition applies equally to case records maintained in paper and electronic formats.

C. "Clerical errors" are errors or omissions appearing in a case record that are patently evident, as a result of court personnel's action or inaction.

D. "Court" includes the Supreme Court, Superior Court, Commonwealth Court, Courts of Common Pleas, and Philadelphia Municipal Court, excluding the Traffic Division of Philadelphia Municipal Court.

E. "Court Facility" is the location or locations where case records are filed or maintained.

F. "Custodian" is any person responsible for maintaining case records or for processing public requests for access to case records.

G. "Docket" is a chronological index of filings, actions, and events in a particular case, which may include

identifying information of the parties and counsel, a brief description or summary of the filings, actions, and events, and other case information.

H. "Financial Account Numbers" include financial institution account numbers, debit and credit card numbers, and methods of authentication used to secure accounts such as personal identification numbers, user names and passwords.

I. "Financial Source Documents" are:

1. Tax returns and schedules;
2. W-2 forms and schedules including 1099 forms or similar documents;
3. Wage stubs, earning statements, or other similar documents;
4. Credit card statements;
5. Financial institution statements;
6. Check registers;
7. Checks or equivalent; and
8. Loan application documents.

J. "Medical/psychological records" are records relating to the past, present, or future physical or mental health or condition of an individual.

K. "Minor" is a person under the age of eighteen.

L. "Party" is one who commences an action or against whom relief is sought in a matter.

M. "Public" is any person, member of the media, business, non-profit entity, organization or association. The term does not include a party to a case; the attorney(s) of record in a case; Unified Judicial System officials or employees if acting in their official capacities; or any federal, state, or local government entity, and employees or officials of such an entity if acting in their official capacities.

N. "Remote Access" is the ability to electronically search, inspect, print or copy information in a case record without visiting the court facility where the case record is maintained or available, or requesting the case record from the court or custodian pursuant to Section 4.0.

## Commentary

Regarding Subsection B, "documents for any case filed with, accepted and maintained by a court or custodian" are those not created by a court or custodian, such as pleadings and motions. Indices are tools for identifying specific cases.

Regarding Subsection C, examples of clerical errors are the docket entry links to the wrong document or court personnel misspells a name in the caption.

Regarding Subsection F, the definition of "custodian" does not include those entities listed in Pa.R.A.P. 3191 who receive copies of briefs filed in an appellate court.

Regarding Subsection J, this definition is derived from the definition of "health information" provided in 45 C.F.R. § 160.103 (HIPAA). Examples of case records that would fall within this exclusion are: drug and alcohol treatment records, psychological reports in custody matters, and DNA reports.

Regarding Subsection L, amici curiae are not parties. See Pa.R.A.P. 531.

Regarding Subsection M, Unified Judicial System officials or employees include: judicial officers and their personal staff, administrative staff and other central

staff, prothonotaries, clerks of the courts, clerks of the orphans' court division, sheriffs, prison and correctional officials, and personnel of all the above.

### Section 2.0 Statement of General Policy.

A. This policy shall govern access by the public to case records.

B. Security, possession, custody, and control of case records shall generally be the responsibility of the applicable custodian and designated staff.

C. Facilitating access by the public shall not substantially impede the orderly conduct of court business.

D. A court or custodian may not adopt more restrictive or expansive access protocols than provided for in this policy. Nothing in this policy requires a court or custodian to provide remote access to case records. However, if a court or custodian chooses to provide remote access to any of its case records, access shall be provided in accordance with Section 10.0.

#### Commentary

The Supreme Court of Pennsylvania has adopted other policies governing public access to Unified Judicial System case records: the Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania that provides for access to the statewide case management systems' web docket sheets and requests for bulk data and the Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts that provides for access to case records of the magisterial district courts maintained in a paper format.

### Section 3.0. Access to Case Records.

All case records shall be open to the public in accordance with this policy.

### Section 4.0. Requesting Access to Case Records.

A. When desiring to inspect or copy case records, a member of the public shall make an oral or written request to the applicable custodian, unless otherwise provided by court order or rule. If the request is oral, the custodian may require a written request.

B. Requests shall identify or describe the records sought with specificity to enable the custodian to ascertain which records are being requested.

#### Commentary

Public access requests to the courts and custodians are routinely straightforward and often involve a limited number of records. Therefore, artificial administrative barriers should not be erected so as to inhibit making these requests in an efficient manner.

This policy provides the courts and custodians latitude to establish appropriate administrative protocols for viewing/obtaining case records remotely. However, the definition of "remote access" in Section 1.0 clarifies that a request under this section is neither necessary nor expected under this policy.

Nonetheless, Subsection A provides a custodian with the flexibility to require that a more complex request be submitted in writing to avoid misunderstandings and errors that can often result in more time being expended to provide the requested information than is necessary. This approach is not novel; submission of a written request form has been a longstanding practice under the Unified Judicial System's Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania

and Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts.

Subsection B does not require a requestor to identify a case by party or case number in order to have access to the files, but the request shall clearly identify or describe the records requested so that court personnel can fulfill the request.

Written requests should be substantially in the format designed and published by the Administrative Office of Pennsylvania Courts.

### Section 5.0. Responding to Requests for Access to Case Records.

A. A custodian shall fulfill a request for access to case records as promptly as possible under the circumstances existing at the time of the request.

B. If a custodian cannot fulfill the request promptly or at all, the custodian shall inform the requestor of the specific reason(s) why access to the information is being delayed or denied.

C. If a custodian denies a written request for access, the denial shall be in writing.

D. Relief from a custodian's written denial may be sought by filing a motion or application with the court for which the custodian maintains the records.

#### Commentary

Given that most public access requests for case records are straightforward and usually involve a particular case or matter, custodians should process the same in an expeditious fashion.

There are a number of factors that can affect how quickly a custodian may respond to a request. For example, the custodian's response may be slowed if the request is vague, involves retrieval of a large number of case records, or involves information that is stored off-site. Ultimately, the goal is to respond timely to requests for case records.

In those unusual instances in which access to the case records cannot be granted in an expeditious fashion, the custodian shall inform the requestor of the specific reason(s) why access to the information is being delayed or denied, which may include:

- the request involves such voluminous amounts of information that the custodian is unable to fulfill the same without substantially impeding the orderly conduct of the court or custodian's office;
- records in closed cases are located at an off-site facility;
- a particular file is in use by a judge or court staff. If a judge or court staff needs the file for an extended period of time, special procedures should be considered, such as making a duplicate file that is always available for public inspection;
- the requestor failed to pay the appropriate fees, as established pursuant to Section 6.0 of this policy, associated with the request;
- the requested information is restricted from access pursuant to applicable authority, or any combination of factors listed above.

An aggrieved party may seek relief from a denial of a written request for access consistent with applicable authority (for example, in an appellate court, Pa.R.A.P.



123 sets forth procedures for applications for relief under certain circumstances, or pertinent motion practice at the trial court level).

### Section 6.0. Fees.

A. Unless otherwise provided by applicable authority, fees for duplication by photocopying or printing from electronic media or microfilm shall not exceed \$0.25 per page.

B. A custodian shall establish a fee schedule that is (1) posted in the court facility in an area accessible to the public, and (2) posted on the custodian's website.

#### Commentary

Reasonable fees may be imposed for providing public access to case records pursuant to this policy and in accordance with applicable authority. This section does not authorize fees for viewing records that are stored at the court facility.

To the extent that the custodian is not the court, approval of the fee schedule by the court may be necessary.

An example of applicable authority setting forth photocopying fees is 42 Pa.C.S. § 1725(c)(1)(ii) that provides the Clerk of Orphans' Court of the First Judicial District shall charge \$3 per page for a copy of any record. See also 42 P.S. § 21032.1 (providing authority for the establishment of fees in orphans' court in certain judicial districts). In addition, the copying fees for appellate court records are provided for in 204 Pa. Code § 155.1. However, copies of most appellate court opinions and orders are available for free on the Unified Judicial System's website, [www.pacourts.us](http://www.pacourts.us).

### Section 7.0. Confidential Information.

A. Unless required by applicable authority or as provided in Subsection C, the following information is confidential and shall be not included in any document filed with a court or custodian, except on a Confidential Information Form filed contemporaneously with the document:

1. Social Security Numbers;
2. Financial Account Numbers, except an active financial account number may be identified by the last four digits when the financial account is the subject of the case and cannot otherwise be identified;
3. Driver License Numbers;
4. State Identification (SID) Numbers;
5. Minors' names and dates of birth except when a minor is charged as a defendant in a criminal matter (see 42 Pa.C.S. § 6355); and
6. Abuse victim's address and other contact information, including employer's name, address and work schedule, in family court actions as defined by Pa.R.C.P. No. 1931(a), except for victim's name.

This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority.

B. The Administrative Office of Pennsylvania Courts shall design and publish the Confidential Information Form.

C. Pursuant to Section 7, subsection C of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts, persons who file documents that contain confidential

information as defined by the Public Access Policy shall use and file a Confidential Information Form in order to comply with the Policy. The form shall be available in each filing office as well as on the Court Administration website at [www.huntingdoncountycourt.com](http://www.huntingdoncountycourt.com).

D. Parties and their attorneys shall be solely responsible for complying with the provisions of this section and shall certify their compliance to the court. The certification that shall accompany each filing shall be substantially in the following form: "I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents."

E. A court or custodian is not required to review or redact any filed document for compliance with this section. A party's or attorney's failure to comply with this section shall not affect access to case records that are otherwise accessible.

F. If a filed document fails to comply with the requirements of this section, a court may, upon motion or its own initiative, with or without a hearing order the filed document sealed, redacted, amended or any combination thereof. A court may impose sanctions, including costs necessary to prepare a compliant document for filing in accordance with applicable authority.

G. This section shall apply to all documents for any case filed with a court or custodian on or after the effective date of this policy.

#### Commentary

There is authority requiring information listed in Subsection A to appear on certain documents. For example, Pa.R.C.P. No. 1910.27 provides for inclusion of the plaintiff's and defendant's social security number on a complaint for support.

This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority, for example, cases filed under the Juvenile Act that are already protected by 42 Pa.C.S. § 6307, and Pa.Rs.J.C.P. 160 and 1160.

Unless constrained by applicable authority, court personnel and jurists are advised to refrain from inserting confidential information in court-generated case records (e.g., orders, notices) when inclusion of such information is not essential to the resolution of litigation, appropriate to further the establishment of precedent or the development of law, or necessary for administrative purposes. For example, if a court's opinion contains confidential information and, therefore, must be sealed or heavily redacted to avoid release of such information, this could impede the public's access to court records and ability to understand the court's decision.

Whether using a Confidential Information Form or filing a redacted and unredacted version of a document, the drafter shall indicate where in the document confidential information has been omitted. For example, the drafter could insert minors' initials in the document, while listing full names on the Confidential Information Form. If more than one child has the same initials, a different moniker should be used (e.g., child one, child two, etc.).

While Pa.R.C.P. No. 1931 is suspended in most judicial districts, the reference to the rule is merely for definitional purposes.

With regard to Subsection D, the certification of compliance is required whether documents are filed in paper form or via an e-filing system.

With regard to Subsection E, a court or custodian is not required to review or redact documents filed by a party or attorney for compliance with this section. However, such activities are not prohibited.

Any party may make a motion to the court to cure any defect(s) in any filed document that does not comport with this section.

### Section 8.0. Confidential Documents.

A. Unless required by applicable authority, the following documents are confidential and shall be filed with a court or custodian under a cover sheet designated "Confidential Document Form":

1. Financial Source Documents;
2. Minors' educational records;
3. Medical/Psychological records;
4. Children and Youth Services' records;
5. Marital Property Inventory and Pre-Trial Statement as provided in Pa.R.C.P. No. 1920.33;
6. Income and Expense Statement as provided in Pa.R.C.P. No. 1910.27(c); and
7. Agreements between the parties as used in 23 Pa.C.S. § 3105.

This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority.

B. The Administrative Office of Pennsylvania Courts shall design and publish the Confidential Document Form.

C. Confidential documents submitted with the Confidential Document Form shall not be accessible to the public, except as ordered by a court. However, the Confidential Document Form or a copy of it shall be accessible to the public.

D. Parties and their attorneys shall be solely responsible for complying with the provisions of this section and shall certify their compliance to the court. The certification that shall accompany each filing shall be substantially in the following form "I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents."

E. A court or custodian is not required to review any filed document for compliance with this section. A party's or attorney's failure to comply with this section shall not affect access to case records that are otherwise accessible.

F. If confidential documents are not submitted with the Confidential Document Form, a court may, upon motion or its own initiative, with or without a hearing, order that any such documents be sealed. A court may also impose appropriate sanctions for failing to comply with this section.

G. This section shall apply to all documents for any case filed with a court or custodian on or after the effective date of this policy.

### Commentary

This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable au-

thority, such as Juvenile Act cases pursuant to 42 Pa.C.S. § 6307, and Pa.Rs.J.C.P. 160 and 1160.

Unless constrained by applicable authority, court personnel and jurists are advised to refrain from attaching confidential documents to court-generated case records (e.g., orders, notices) when inclusion of such information is not essential to the resolution of litigation, appropriate to further the establishment of precedent or the development of law, or necessary for administrative purposes. For example, if a court's opinion contains confidential information and, therefore, must be sealed or heavily redacted to avoid release of such information, this could impede the public's access to court records and ability to understand the court's decision.

Examples of "agreements between the parties" as used in Subsection (A)(7) include marital settlement agreements, post-nuptial, pre-nuptial, ante-nuptial, marital settlement, and property settlement. See 23 Pa.C.S. § 3105 for more information about agreements between parties.

With regard to Subsection D, the certification of compliance is required whether documents are filed in paper form or via an e-filing system.

With regard to Subsection E, if the party or party's attorney fails to use a cover sheet designated "Confidential Document Form" when filing a document deemed confidential pursuant to this section, the document may be released to the public.

Any party may make a motion to the court to cure any defect(s) in any filed document that does not comport with this section.

### Section 9.0. Limits on Public Access to Case Records at a Court Facility.

The following information shall not be accessible by the public at a court facility:

A. Case records in proceedings under 20 Pa.C.S. § 711(9), including but not limited to case records with regard to issues concerning recordation of birth and birth records, the alteration, amendment, or modification of such birth records, and the right to obtain a certified copy of the same, except for the docket and any court order or opinion;

B. Case records concerning incapacity proceedings filed pursuant to 20 Pa.C.S. §§ 5501—5555, except for the docket and any final decree adjudicating a person as incapacitated;

C. Any Confidential Information Form or any Unredacted Version of any document as set forth in Section 7.0;

D. Any document filed with a Confidential Document Form as set forth in Section 8.0;

E. Information sealed or protected pursuant to court order;

F. Information to which access is otherwise restricted by federal law, state law, or state court rule; and

G. Information presenting a risk to personal security, personal privacy, or the fair, impartial and orderly administration of justice, as determined by the Court Administrator of Pennsylvania with the approval of the Chief Justice. The Court Administrator shall publish notification of such determinations in the *Pennsylvania Bulletin* and on the Unified Judicial System's website.

### Commentary

Unless constrained by applicable authority, court personnel and jurists are advised to refrain from inserting confidential information in or attaching confidential documents to court-generated case records (e.g., orders, notices) when inclusion of such information is not essential to the resolution of litigation, appropriate to further the establishment of precedent or the development of law, or necessary for administrative purposes. For example, if a court's opinion contains confidential information and, therefore, must be sealed or heavily redacted to avoid release of such information, this could impede the public's access to court records and ability to understand the court's decision.

With respect to Subsection F, Pennsylvania Rule of Appellate Procedure 104(a), Pa.R.A.P. 104(a), provides that the appellate courts may make and amend rules of court governing their practice. The Administrative Office of Pennsylvania Courts shall from time to time publish a list of applicable authorities that restrict public access to court records or information. This list shall be published on the Unified Judicial System's website and in the *Pennsylvania Bulletin*. In addition, all custodians shall post this list in their respective court facilities in areas accessible to the public and on the custodians' websites.

With respect to Subsection G, the Administrative Office of Pennsylvania Courts shall include any such determinations in the list of applicable authorities referenced above. The same provision appears in existing statewide public access policies adopted by the Supreme Court: Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania and Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts. The provision is intended to be a safety valve to address a future, extraordinary, unknown issue of statewide importance that might escape timely redress otherwise. It cannot be used by parties or courts in an individual case.

#### Section 10.0. Limits on Remote Access to Case Records.

A. The following information shall not be remotely accessible by the public:

1. The information set forth in Section 9.0;
2. In criminal cases, information that either specifically identifies or from which the identity of jurors, witnesses (other than expert witnesses), or victims could be ascertained, including names, addresses and phone numbers;
3. Transcripts lodged of record, excepting portions of transcripts when attached to a document filed with the court;
4. In Forma Pauperis petitions;
5. Case records in family court actions as defined in Pa.R.C.P. No. 1931(a), except for dockets, court orders and opinions;
6. Case records in actions governed by the Decedents, Estates and Fiduciaries Code, Adult Protective Services Act and the Older Adult Protective Services Act, except for dockets, court orders and opinions; and
7. Original and reproduced records filed in the Supreme Court, Superior Court or Commonwealth Court as set forth in Pa.R.A.P. 1921, 1951, 2151, 2152, and 2156.

B. With respect to Subsections A(5) and A(6), unless otherwise restricted pursuant to applicable authority, dockets available remotely shall contain only the following information:

1. A party's name;
2. The city, state, and ZIP code of a party's address;
3. Counsel of record's name and address;
4. Docket number;
5. Docket entries indicating generally what actions have been taken or are scheduled in a case;
6. Court orders and opinions;
7. Filing date of the case; and
8. Case type.

C. Case records remotely accessible by the public prior to the effective date of this policy shall be exempt from this section.

### Commentary

Remote access to the electronic case record information residing in the Pennsylvania Appellate Court Case Management System (PACMS), the Common Pleas Case Management System (CPCMS) and the Magisterial District Judges System (MDJS) is provided via web dockets, available on <https://ujportal.pacourts.us/>, and is governed by the Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania.

Depending upon individual court resources, some courts have posted online docket information concerning civil matters. If a court elects to post online docket information concerning family court actions and actions governed by the Decedents, Estates and Fiduciaries Code, Adult Protective Services Act and the Older Adult Protective Services Act, the docket may only include the information set forth in Subsection B. This information will provide the public with an overview of the case, its proceedings and other pertinent details, including the court's decision. Release of such information will enhance the public's trust and confidence in the courts by increasing awareness of the procedures utilized to adjudicate the claims before the courts as well as the material relied upon in reaching determinations. This provision does not impact what information is maintained on the docket available at the court facility.

Access to portions of transcripts when attached to a document filed with the court in family court actions is governed by Subsection A(5). While Pa.R.C.P. No. 1931 is suspended in most judicial districts, the reference to the rule is merely for definitional purposes.

#### Section 11.0. Correcting Clerical Errors in Case Records.

A. A party, or the party's attorney, seeking to correct a clerical error in a case record may submit a written request for correction.

1. A request to correct a clerical error in a case record of the Supreme Court, Superior Court or Commonwealth Court shall be submitted to the prothonotary of the proper appellate court.
2. A request to correct a clerical error in a case record of a court of common pleas or Philadelphia Municipal Court shall be submitted to the applicable custodian.

B. The request shall be made on a form designed and published by the Administrative Office of Pennsylvania Courts.

C. The requestor shall specifically set forth on the request form the information that is alleged to be a clerical error and shall provide sufficient facts, including

supporting documentation, that corroborate the requestor's allegation that the information in question is in error.

D. The requestor shall provide copies of the request to all parties to the case.

E. Within 10 business days of receipt of a request, the custodian shall respond in writing to the requestor and all parties to the case in one of the following manners:

1. The request does not contain sufficient information and facts to determine what information is alleged to be in error, and no further action will be taken on the request.

2. The request does not concern a case record that is covered by this policy, and no further action will be taken on the request.

3. A clerical error does exist in the case record and the information in question has been corrected.

4. A clerical error does not exist in the case record.

5. The request has been received and an additional period not exceeding 30 business days is necessary to complete a review of the request.

F. A requestor may seek review of the custodian's response under Subsections E(1)—(4) within 10 business days of the mailing date of the response.

1. The request for review shall be submitted on a form that is designed and published by the Administrative Office of Pennsylvania Courts.

2. The request shall be reviewed by the judge(s) who presided over the case.

#### Commentary

Case records are as susceptible to clerical errors and omissions as any other public record. The power of the court to correct errors in its own records is inherent. E.g., *Jackson v. Hendrick*, 746 A.2d 574 (Pa. 2000). It is important to emphasize that this section does not provide a party who is dissatisfied with a court's decision, ruling or judgment a new avenue to appeal the same by merely alleging there is an error in the court's decision, ruling or judgment. Rather, this section permits a party to "fix" information that appears in a case record which is not, for one reason or another, correct.

Particularly in the context of Internet publication of court records, a streamlined process is appropriate for addressing clerical errors to allow for prompt resolution of oversights and omissions. For example, to the extent that a docket in a court's case management system incorrectly reflects a court's order, or a scanning error occurred with regard to an uploaded document, such clerical inaccuracies may be promptly corrected by the appropriate court staff, upon notification, without a court order. Since 2007, the Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania has provided a similar procedure for any errors maintained on the web docket sheets of the PACMS, CPCMS and MDJS. The procedure has successfully addressed clerical errors on docket entries in a timely and administratively simple manner.

A party or party's attorney is not required to utilize the procedures set forth in this section before making a formal motion for correction of a case record in the first instance. Alleged inaccuracies in orders and judgments themselves must be brought to the attention of the court in accordance with existing procedures.

This section is not intended to provide relief for a party's or attorney's failure to comply with Sections 7.0 and 8.0 of this policy. Sections 7.0 and 8.0 already provide for remedial action in the event that non-compliance occurs.

With respect to this section, a custodian includes, but is not limited to, the county prothonotaries, clerks of orphans' court, and clerks of the court.

A log of all corrections made pursuant to this section may be maintained by the custodian, so that there is a record if an objection is made in the future. Such a log should remain confidential. It is suggested that custodians include a registry entry on the case docket when a request is received and a response is issued.

#### Section 12.0. Continuous Availability of Policy.

A copy of this policy shall be continuously available for public inspection in every court and custodian's office and posted on the Unified Judicial System's website.

[Pa.B. Doc. No. 17-1665. Filed for public inspection October 6, 2017, 9:00 a.m.]

## POTTER COUNTY

### Local Rules; No. 113 of 2017 Misc. Division

#### Order

*And Now*, this 13th day of September, 2017, the Court adopts the following Local Rules, which shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

STEPHEN P.B. MINOR,  
*President Judge*

### COURT OF COMMON PLEAS

#### LOCAL RULES

#### Rule L126. Liberal Construction and Application of Local Rules.

The rules shall be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding to which they are applicable. The Court at every stage of any such action or proceeding may disregard any error or defect of procedure which does not affect the substantial rights of the parties.

#### Rule L205.2(a). Filing Legal Papers with the Prothonotary.

(a) All papers filed with the Prothonotary in an action at law or in equity and in other matters designated shall be prepared for flat filing and shall be on letter-sized paper, 8 1/2" x 11".

(b) All papers described in (a) above shall be bound at the top, not the side, so that they may be assembled with other papers in the case in a top bound file cover.

(c) Motions and petitions shall be filed with the Prothonotary or clerk of the Orphans Court for presentation to the court.

(d) Except for matters of extreme emergency and routine matters that are not contested, no motion or petition requesting ex parte action shall be heard by the court unless prior notice of its presentation has been given to opposing counsel of record.

(e) Proposed Orders shall be filed with all motions, petitions, and rules as a matter of course.

(f) All motions, petitions, and rules shall contain a certificate of concurrence or non-concurrence from the opposing party counsel or an explanation of why the same cannot be obtained.

(g) Pleadings filed with the Prothonotary by facsimile will generally not be accepted and shall not be effective

unless followed by the filing of an original pleading. There may be rare instances where a fax is acceptable due to any emergency situation; however, even in those cases, the original is to be properly filed with the Prothonotary as soon as is possible. Filing by facsimile must be pre-approved by the Court, the Prothonotary/Clerk of Courts, or a Deputy of the Prothonotary/Clerk of Courts. If this emergency procedure is followed the date the facsimile is received shall be the effective filing date.

**Rule L205.2(b). Cover Sheet.**

Every initial pleading and every first pleading after new counsel begins representation shall have a cover sheet which discloses the identity and addresses of the parties along with the name, address and phone number of counsel representing each party if known in substantially the following form:

|           |   |                              |
|-----------|---|------------------------------|
| _____     | : | IN THE COURT OF COMMON PLEAS |
| Plaintiff | : | OF POTTER COUNTY, PA         |
|           | : |                              |
| vs.       | : | No. _____ of _____           |
|           | : |                              |
| _____     | : | CIVIL DIVISION               |
| Defendant |   |                              |

Type of Document: \_\_\_\_\_

(Filed on Behalf of) \_\_\_\_\_

Attorney for Plaintiff: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

Attorney for Defendant: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

**Rule L206.4(c). Rule to Show Cause.**

Rules to show cause will issue as a matter of course in accordance with Pa.R.Civ.P. 206.6. Rule to show cause orders shall contain the information required in Pa.R.Civ.P. 206.6(c)(1), (2), (3) and (6).

**Rule L208.2(c). Statement of Authority.**

All motions, except motions for continuances, shall be supported by a statement of authority citing a statute, rule of court or case law in support of the requested relief. The statement may be in the form of a brief or memorandum of law filed contemporaneously with the motion; or, in routine motions that do not raise complex legal or factual issues, in the body of the motion itself.

**Rule L208.2(d). Certification of Position: Motions/Petitions.**

Prior to submitting any motion/petition, the movant or his/her counsel shall confer with all counsel of record and any unrepresented parties to determine their position with respect to the motion. The movant or his/her counsel shall include in or attach to his/her motion a certification that the movant or his/her counsel has conferred, or attempted to confer, with all interested parties to ascer-

tain their position on the motion (contested, uncontested or no position). The ascertained position shall be indicated in the certification.

**Rule L208.3(a). Motion Procedures.**

(a) Upon the filing of any motion, petition, exceptions, or the like, requiring legal argument, the matter will be scheduled by the court in an order which will also establish the advance briefing schedule. If a party reasons it needs to file a brief in addition to any statement of authority provided pursuant to Local Rule L208.2(c), and no briefing schedule is in effect, such a brief shall be due four (4) days before argument. This Rule in no way abrogates the requirements of Local Rule L208.2(c). Briefs may also be submitted after a matter is heard in the court's discretion. If the brief is not presented to the court when ordered, the court, in its discretion, may refuse to consider a late brief or to hear oral argument. If evidence is to be received in support of the filing, the proponent shall express the same and advise how much time should be allocated for the matter.

(b) The court may with prior approval allow oral argument on any motion by speaker telephone conference provided that the conversations of all parties are audible

to all persons present, or upon stipulation of all parties, by regular telephone conference call. The Court reserves the right to limit the length of telephone argument or testimony. Upon request of any party, such oral argument may be recorded by a court reporter or otherwise under such conditions as the court shall deem practicable. Counsel shall schedule such telephone calls at a time mutually agreeable to all parties and the court. The expense of the call will be the responsibility of the party requesting the call, unless the court directs otherwise.

(c) Emergency Motions will be scheduled either by a proposed order or by notice. All parties should be present for a hearing to take place. The absence of a properly notified party will be deemed a consent to the relief sought.

(d) Briefs shall be required as a matter of course in support of all Preliminary Objections as outlined in Local Rule L208.2(c). If a party reasons it needs to file a brief in addition to any statement of authority provided pursuant to Local Rule L208.2(c), and no briefing schedule is in effect, such a brief shall be due four (4) days before argument. This Rule in no way abrogates the requirements of Local Rule L208.2(c).

(e) All motions must contain a proposed scheduling order and information for the Court Administrator. The information for the Court Administrator must contain an estimate of the total amount of time needed to complete the hearing as stipulated in Local Rule L307.

(f) Unless otherwise noted, it is the sole responsibility of the party seeking relief to serve signed orders submitted by the party seeking relief.

#### **Rule L210. Form and Content of Briefs.**

Except by prior permission of the Court, briefs (exclusive of pages containing the table of contents, table of citations and any addendum containing opinions, etc., or other similar supplementary matter) shall not exceed twenty-five (25) pages of double-spaced conventional typographical printing. This Rule shall not apply to briefs on post-trial motions. Non-conforming briefs will not be considered unless an exemption was granted by the Court prior to submission.

#### **Rule L212.1. Time for Completing Discovery—Civil.**

(a) The parties shall complete discovery within 210 days from the filing of the complaint. Discovery will not be permitted after the 210 day period except by order of court upon good cause shown.

(b) In those cases where it is apparent that extensive discovery will be required or when the pleadings have not closed within 80 days from the filing of the complaint, the court—upon Praecipe of any party—will hold a status conference to establish an alternative discovery timetable.

(c) If matters arise at any time during the discovery period or thereafter which counsel reasonably believes has or will prejudice their case or has or will cause counsel to fall out of compliance with this rule, counsel shall request a status conference.

(d) At any time, the court may, in its discretion, direct the parties to attend a status conference, modify the above timetable, refer the case to mediation, list a case for arbitration, direct a case be listed for trial, or otherwise intervene to expedite the litigation.

(e) If at any time the case is referred to mediation the above timetable shall be stayed pending the conclusion of the mediation.

#### **Comment**

It is the intention of this rule to have a case trial ready and listed for pre-trial conference within 12 months from the filing of the complaint. The time standards for general civil matters is: all nonjury cases should be tried or otherwise disposed of within 12 months/360 days after initial filing and all jury cases should be tried or otherwise disposed of within 18 months/540 days after initial filing. It is contemplated that there will be instances when a shorter or longer timetable will be indicated.

#### **Rule L212.3. Pre-Trial Conference.**

(a) For purpose of this rule, “pre-trial” shall mean a type of conference described in Pa.R.Civ.P. 212.3.

(b) Except as otherwise ordered by the court, pre-trial conferences shall be held at times directed by the court. Pre-trial conferences are extended to all actions not subject to arbitration under Local Rule L1302, and arbitration comes by special order. Counsel shall be trial ready and fully prepared as of the time of the pre-trial conference, otherwise, said matter shall be stricken from the trial list.

(c) Any application for continuance of the conference shall be by motion addressed to the court.

(d) Counsel attending the pre-trial conference must have complete authority to stipulate on items of evidence and admissions and must have full settlement authority. If counsel does not have such authority then the person or corporation having the actual interest in the case, whether as a party, as an insurance carrier or otherwise, shall be personally present at the pre-trial conference.

(e) At least seven (7) days before the date set for the pre-trial conference, each party shall submit to the court and opposing counsel a pre-trial statement in accordance with Pa.R.Civ.P. 212.2, to include:

(1) A narrative statement of the facts that will be offered by oral or documentary evidence at trial, and a statement of any unusual questions of evidence anticipated with respect to proof of such facts.

(2) A statement of any unusual questions of law anticipated with respect to the issues in the case. All such questions shall be presented with a statement of authority supporting the position taken with respect to such unusual questions of law.

(3) A list of names and addresses of all persons who may be called as witnesses, classifying them as liability and/or damage witnesses. The listing of a witness by a party shall impose no liability on the party to call the witness or to procure his attendance at trial.

(4) Medical reports of any doctor who treated, examined or was consulted in connection with the injuries complained of, and who may be called as a witness.

(5) The reports of any expert whose opinion will be offered in evidence at the time of trial. Such report shall include the findings and conclusions of the expert.

(6) A list of all items of special damages which the party intends to prove, including medical bills, property damage bills (or estimates if there are not bills) and loss of earnings. Claims for loss of earnings shall set forth the names of employers, dates of absences and rates of pay. If the party is self-employed, information which forms the basis for the loss of income attributable to the injuries shall be supplied.

(7) Each party's pre-trial statement shall include an exhibit list and a copy of all exhibits, which shall be pre-marked, that the party may use at trial. At the time of trial, a copy of the pre-marked exhibits must be provided to the Court and a copy of the exhibits list must be provided to the Court, court reporter, and opposing counsel.

(8) A copy of any hypothetical questions to be used with regard to the subject except the physical or mental condition of the party, or the cause thereof, together with the name and address of the witness to whom it is to be propounded.

(9) A copy of any plan or plot proposed to be introduced into evidence.

(10) An estimate of the length of time which will be required to present the party's case in chief.

(f) Counsel shall meet before trial and review their respective exhibits to determine whether a stipulation can be reached regarding the admissibility of any exhibits, thereby alleviating the need of calling a sponsoring witness.

(g) For each exhibit which shall be made part of the record the party offering the exhibit shall provide a copy of the exhibit to the Court and opposing counsel.

(h) If a party, in the exercise of reasonable diligence, first becomes aware after the pre-trial conference of the necessity or desirability of using a witness, an exhibit, a hypothetical question, plot or plan, they shall forthwith provide the court and other counsel with the same information with respect to such witness, exhibit hypothetical question, plot or plan as is required on the pre-trial statement set forth in (e) above.

Failure to provide such information shall not be in compliance with this subsection, and may, in the discretion of the court, justify refusal by the court to permit the use of such witness, exhibit, hypothetical question, plan or plot at trial.

#### **Rule L216. Continuances.**

Any party seeking a continuance, must do so by written motion and notify opposing counsel or pro se parties and state in the Motion whether the parties and/or counsel agree to the continuance. In the absence of the same, the motion will be summarily denied. A party seeking a continuance must also prepare and submit a proposed order and appropriately circulate the signed order. No continuances of hearings or trials scheduled will be granted except for good cause shown. All filing fees for a continuance must be paid before the Court will consider the motion.

#### **Rule L225. Addresses and Summing Up.**

(a) Opening addresses may be made by all parties or groups of parties at the commencement of the trial in the order of their appearing in the pleadings. Any party may reserve their opening address until immediately before presenting their evidence.

(b) After the close of the testimony, each party or group of parties shall have the right of final address or argument in inverse order to the order of opening addresses, unless otherwise ordered by the court.

(c) The Court reserves the right to regulate the number and length of addresses to the jury or to the court pursuant to Pa.R.Civ.P. 223(a)(3).

#### **Rule L226. Proposed Jury Instructions.**

1. In all trials the attorneys of record trying the case and any unrepresented parties, if they deem advisable, may submit in writing to the Court proposed points for charge or jury instructions, if any, not later than the beginning of opening statements. The Court may also direct the submission of proposed points for charge at any time prior to charging the jury.

2. Once the trial commences, points for charge or jury instructions shall be accepted only by leave of Court as justice shall require.

#### **Rule L227.1. Motion: Post-Trial and Post-Hearing.**

The moving party in all post-trial and post-hearing motions or petitions shall, if argument thereon is to be with reference to the testimony, include a request for a transcript of the testimony, or such part thereof as the moving party desires to have transcribed for the purposes of such motion in compliance with Local Rule R.J.A. 4001, et seq.

#### **Rule L230.2. Termination of Inactive Cases—Civil.**

The Court hereby grants authority to the Prothonotary to terminate civil cases through the procedure outlined in Pa.R.Civ.P. 230.2.

Within thirty (30) days after the date of proposed termination the Prothonotary shall generate a list of all civil cases, excluding divorce cases filed under 23 Pa.C.S. § 3301(c) and (d) where neither party resides in Potter County, and shall provide the list to the Court Administrator. The Court Administrator shall promptly schedule each listed matter for a status conference, at which the Court may establish appropriate timelines to ensure a timely and efficient disposition of the case.

#### **Rule L302. Affidavits.**

All affidavits filed or on documents of Record or on documents presented to the Court for any reason will contain a jurat.

#### **Rule L306. Notice.**

(a) All notices shall be in writing.

(b) Except as otherwise provided by Act of Assembly, rule or special order of court, whenever any process, paper or notice is required to be served upon a party, such service shall be made in accordance with the procedure set forth in Pa.R.Civ.P. 440, unless service is to be made by publication, in which event service shall be made as provided by Local Rule L440.

(c) All notices shall carry the same weight and effect as a court order.

#### **Rule L307. Contested Matters.**

In all contested matters, including those requiring hearings and arguments, counsel for the moving party shall give a written, good faith estimate as to the length of each such proceeding to the Court Administrator at the time of listing and shall indicate whether testimony is to be taken and/or whether argument shall be heard.

#### **Rule L309. Trial Sessions and Trial List.**

(a) Except as specially scheduled by the Court Administrator, Jury trial sessions will be held at such times as shall be established in the annual court calendar.

(b) All civil cases to be tried by either Jury or Judge shall be listed by filing with the Prothonotary a Praeceptum

to List. The Praeceptum shall contain the date on which it is submitted to the Prothonotary and whether Jury or Non-Jury Trial is requested.

(c) To place a case on the trial list, counsel for one or more of the parties in the case shall file a Praeceptum to List for Trial. Listing a case for trial constitutes a certification by the listing attorney that the case is in fact trial ready. The Praeceptum shall include a statement of concurrence or non-concurrence of the trial listing from all other parties. The party placing a case on the trial list shall forthwith serve a copy of the Praeceptum upon all other counsel of record, who, if for any reason oppose such certification, shall within ten (10) days thereafter file their reasons opposing listing.

(d) Upon receipt of the Trial List, the court shall schedule a pre-trial conference to be held on each case on the Trial List. Said conference shall be held in the manner provided by Local Rule L212.3.

(e) No continuance will be granted because of any litigant being "not ready for trial" unless notice that the litigant is not ready is presented to the Court within ten (10) days from the date of said listing. Lawyers involved in said civil litigation shall present themselves, clients and other parties, if directed, before the Court and at the Court's direction for a status update at any time.

(f) Upon completion of the pre-trial conferences, if a jury trial or non-jury trial is required, the Court will direct the Court Administrator to schedule the matter for trial and notice of the trial shall be provided to counsel.

#### **Rule L410. Service—Real Property Actions.**

(a) If a defendant is deceased or his identity or whereabouts are unknown and the plaintiff motions the Court for an order authorizing service of publication upon such a defendant, the plaintiff shall attach an affidavit to such motion setting forth the following averments:

(1) The plaintiff has caused the records in the offices of the Register and Recorder to be examined to ascertain the date of death of the defendant, whether he died testate or intestate, the names and addresses of all the defendant's heirs, legatees or devisees, and whether or not there has been any adverse conveyance of the real estate that is subject of the suit.

(2) The plaintiff has made a good faith effort to locate the whereabouts of the defendant, defendants, or defendant's heirs, stating in detail the efforts made. An illustration of a good faith effort to locate the defendant includes (1) inquiries of postal authorities including inquiries pursuant to the Freedom of Information Act, 39 C.F.R. Part 265, (2) inquiries of relatives, neighbors, friends, and employers of the defendant, (3) examinations of local telephone directories, courthouse records, voter registration records, local tax records, and motor vehicle records, and (4) a reasonable internet search. Note to Pa.R.Civ.P. 430.

(2) In the case of a corporation that has been dissolved, the plaintiff has caused the records in the offices of the Register and Recorder to be examined to ascertain whether or not there has been adverse conveyance or distribution of the real estate that is the subject of the suit.

(b) Unless otherwise directed by the court or required by law or rule of court, service by publication shall be made for one (1) week in a newspaper of general circulation in the county.

#### **Rule L430. Service, Petition, Rules Orders and Notices.**

Whenever service by publication is authorized by law or rule of court and the manner of publication is not otherwise specified, such service shall be made by publishing the required notice one time in a newspaper of general circulation in Potter County, unless otherwise required by law or Rule of Court. Affidavits of publication shall be filed in the Prothonotary's office. Unless otherwise provided by an Act of Assembly or rule of the court, a copy of each paper filed in any case, other than the writ, complaint, or other process by which an action is commenced, shall be served by the party filing it promptly upon all other parties to the litigation or their attorneys of record. The manner of service shall be in conformity with Pa.R.Civ.P. 440. No matter shall be considered by the court unless there has been filed either a proof of service, acceptance of service or certificate of service.

It is the responsibility of the moving party to serve all scheduling orders upon opposing counsel and pro se litigants. Unless otherwise directed, Orders and Opinions originating from the Court, will generally be sent to all counsel of record and pro se parties by the Prothonotary with a notation that the Order has been circulated by that office. If the Court or Prothonotary does not have the address of the opposing party the moving party shall be responsible for service upon the opposing party. When in doubt the moving party should be vigilant to serve opposing counsel and pro se litigants. Proposed orders submitted by counsel which are executed by the Court shall be returned to counsel for service on all interested parties and proof of service shall be filed with the Court.

#### **Rule L506. Bonds—Civil.**

In all bonds for purposes other than bail filed with the Prothonotary or Clerk of Courts of Potter County, including but not limited to a counterbond in replevin, the following rules shall apply:

(a) For all personal property posted as bond, an affidavit of some knowledgeable person acceptable to the Prothonotary shall be presented, duly executed, and setting for the net value of the item or items posted.

(b) The Prothonotary may charge a reasonable storage fee for the storage and or detention of personal property as posted.

(c) If real estate is sought to be presented as bond, the person presenting the same therefore shall cause an appropriate entry to be made in the Prothonotary's Office, for which he shall pay the Prothonotary customary fees, produce proof of such entry to the Prothonotary together with an affidavit from a good and reliable source to be approved by the Prothonotary setting forth the net value of said property (net value being market value less existing liens of Record) and an affidavit from the purported owners of the real interest owned by them in the subject property. Such an entry shall cause and create a lien on the subject property to the extent of the face amount of the bond.

#### **Rule L512. Board of Assessment Appeals.**

The Pennsylvania Rules of Civil Procedure shall be applicable to all assessment appeals filed in Potter County before the Court of Common Pleas.

In all cases where an appeal is taken from a real estate assessment fixed by the Board of Assessment Appeals, the petition for allowance of appeal shall have attached to it a



photocopy of the appealed-from order of said board and shall have attached to it a proposed preliminary decree which shall provide:

1. that the appeal to court is permitted and said case is to proceed in conformity with the Pennsylvania Rules of Civil Procedure.

2. that within five (5) days from the date of the preliminary decree, appellant shall serve a copy of the petition and preliminary decree upon the board, upon the Board of County Commissioners, the governing body of the municipality and the Board of the School Directors of the school district in which the real estate is situate, and upon the property owner, if he/she is not the appellant.

3. that the taxing authorities aforesaid and the property owner, if he/she is not the appellant, be and are hereby entitled to intervene as parties appellee.

The appeal shall be scheduled by the Court Administrators for a nonjury trial upon the filing of a Praecepte to List for Trial. Listing a case for trial constitutes a certification by the listing attorney that the case is in fact trial ready. The Praecepte shall include a statement of concurrence or non-concurrence of the trial listing from all other parties. The party placing a case on the trial list shall forthwith serve a copy of the Praecepte upon all other counsel of record, who, if for any reason oppose such certification, shall within ten (10) days thereafter file their reasons opposing listing.

#### **Rule L1012. Appearances—Civil.**

If more than one counsel enters their appearance for a party, one such counsel shall be designated as Chief Counsel. Except as herein set forth, when counsel ceases to be actively involved in a case, a motion to withdraw shall be filed with a proposed order. Counsel shall note in the Motion whether the client and opposing counsel consent to the request. Notice of the filing of the Motion and Order scheduling hearing or argument on same, shall be provided to the client and opposing counsel and an appropriate certificate of service shall be attached to the Motion. Generally a hearing will not be necessary if the client and opposing counsel do not object to the Motion. In the alternative, counsel may withdraw without leave of court if new counsel files an appearance and the change of counsel does not delay the litigation. Absent new counsel entering an appearance or Order of the Court granting withdrawal, an attorney has an affirmative and ethical obligation to appear for all proceedings and work diligently and zealously to represent their client. Should the Court grant leave to withdraw, counsel shall then file a Praecepte to withdraw with the Prothonotary.

#### **Rule L1018.1. Notice to Defend.**

The entity, to be named in the notice to defend, from whom information can be obtained, is:

Office of the Prothonotary  
Potter County Courthouse  
One East 2nd Street, Room 23  
Coudersport, PA 16915  
Telephone: 814-274-9740

#### **Rule L1028(c). Preliminary Objections.**

Upon receipt of the Preliminary Objection the Court Administrator will schedule oral argument by Order. The Order will state the date and time set for argument, along with ordering briefs due at least four (4) days before argument. This briefing deadline is in addition to the requirement detailed in Local Rule L208.2(c).

#### **Rule L1033. Amended Pleading.**

Whenever an amended pleading is filed, such pleading shall be a complete pleading and not merely set forth the amendments to the former pleading. The amended pleading shall clearly indicate that it is an amended pleading, the paragraphs shall be renumbered, and the new portion shall be underlined.

#### **Rule L1034(a). Motions for Judgment on the Pleadings.**

Upon receipt of a motion for judgment on the pleadings, the Court Administrator will schedule the date and time of hearing and oral argument. If a party reasons it needs to file a brief in addition to any statement of authority provided pursuant to Local Rule L208.2(c), and no briefing schedule is in effect, such a brief shall be due four (4) days before argument. This Rule in no way abrogates the requirements of Local Rule L208.2(c).

#### **Rule L1035.2(a). Summary Judgment.**

Upon receipt of a motion for summary judgment, the Court Administrator will schedule the date and time of hearing and oral argument. If a party reasons it needs to file a brief in addition to any statement of authority provided pursuant to Local Rule L208.2(c), and no briefing schedule is in effect, such a brief shall be due four (4) days before argument. This Rule in no way abrogates the requirements of Local Rule L208.2(c). All affidavits and supporting documentation must be filed at or before the time of argument.

#### **Rule L1042.21. Pre-Trial Procedure in Medical Professional Liability Actions Settlement Conference; Mediation.**

A. The county/region will maintain a list of mediators in the area who are willing to take part in medical professional liability mediation, together with appropriate contact information. The list will be furnished upon request. Parties may propose other mediators in addition to those listed.

B. Any motion by a healthcare provider requesting a court ordered mediation shall set forth the following minimum information.

1. The date of the proposed mediation or the time frame during which the mediation will take place.
2. The identity of the proposed mediator
3. The location of the proposed mediation; and
4. Any other terms that have been consented to by the parties or which are being proposed by the moving health care provider.

C. If the motion has been consented to, such consent shall be noted in the motion and, where possible, written consents from the parties shall be attached.

D. Any party opposing a Motion for mediation shall file their objections within ten (10) days of service of the Motion.

#### **Rule L1066. Form of Judgment or Order.**

Any order entered under Pa.R.Civ.P. 1066(b)(1) shall include a description of the property. If notice of the entry of such an order is given by publication, it shall be given as provided by Local Rule L410.

#### **Rule L1301. Arbitration.**

(a) All cases which are at issue, where the amount in controversy (exclusive of interest and costs) shall be twenty-five thousand dollars (\$25,000.00) or less, except

those involving title to real estate, equity actions upon bail bonds and recognizances, actions upon penal statutes, and other actions which do not involve the recovery of money damages, including divorce, mandamus and quo warranto, shall be presided over and decided by a Board of Arbitration which shall be composed of three (3) attorneys who are member of the Bar of Potter County. If there are an insufficient number of Potter County attorneys available for a given case, the Board may include attorneys from adjacent counties who regularly practice in Potter County. The Court may also assign to arbitration any case in which the Court makes a preliminary determination that the defacto amount in controversy is twenty-five thousand dollars (\$25,000.00) or less, regardless of the pleadings.

(b) Cases shall be placed on the arbitration list in the same manner cases are placed on the trial list under Local Rule L511. Ten days after a case has been praeciped onto the list, if no objections thereto have been filed, the Prothonotary shall then promptly appoint a panel of three arbitrators, who shall be members of the Potter County Bar, except as provided herein, to hear and decide the case. The chairman so appointed shall forthwith establish the time, date, and place of trial and notify all counsel of record, unrepresented parties, and members of the arbitration panel thereof at least thirty (30) days in advance unless a shorter time is stipulated to. All trials shall be held within forty-five (45) days of the date the chairman is appointed.

(c) Each member of the Board of Arbitration who has signed the report or files a minority report shall receive as compensation for his services in each case a fee of one hundred fifty dollars (\$150.00). The chairman of the board shall receive one hundred seventy-five dollars (\$175.00). In cases requiring hearings of unusual duration or involving questions of unusual complexity, the Court, on petition of the members of the Board and for cause shown, may allow additional compensation. The Court may also, on petition of any party to a case, on cause shown and to prevent injustice, reduce the amount of such compensation or disallow compensation entirely. The members of a Board shall not be entitled to receive their fees until after filing a report with the Prothonotary. When the same is filed, the Prothonotary shall issue an order for payment of such fees which shall be immediately paid from County funds as in the case of all other County debts. Fees paid to Arbitrators shall not be taxed as costs or follow the award as other costs.

(d) Once Arbiters have been appointed hereunder, the Prothonotary shall not mark the case discontinued, settled or ended or terminate the case in any other way until the Chairman of the Board of Arbitration has received the sum of seventy-five dollars (\$75.00) settlement costs and the other two members of the Board the sum of fifty dollars (\$50.00) each as Arbitrator's settlement costs, the above sum to be paid through the office of the Prothonotary of Potter County.

The party initially requesting that a Board of Arbitration be appointed shall remain liable for settlement fees above indicated. Settlement fees shall be due and payable any time after appointment of the Board and before the settlement of any case prior to trial or hearing, but in no event more than forty-five (45) days after the date of the appointment, unless said time is extended by the Chairman of the Board.

(e) Before entering upon their duties, the members of the Board of Arbitrators shall subscribe to an oath to perform their duties and decide the case submitted to

them justly and equitably, and with due diligence, which oath shall be filed with their report. In all cases, a decision by a majority of the members of the Board of Arbitrators shall be conclusive.

(f) The Board of Arbitrators, or a majority of the members thereof, shall conduct the hearing before them with due regard to the law and according to the established rules of evidence, which, however, shall be liberally construed to promote justice, and shall have the general powers of a court including, but not limited to, the power to administer oaths or affirmations to witnesses, to determine the admissibility of evidence, to permit testimony to be offered by deposition and to decide the law and facts of the case submitted to them.

(g) If, after the appointment of the Board of Arbitrators, but before hearings, one of the members thereof shall die or become incapable of acting, or shall refuse to attend the hearing, or shall remove or depart from the county, upon the agreement of all parties the remaining members of the Board shall proceed to hear the matter at issue. Otherwise, the Prothonotary shall fill the vacancy as provided herein.

(h) If a member of the Board dies or becomes incapable of acting, or shall fail or refuse to perform his duties, after hearing but before a report shall be made, upon the agreement of all parties, the case shall be decided and the report signed by the remaining members of the Board. If the remaining Arbitrators cannot agree, the matters shall be heard de novo by a new Board, to consist of the remaining members plus a third to be appointed by the Prothonotary.

(i) The Board shall have the right to proceed ex parte in a proper case if, after due notice, one of the parties fails to appear at the hearing and does not request a continuance for good cause.

(j) The Board of Arbitrators shall file a report with the Prothonotary, which shall contain an award in appropriate cases, within twenty (20) days after hearing. The Report shall be signed by all or a majority of the members of the Board. The Prothonotary shall record any award in the judgment index as verdicts are now recorded.

(k) The award, if any, unless appealed from as herein provided, shall be final and shall have all the attributes and legal effect of a judgment entered by a court of competent jurisdiction. If no appeal is taken within the time allotted for such appeal, execution process may be issued on the award as in the case of other judgments.

(l) An appeal from an award by the Board of Arbitration may be taken pursuant to procedure established in Pa.R.Civ.P. 1308.

(m) All appeals shall be de novo. Despite any costs which a successful appellant may recover from the adverse party, he shall nevertheless not be entitled to recover the Arbitrators' fees paid by him as a condition of taking his appeal.

(n) Any party may file exceptions with the Court from the decision of the Board of Arbitration within twenty (20) days from the filing of the report for either or both of the following reasons and for no other:

(1) That the arbitrators engaged in misconduct in the conduct of the case;

(2) That the action of the Board was procured by corruption or other undue means.

If such exceptions shall be sustained, the report of the Board shall be vacated by the Court.

(o) This Rule shall apply to cases involving more than one claim, including counter claims, if none of such claims exceed \$25,000.00.

(p) This Rule shall govern cases pending in the Court of Common Pleas of Potter County on the effective date hereof, and all such cases to which the rule shall be applicable which are listed for trial shall be stricken from the trial list and referred to arbitration under the provisions hereof.

#### **Rule L1341. Mediation.**

(a) Appropriate civil cases, excluding medical professional liability actions\*, that have progressed beyond the exchange of expert reports and family law cases that involve a claim for equitable distribution of property may be referred to mediation by order of the Court (mediation of custody disputes is addressed by Local Rule L1940.1), on the motion of any party which shall include a certification that there is the belief there is a realistic possibility of settlement, following a stipulation by all parties or on the Court's initiative.

(b)(1) The parties shall, within 30 days after the date of the court order referring a case to mediation, choose a mediator who is available during the appropriate period and has no apparent conflict of interest. If the parties are unable to choose a mutually acceptable mediator the Court will appoint a mediator.

(b)(2) Except by agreement of all parties or as otherwise ordered by the Court, the cost of the mediator's services shall be divided evenly amongst the parties. Compensation shall be paid directly to the mediator upon the conclusion of mediation or as otherwise agreed by the parties and the mediator. Failure to pay the mediator shall be brought to the attention of the Court.

(c) Promptly after being chosen to mediate a case, the mediator shall, after consulting with all parties, fix a time, place and date for mediation. All mediations shall occur within 90 days of the Court's order referring the case to mediation.

(d) At least 10 days before the date of mediation, the mediation may be continued one time by agreement of all parties. The party requesting the continuance shall give written notice of the continuance to the mediator. The mediator shall reschedule mediation within 60 days from the date the mediation was to originally occur with notice provided to all parties. In the event that the parties fail to agree to a continuance more than 10 days prior to the date of the scheduled mediation, a continuance shall be filed with and decided by the Court. If the case is continued by the Court, the mediator shall reschedule the mediation in accordance with the Court's order granting the continuance.

(e)(1) All named parties and their counsel are required to attend mediation unless excused under subparagraph (e)(4) below. A party other than a natural person (e.g. a corporation or an association) satisfies the attendance requirement if represented by one authorized to reach a settlement (other than outside counsel) and is knowledgeable about the facts of the case. A unit or agency of government satisfies the attendance requirement if represented by a person who has, to the greatest extent feasible, full settlement authority and is knowledgeable about the facts of the case, the agency's legal position and

the procedures and policies under which the government agency decides whether or not to accept a proposed settlement. If the action is brought by the government on behalf of one or more individuals, at least one such individual must also attend. Any party who fails to attend mediation will be subject to sanctions.

(e)(2) Each represented party must be accompanied at the mediation by the lawyer who would be primarily responsible for trying the disputed matter. If a party is proceeding pro se and the opposing party is represented by counsel, the Court may appoint counsel to assist the pro se party at mediation. The appointed attorney shall receive as compensation for his/her services a fee of \$250.00 that shall be paid by the pro se party. In cases where mediation is extended beyond one day the Court, upon petition of the attorney and for cause shown, may grant additional compensation. The Court may waive all or part of the attorney's fee if the pro se party demonstrates a financial inability to pay.

(e)(3) Insurer representatives are required to attend in person unless excused under subparagraph (e)(4) below, if their assent would be necessary to achieve a settlement.

(e)(4) A person who is required to attend mediation may be excused from attending in person only after a showing that personal attendance would impose an extraordinary or otherwise unjustifiable hardship. A person seeking to be excused must file a motion with the Court no fewer than 10 days prior to the date set for mediation and must further serve a copy of the motion on all parties and the mediator.

(e)(5) A person excused from appearing in person must be available to participate by telephone.

(f) Within 5 days following the conclusion of mediation, the mediator shall file a written report with the Court that includes the caption and case docket number, the date of the mediation, whether any follow-up mediation was scheduled, whether the case was settled in whole or in part and any stipulations reached by the parties.

#### **Explanatory Comment**

Mediation is a flexible, generally non-binding, confidential process (See 42 Pa.C.S.A. § 5949) in which a neutral person (the mediator), selected by the parties, facilitates settlement of their case through negotiations. The parties may agree that mediation will be binding. The purpose of the mediator is to improve communication across party lines, help parties articulate their interests and to understand the interests of their opponent, and identify issues to help generate a mutually agreeable resolution to the dispute. A hallmark of mediation is its capacity to expand traditional settlement discussion and broaden resolution options by often exploring litigant needs and interests that may be independent of the legal issues in controversy.

#### **Comment**

All named parties and their counsel are required to attend mediation. This requirement reflects the Court's view that the principle values of mediation include affording litigants the opportunity to articulate directly to opposing parties their positions and interests and to hear, first hand, their opponent's version of the matter in dispute. Mediation also enables parties to seek mutually agreeable solutions with their party-opponents.

#### **Rule L1915.4. Divorce/Custody Education.**

The Court in its discretion may require all parties in a contested custody proceeding arising out of a divorce or a separate custody case to attend a parent education class as the Court selects, and shall be responsible for reason-

\* See Pa.R.Civ.P. 1042.21 for Medical Professional Liability Actions—Motion for Settlement Conference or Mediation

able fees for the program. The goal of the program being to facilitate communication between the custodial parties and reduce the stress on the children, parents and caregiver litigants will attend the programs as directed. Attendance will be excused only with Court permission after written application. Litigants who claim they are indigent may apply to the Court for a waiver or reduction of fees, with all such applications to be in writing and complete with appropriate income and financial information.

**Rule L1920.33. Marital Settlement Agreement Post-Decree Approval.**

Pursuant to 42 Pa.C.S.A. § 5505 the Court shall not incorporate a marital settlement agreement more than thirty (30) days after the entry of a divorce decree. If the parties file a marital settlement agreement signed by both parties and a petition requesting that the court approve the agreement as an order of court, the Court shall consider such approval.

**Rule L1940.1. Contested Child Custody Cases-Mediation Referral Procedure.**

1. Generally, contested child custody cases, including those raised in divorce matters, shall be referred to mediation orientation unless waived by leave of Court or removed from mediation orientation, in accordance with Pa.R.Civ.P. 1940.1, et seq.

2. Custody mediation shall be promptly conducted in accordance with procedures established by the court from time to time at the shared expense of the parties, and in accordance with Pa.R.Civ.P. 1940.1, et seq.

3. If agreement is reached before or after mediation, the agreement shall be reduced to a stipulation which shall provide the basis of a Consent Order of Court.

4. If mediation does not result in agreement between the parties, the Mediator shall refer the matter to the court for hearing and disposition.

5. The parties will be responsible for the costs of mediation in accordance with an appropriate order. Remediation will not be permitted until payment is made to Potter County. Payment of mediation costs is enforceable through the court.

**ORPHAN'S COURT RULES**

**Rule O15. Finding of Fact and Transcripts in Adoption and Termination Cases.**

(a) Persons filing an adoption or termination of parental rights petition shall, at the time of hearing, submit proposed findings of fact and a proposed decree.

(b) Persons filing an adoption or termination of parental rights petition shall be responsible for the cost of any transcripts thereof required by law or rule of Court.

**Rule O15.5(c). Adoption—Request for Investigation.**

Any person, party or attorney, who will hereafter file a Report of Intention to Adopt pursuant to 23 Pa.C.S.A. § 2531 shall also file a request for Court-Ordered investigation or submit a statement that an investigation was made by the agency which placed the child and that the appropriate information is contained or will promptly thereafter be contained in a Report of Intermediary filed under 23 Pa.C.S.A. § 2533.

**CRIMINAL RULES**

**Rule CR120. Appearances.**

(a) An attorney representing a defendant at a preliminary hearing or in a court case shall sign an entry of

appearance and provide the same to the Magisterial District Judge or file the same with the Clerk of Courts before the beginning of the pending proceeding.

(b) If provided to the Magisterial District Judge, they will not file the entry of appearance, but shall transmit the same with the docket transcript and the same shall be filed of record with the docket transcript with the Clerk of Courts.

(c) An attorney who has been retained or appointed by the court shall continue such representation through direct appeal or until granted leave to withdraw by the court pursuant to Pa.R.Crim.P. 120(A)(4).

**Rule CR528. Bail.**

Any criminal defendant or any person posting bail for said criminal defendant under a bail order set by a judicial officer, when offering up property for bail, shall submit forthwith an affidavit of value by some good and reputable person acceptable to the Magistrate, Judge or Clerk of Court receiving said bail. Said affidavit shall state that the persons offering said bail are the true and lawful owners and have a net equity in said property equal to a given dollar amount.

The Clerk of Court shall cross-index a Record of such offer of property for bail in the General Index of the Prothonotary's Office under the names of record property owners and the defendant. Such Record shall, additionally, include the following information:

(a) a brief reference to the property, the acreage, township or borough, and Deed Book reference;

(b) the amount of bail to be posted as against the property; and

(c) all encumbrances relating to the property such as liens, judgments, mortgages, and delinquent taxes.

Fees will be in accordance with the Clerk of Courts/Prothonotary fee schedule. No criminal defendant shall be released on property bail unless proof of making such entry as herein described is submitted to the appropriate authority.

The entry herein described shall become a lien on the subject property as of the date and time it is entered to the extent of the amount of bail.

The appropriate authority, whether it be the Magisterial District Judge or the Judge of the Court of Common Pleas, Criminal Division, shall, upon request at the appropriate time, issue a directive to the Prothonotary of Potter County and the bail shall be terminated as of a particular date and Prothonotary shall immediately upon the receipt of said Order mark the appropriate entry in the Record "discontinued".

When monetary bail is posted poundage will be retained by Potter County.

**Rule CR542. Scheduling of Criminal Court Jury Selection and Related Proceedings.**

1. At the time of Preliminary Hearing or at the time of waiver of such Preliminary Hearing, the Magisterial District Judge having jurisdiction over the criminal case shall furnish each criminal defendant with a written form setting forth mandatory dates and times for the following:

- a. Criminal Court Arraignment
- b. Criminal Conferences (2)
- c. Jury Selection

Defendant shall appear as directed for all these proceedings, unless appropriate waivers are executed and filed or his attendance is excused due to a resolution of his case, by means such as a plea, ARD, or nolle prosequere.

2. Any failure of the defendant to appear as directed in this Rule may constitute grounds for the issuance of a bench warrant and, where appropriate, revocation or modification of bail.

3. All scheduling done pursuant to this Rule shall be under the supervision of the District Court Administrator, and shall be accomplished on a case by case basis by the various Magisterial District Judges in accordance with a master calendar and guidelines established by the District Court Administrator. All such scheduling dates shall be deemed mandatory.

4. Criminal conferences shall be held in accordance with the foregoing on the dates set by the District Court Administrator, after consultation with the Office of the District Attorney.

Criminal conferences shall be conducted on an informal basis with the goal of prompt and expeditious resolution of criminal cases. A representative of the District Attorney's Office will meet informally with the defendant and counsel to discuss possible resolution of the case. Defendants and all counsel are required to attend. The District Attorney Representative in charge of the conferences shall promptly report on the status of each criminal case to the District Court Administrator as soon as the conferences are completed. The District Court Administrator shall reserve necessary schedule time for the prompt implementation of the results of the criminal conferences. Failure of the Defendant to appear at the criminal conference may result in the issuance of a bench warrant.

5. Counsel shall not be permitted to represent the Defendant at the proceedings described in this Rule without first filing an appropriate Entry of Appearance as provided in Local Rule CR120.

6. Various mandatory forms implementing this Rule shall be available at the Office of the District Attorney and all Magisterial District Judge office locations, and shall be available to counsel upon request.

7. The Court from time to time may implement a Call of the Criminal List requiring counsel and parties to be present for case status reports, updates, and for the purpose of facilitating a disposition of the case by plea or otherwise.

#### **Rule CR625. Criminal Trial List.**

The Commonwealth shall provide the Court Administrator with a list of cases which are trial ready at least thirty days prior to jury selection. The Commonwealth shall structure the list of cases in order of priority with the most pressing cases listed first. The Court Administrator will endeavor to schedule trials accordingly based upon the Commonwealth's list and the Court Calendar.

### **JUVENILE RULES**

#### **Rule J210. Arrest Procedures in Delinquency Cases.**

The following are designated as issuing authorities for arrest warrants for juveniles in delinquency cases:

1. Any Judge of the Court of Common Pleas of Potter County—55th Judicial District.

2. Any Magisterial District Judge of Potter County—55th Judicial District.

3. When the Potter County Courthouse is closed, applications under Pennsylvania Rule of Juvenile Court Procedure 210 shall be submitted to the "on-duty" Magisterial District Judge.

### **RULES OF JUDICIAL ADMINISTRATION**

#### **Rule R.J.A.10. Dress Code.**

1. All officers of the Court shall dress appropriate for court sessions; appropriate dress entails attire suitable for formal professional or business engagements—including dress shoes unless other shoes are required for documented medical purposes.

2. Jurors, witnesses, parties, and members of the public should dress appropriately for a judicial proceeding. No persons shall wear hats or other headwear in the courtroom unless for a genuine religious or medical purpose.

#### **Rule R.J.A.20. Electronic Device Usage.**

1. No cellular telephones shall be permitted in the courtroom except for those in possession of law enforcement officers and officers of the Court, and only then if set to make no noise. No one may openly use a cellphone in the courtroom. If a law enforcement officer or an officer of the Court needs to utilize their phone they must exit the courtroom.

2. Computers, tablets, and other electronic devices may be used in the courtroom by officers of the Court and their assistants only by permission of the Court. Such devices shall be powered down when brought into the courtroom and may be turned on only when the officer's case is before the Court. Such devices may only be used for professional purposes. No other person shall be allowed to bring such electronic devices into the courtroom unless given permission in advance by the Court.

3. Any electronic devices used in violation of this Rule shall be removed from the courtroom and may be retrieved upon departure of the courthouse.

4. Only the Judge and other courtroom staff shall utilize the courtroom telephone without the permission of the Court.

#### **Rule R.J.A.30. Food and Drink.**

1. No food or drink shall be permitted in the courtroom.

2. This rule shall not apply to the Judge, jurors, counsel, and other participants given water during a trial or extended hearing, or those given special permission by the Court.

#### **Rule R.J.A.303. Admission to Potter County Bar.**

Any lawyer wishing to become admitted to the Potter County Bar, upon proof that said lawyer is licensed to practice before the Supreme Court of Pennsylvania and who intends to maintain a primary or secondary law office within Potter County, is eligible.

Upon submission of the sum of Fifty (\$50.00) Dollars to the Prothonotary of Potter County, which shall be transferred to the Treasurer of the Potter County Bar, and an affidavit containing a statement that he or she is a duly licensed lawyer to practice in the Commonwealth of Pennsylvania and is a member of the Pennsylvania Bar "in good standing", as well as the address of his or her Potter County Office, the lawyer shall become a member of the Potter County Bar. Although not required for admission to the local bar, any applicant may request a formal admission ceremony with the Court.

All members of the Potter County Bar shall receive Court appointments from time to time, as necessary. The Court shall endeavor to not assign cases to attorneys who may not be competent within a practice area relating to the case.

**Rule R.J.A.308. Prothonotary.**

(a) The Prothonotary shall immediately endorse all papers filed with the date of such filing, and shall promptly enter into an appropriate docket all pleadings, rules, orders of court and other papers filed in every case. When scheduling or judicial response is necessary, the papers shall be promptly forwarded to the court administrator.

(b) The Prothonotary shall be responsible for the safekeeping of all records and papers belonging in his or her office. No paper may be taken from the files of the Prothonotary without the consent of the Prothonotary or one authorized by the Prothonotary to give such consent. A record shall be made of any paper removed from the Prothonotary's office and the person who receipts for such paper shall be responsible for return of the same and for any financial loss occasioned by failure to return the paper.

(c) Only the Prothonotary, his or her clerks, attorneys registered in Potter County and such other persons as the Prothonotary shall specially authorize shall be permitted direct access to the Prothonotary's files, other than as permitted by law.

(d) No entries shall be made in any Prothonotary's docket except at the direction of the Prothonotary or by order of court.

**Rule R.J.A.504. Limitations on Bail and Security.**

Neither the Prothonotary, nor his or her deputy, nor the Sheriff or Sheriff's Deputy or clerk, nor any attorney at law, shall be admitted as bail or surety in any action, civil or criminal, unless by leave of the court for special reasons shown.

**Rule R.J.A.1901. Prompt Disposition of Matters; Termination of Inactive Cases—Criminal.**

The clerk of courts shall list at the first criminal argument court held after March 1 of each year all criminal proceedings in which no steps or proceedings have been taken for two years or more prior thereto and shall give notice thereof to the district attorney, any private prosecutor and the defendant, as provided by Pa.R.J.A. 1901(c). If no good cause for continuing a proceeding is shown at the general call, an order for dismissal shall be entered forthwith by the court.

**Rule R.J.A.4001. Scope of Rules and Policy (Transcripts).**

The President Judge and the District Court Administrator appoint the Senior Court Reporter as designee for purposes of the administration of Local Rules R.J.A.4007, R.J.A.4008, and R.J.A.4011.

**Rule R.J.A.4007. Request for Transcripts.**

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

(B) For an ordinary transcript, the party requesting a full or partial transcript of a trial or other proceeding shall file the original request with the appropriate filing office—the Potter County Prothonotary's Office for civil

matters and the Potter County Clerk of Courts' Office from orphans court or criminal court matters. The requesting party shall also serve copies of the formal request to:

- (1) the judge presiding over the matter;
- (2) the court reporter, court recorder or transcriptionist;
- (3) the Senior Court Reporter;
- (4) the District Court Administrator; and
- (5) opposing counsel, but if not represented, the opposing party.

(C) Requests for expedited or rough draft transcripts shall be filed in writing to the Senior Court Reporter at least 10 days prior to the proceeding. Copies of the written request shall be delivered as required by subsection (B). In the event of an emergency, a party may request by oral motion a daily, expedited or rough draft transcript.

(D) When a litigant requests a transcript,

(1) the litigant ordering a transcript shall make a non-refundable partial payment in the amount of 50% of the total anticipated cost of the transcript, as established by the court reporter, court recorder or transcriptionist. The payment shall be by cash, money order, certified check, or law firm check made payable to the appropriate filing office—the Potter County Prothonotary's Office, Clerk of Courts' Office, or Clerk of Orphans' Court Office—and shall be delivered to the Potter County Prothonotary/Clerk of Courts' Office.

(2) the court reporter, court recorder or transcriptionist shall prepare the transcript upon direction of the Senior Court Reporter.

(3) the court reporter, court recorder or transcriptionist shall notify the ordering party and the Senior Court Reporter of the completion of the transcript and deliver a copy of the transcript to the judge presiding over the matter. Checks for the final balance are to be made payable to the appropriate filing office—the Potter County Prothonotary's Office, Clerk of Courts' Office, or Clerk of Orphans' Court Office—and shall be delivered to the Potter County Prothonotary/Clerk of Courts' Office.

(4) upon payment of any balance owed, the court reporter, court recorder or transcriptionist shall deliver the original transcript to the Potter County Prothonotary's Office or Clerk of Courts' Office and copies to the parties. Checks for the final balance are to be made payable to the appropriate filing office—the Potter County Prothonotary's Office, Clerk of Courts' Office, or Clerk of Orphans' Court Office—and shall be delivered to the Potter County Prothonotary/Clerk of Courts' Office.

(E) When a litigant requests a transcript, but cannot pay for the transcript because of alleged economic hardship, the Court shall determine economic hardship pursuant to the procedure set forth in Local Rule R.J.A. 4008(B). In cases of economic hardship, where the matter is under appeal or a transcript is necessary to advance the litigation, the costs of procuring the transcript shall be waived or otherwise adjusted by the Court. In cases of economic hardship where there is no appeal pending or there exists no obvious need for the transcript to advance the litigation, the requesting party must demonstrate reasonable need before the Court shall waive or adjust the cost of obtaining the transcript.

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

**Rule R.J.A.4008. Transcript Costs.**

(A) *Costs*

(1) The costs payable by a requesting party, other than the Commonwealth or a subdivision thereof, for a transcript in an electronic format shall be:

- (a) for an ordinary transcript, \$2.25 per page;
- (b) for an expedited transcript\*, \$3.00 per page;
- (c) for a daily transcript\*, \$4.00 per page; and
- (d) for same day delivery\*, \$6.00 per page.

(2) When the requesting party is the Commonwealth or a subdivision thereof, the cost for a transcript in an electronic format shall be \$1.25 per page.

(3) When the transcript is prepared in bound paper format, the costs shall be in accordance with paragraphs (1) and (2) relating to electronic format plus a surcharge of \$0.25 per page.

(B) *Economic Hardship Standards*

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

(2) Transcript costs for ordinary transcripts in matters under appeal or where the transcript is necessary to advance the litigation shall be reduced by 50 percent for a litigant whose income is less than 200 percent of the poverty line as defined by the HHS poverty guidelines for the current year.

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

(4) The application to waive all or a portion of the costs for a transcript shall be in the form of a Petition to Waive All or a Portion of the Transcript Costs and shall be filed in the appropriate filing office—the Potter County Prothonotary's Office, Clerk of Courts' Office, or Clerk of Orphans' Court Office—and shall be delivered to the Potter County Prothonotary/Clerk of Courts' Office. Any application for waiver or reduction of transcript costs shall be filed contemporaneously with the request for transcript and a copy served to:

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

\* The availability of expedited, daily, and same day delivery transcripts shall be at the discretion of the Court and the court reporter based upon the court reporter's schedule and obligations.

(5) The Petition to Waive All or a Portion of the Transcript 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. A blank Petition to Waive All or a Portion of the Transcript Costs and affidavit in this form may be obtained from the Potter County Prothonotary/Clerk of Courts' Office.

(6) Litigants who have been approved for representation by legal aid services are not required to prove economic hardship. Legal aid clients shall be entitled to obtain ordinary transcripts for no cost. Legal aid services must provide a letter of certification verifying that the client meets financial eligibility for legal aid services and that the matter is under appeal or that the transcript being requested is necessary to advance the litigation and the letter must be filed with the Transcript Request Form.

(C) *Assignment and Allocation of Transcript Costs*

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

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

(D) *Request for Transcript Copies*

A request for copies of a transcript previously ordered, transcribed, and filed of record shall be made to the appropriate filing office and the cost shall be at that Office's standard rate, not to exceed \$0.75 per page.

(E) *Additional Costs*

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

**Rule R.J.A.4011. Deadline for Delivery of Transcript.**

(A) Unless otherwise ordered by the court, the court reporter or transcriptionist shall deliver the transcript for those cases under appeal within 14 days of receiving notice from the appropriate filing office, as required by Pa.R.A.P. 1922(a).

(B) The court reporter or transcriptionist shall deliver transcripts for all other requests within 30 calendar days of receiving notice from the appropriate filing office, as provided by Rule R.J.A. 4007, unless an accelerated time frame is mandated by court order, law or local rule.

[Pa.B. Doc. No. 17-1666. Filed for public inspection October 6, 2017, 9:00 a.m.]

**SOMERSET COUNTY**

**Consolidated Rules of Court; Administrative Order  
No. 4 of 2017; No. 4 Misc. 2017**

**Adopting Order**

Now, this 19th day of September, 2017, it is hereby Ordered:

1. Somerset County Rule Of Judicial Administration 1901.7 governing case management conference is

Adopted, effective thirty (30) days after publication in *The Pennsylvania Bulletin* and on the Unified Judicial System Portal.

2. The Somerset County Court Administrator is directed to:

A. File one (1) copy of this Order and the following Local Rule of Judicial Administration with the Administrative Office of Pennsylvania Courts via email to [adminrules@pacourts.us](mailto:adminrules@pacourts.us);

B. File two (2) certified copies of this Order along with electronic copy to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

C. Publish the Local Rules of Judicial Administration on the Somerset County website;

D. Within thirty (30) days after publication of the Local Rules of Judicial Administration in the *Pennsylvania Bulletin*, incorporate the Rules into the complete set of Local Rules published on the Somerset County website;

E. File one (1) copy of the Local Rules of Judicial Administration in the Office of the Prothonotary of Somerset County, which copy shall be continuously available for inspection in said Office.

F. File proof of compliance with this Order in the docket for this Order, which shall include a copy of each transmittal letter.

D. GREGORY GEARY,  
*President Judge*

**Local Rule of Judicial Administration 1901.7;  
Administrative Order 4 of 2017; No. 4 Misc. 2017**

**Administrative Order**

*And Now*, this 19th day of September, 2017, *It Is Hereby Ordered* that the Court of Common Pleas of Somerset County, Pennsylvania adopts the following Local Rule of Judicial Administration 1901.7 governing case management conference.

*By the Court*

D. GREGORY GEARY,  
*President Judge*

**S.R.J.A. 1901.7. Case Management Conference.**

(a) The Court shall cause a Case Management Conference to be held before a judge approximately 365 days after a civil action, as defined below in subsection (c), has been commenced, unless a Trial Scheduling Praeceptum has been filed with the Prothonotary in accordance with Som.R.C.P. 214.

(b) At the Case Management Conference the Court may do any or all of the following:

(i) establish deadlines for discovery;

(ii) establish deadlines for the filing of amended pleadings or the joinder of additional parties;

(iii) order a severance or consolidation pursuant to Pa.R.C.P. 213;

(iv) schedule a pre-trial conference;

(v) establish a designated Civil Trial Term or date-certain scheduling for disposition of the matter;

(vi) take any other action to expedite the scheduling and resolution of the issues.

(c) For purposes of this Rule, "civil action" includes any proceedings set forth in Section B of the Court of Common Pleas Civil Cover Sheet as promulgated by the Supreme Court of Pennsylvania and shall specifically exclude all Family Law Matters as subject of Pa.R.C.P. 1901 through 1940.9 including Protection From Abuse, Support, Custody, and Divorce.

[Pa.B. Doc. No. 17-1667. Filed for public inspection October 6, 2017, 9:00 a.m.]

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## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated September 22, 2017, Caleb Clinton Bissett is disbarred from the practice of law in this Commonwealth to be effective October 22, 2017. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania in Pflugerville, Texas, this notice is published in the *Pennsylvania Bulletin*.

JULIA FRANKSTON-MORRIS, Esq.,  
*Secretary*  
*The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 17-1668. Filed for public inspection October 6, 2017, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL HEARING BOARD

[ 25 PA. CODE CH. 1021 ]

#### Practice and Procedure

The Environmental Hearing Board (Board) amends Chapter 1021 (relating to practice and procedure) to read as set forth at Annex A. This final-form rulemaking amends the rules of practice and procedure before the Board by implementing improvements in practice and procedure.

The Board approved this final-form rulemaking at its meeting on June 2, 2016.

#### *Effective Date*

This final-form rulemaking will go into effect upon publication in the *Pennsylvania Bulletin*.

#### *Contact Person*

For further information, contact Maryanne Wesdock, Senior Counsel, Environmental Hearing Board, Suite 310, Piatt Place, 301 Fifth Avenue, Pittsburgh, PA 15222, (412) 565-5245, mwesdock@pa.gov. If information concerning this final-form rulemaking is required in an alternative form, contact Christine Walker, Secretary to the Board, (814) 871-2573, christiwal@pa.gov. TDD users may telephone the Board through the Pennsylvania AT&T Relay Service at (800) 654-5984.

#### *Statutory Authority*

This final-form rulemaking is adopted under the authority of section 5 of the Environmental Hearing Board Act (act) (35 P.S. § 7515) which empowers the Board to adopt regulations pertaining to practice and procedure before the Board.

#### *Comments and Revisions to Proposed Rulemaking*

The proposed rulemaking was adopted by the Board at its meeting of July 8, 2015, and published at 45 Pa.B. 7166 (December 19, 2015), with a 30-day public comment period. Comments were submitted by the Independent Regulatory Review Commission (IRRC) and Attorney William Cluck. The comments and the Board's responses were discussed at a public meeting/conference call of the Board's Rules Committee on March 10, 2016. In response to comments received during the official public comment period on the proposed rulemaking, a draft final rulemaking was prepared. A summary of the comments and Board's responses follows.

#### § 1021.21. *Representation*

This rule is amended to delete former subsection (c), which required individuals acting in concert to be represented by counsel. The remaining subsections are renumbered accordingly.

IRRC questioned the Board's decision to place a notification about the Interest on Lawyers' Trust Account (IOLTA) fee in the comment. Specifically, IRRC questioned how the Board would enforce the provision which advises attorneys that payment of the IOLTA fee (set forth in 204 Pa. Code § 81.505(a) (relating to fees)) is not applicable in Board proceedings. The Board notified IRRC that the comment is simply explanatory.

#### § 1021.32. *Filing*

The amendment to subsection (c)(3) contains a reference to the Board's electronic filing site. IRRC suggested adding the web site address. However, the Rules Committee and the Board expressed concern that if the web site address were to change in the future, the web site address would need to be amended through a rulemaking, a process that takes several months. The Rules Committee and the Board considered adding the electronic filing site address as a comment to the rule. The Legislative Reference Bureau advised the Board that updating a page in the *Pennsylvania Code* takes approximately 2 to 3 months and there was concern that an incorrect address could be misleading for that amount of time.

Therefore, the Rules Committee and Board publish the electronic filing address in this preamble: <http://ehb.courtapps.com/content/efiling.php>.

#### § 1021.51. *Commencement, form and content*

IRRC asked for clarification on the amendment to subsection (c). This subsection is amended to clarify that if an appellant is not represented by an attorney, the notice of appeal shall be signed by the appellant. If the appellant is represented by an attorney, the attorney may sign the appeal form.

Subsection (d) is amended to require an appellant to attach a copy of the "notification and any documents received with the notification" to his notice of appeal. One commentator suggested also permitting an appellant to provide a link to the *Pennsylvania Bulletin* notice since the document is not always available to a third-party appellant, or in some cases may be quite lengthy. The Rules Committee and the Board agreed with the commentator's suggestion and this revision has been incorporated into subsection (d).

IRRC asked for clarification on the amendments to subsection (f)(3)(iii) and (vi) dealing with facsimile filing. Because subsection (f)(3)(iii) deals with the filing of a notice of appeal, this subparagraph is clarified by amending "each document" to "notice of appeal." A sentence is added to subsection (f)(3)(vi) to state that if a party's fax number is not available or operational for purposes of serving a copy of a faxed notice of appeal on other parties to the appeal, the appellant has the option of serving it by overnight delivery. This amendment was added based on IRRC's comments on the final-form rulemaking published at 44 Pa.B. 7365 (November 22, 2014).

#### § 1021.101. *Prehearing procedure*

IRRC asked for clarification on why the amendments to this section had been proposed. The amendments were proposed for the following reasons:

Subsection (c) is amended to ensure that hearings may be scheduled far enough in advance to accommodate the schedules of the parties, counsel, witnesses and the Board.

Subsection (d) codifies the Board's long-standing practice of setting forth deadlines for the filing of prehearing memoranda and motions in limine and also recognizes that the Board may schedule a prehearing conference prior to a hearing on the merits.

#### § 1021.153. *Amendment of interlocutory orders*

IRRC suggested a style change to subsection (d) and recommended revising "Unless the Board acts" to "If the

Board does not act. . .” This revision was adopted by the Rules Committee and the Board.

One commentator suggested that the Board consider extending the 10-day deadline for requesting an amendment of an interlocutory order to certify an issue for appeal. The Rules Committee and Board considered the request but determined that an extension would not allow the Board sufficient time to act before expiration of the 30-day appeal deadline under subsection (d).

*§ 1021.201. Composition of the certified record on appeal to Commonwealth Court*

The specific reference to Pennsylvania Rules of Appellate Procedure 1951 (relating to record below in proceedings on petition for review) is deleted as revisions to the Pennsylvania Rules of Appellate Procedure would necessitate an amendment to the Board’s rule. IRRC requested that the Board provide a specific reference to the rules in this preamble. The Rules Committee and Board agreed. The applicable Pennsylvania Rules of Appellate Procedure for purposes of complying with this section are Pennsylvania Rules of Appellate Procedure 1911—1935 (relating to record on appeal from lower court).

*Sunset Date*

A sunset date has not been established for these regulations. The effectiveness of the regulations will be evaluated on an ongoing basis by the Board and the Rules Committee.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on December 9, 2015, the Board submitted a copy of the notice of proposed rulemaking, published at 45 Pa.B. 7166, to IRRC and the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on June 14, 2017, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on June 15, 2017, and approved the final-form rulemaking.

*Findings*

The Board finds that:

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

(2) These regulations are necessary and appropriate for administration of the act.

*Order*

(1) The regulations of the Board, 25 Pa. Code Chapter 1021, are amended by adding §§ 1021.13 and 1021.153 and by amending §§ 1021.21, 1021.32, 1021.33, 1021.34, 1021.39, 1021.51, 1021.52, 1021.101, 1021.103, 1021.141, 1021.151, 1021.152 and 1021.201 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(2) The Chairperson of the Board shall submit this order and Annex A to the Office of Attorney General and the Office of General Counsel as to legality and form as required by law.

(3) The Chairperson of the Board shall submit this order and Annex A to the House Environmental Resources and Energy Committee, the Senate Environmental Resources and Energy Committee and IRRC as required by law.

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

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

THOMAS W. RENWAND,  
Chairperson and Chief Judge

(Editor’s Note: See 47 Pa.B. 3672 (July 1, 2017) for IRRC’s approval order.)

**Fiscal Note:** Fiscal Note 106-12 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION  
PART IX. ENVIRONMENTAL HEARING BOARD  
CHAPTER 1021. PRACTICE AND PROCEDURE  
TIME**

**§ 1021.13. Computation of time.**

(a) Except as otherwise provided by law, in computing a period of time prescribed or allowed by the rules of the Board or another provision of law, time shall be computed to exclude the first day of the action, event or filing. Time shall be computed to include the last day unless it falls on a Saturday, Sunday or legal holiday in which event the day will be omitted from the computation and the period shall run until the end of the next business day. Intervening Saturdays, Sundays and legal holidays shall be included in the computation.

(b) Subsection (a) supersedes 1 Pa. Code § 31.12 (relating to computation of time).

**REPRESENTATION BEFORE BOARD**

**§ 1021.21. Representation.**

(a) Parties, except individuals appearing on their own behalf, shall be represented by an attorney in good standing at all stages of the proceedings subsequent to the filing of the notice of appeal or complaint.

(b) Corporations shall be represented by an attorney of record admitted to practice before the Supreme Court of Pennsylvania. Corporations may also be represented by an attorney in good standing and admitted to practice before the highest court of another state on a motion pro hac vice filed by the Pennsylvania attorney of record.

(c) Individuals may appear in person on their own behalf; however, they are encouraged to appear through counsel and may be required to appear through counsel if the Board determines that they are not merely appearing on their own behalf.

(d) Subsections (a)—(c) supersede 1 Pa. Code §§ 31.21—31.23 (relating to appearance in person; appearance by attorney; and other representation prohibited at hearings).

*Comment:* Payment of the Interest on Lawyers Trust Account fee under 204 Pa. Code § 81.505(a) (relating to fees) is not required as a condition to pro hac vice admission in a proceeding before the Board.

**DOCUMENTARY FILINGS**

**FILING AND SERVICE OF DOCUMENTS**

**§ 1021.32. Filing.**

(a) *General filing requirements.* The following documents shall be conventionally filed or facsimile filed:

(1) A complaint that is original process naming a defendant or defendants.

(2) A motion to be excused from the Board’s mandatory electronic filing requirement.

(3) An entry of appearance filed under § 1021.51(j) (relating to commencement, form and content).

(4) A document filed on behalf of a person who is not a party to the proceeding at the time of the filing.

(b) *Filing of notice of appeal.* An original notice of appeal may be filed electronically, conventionally or by facsimile.

(c) *Electronic filing.*

(1) Documents except those listed in subsections (a) and (b) shall be electronically filed unless the Board orders otherwise in a particular proceeding. Persons wishing to be excused from the mandatory filing requirements shall file a motion under § 1021.92 (relating to procedural motions). The Board will excuse persons from the mandatory electronic filing requirement, with respect to all filings or with respect to specific filings, if the Board determines that the requirement would impose an unreasonable burden on the potential filer.

(2) Documents filed electronically may not also be filed by other means unless the Board orders otherwise or the document to be filed includes an original bond or check. When electronically filing documents including an original bond or check, a copy of the document, including a copy of the original bond or check, shall be electronically filed. The original, including the original bond or check, shall be deposited in the mail, addressed to the Board’s headquarters at the address provided in subsection (e)(1).

(3) Electronic filing can be performed only by registered users. Individuals who are not registered users can become registered users by submitting a registration statement to the Board and receiving authorization for electronic filing and service from the electronic filing provider. The registration statement consists of an electronic form prepared by the Board and accessed on its electronic filing web site. The prospective registered user shall provide a name, mailing address, e-mail address, telephone number and attorney identification number (if the registered user is an attorney).

(4) When registration is complete, a registered user may not withdraw from the electronic filing and electronic service system except with leave from the Board.

(5) Filers are responsible for providing an objective description of documents electronically filed. The description must include:

(i) The party filing or serving the document.

(ii) The title of the document (for example, Appellant ABC Corporation’s Motion for Summary Judgment, Appellant Smith’s Motion to Compel Permittee XYZ, Inc. to Produce Documents).

(6) When a document has been filed electronically, the official record is the electronic document filed with the Board and the filer is bound by the document as filed.

(7) The registered user’s log-in and password required to file documents using the electronic filing provider serve as the registered user’s signature on electronic documents filed with the Board. The log-in and password serve as a signature for purposes of § 1021.31 (relating to signing) and other purposes for which a signature is required in connection with proceedings before the Board.

(8) If an electronically filed document does not bear the actual signature of the registered user, the name of the registered user under whose log-in and password the document is submitted must be preceded by “s/” and typed in the space in the document’s signature block where the signature would otherwise appear (for example, “s/ Jane Doe”).

(9) No registered user or other person may knowingly permit or cause a registered user’s password to be used by anyone other than an authorized agent of the registered user.

(10) A document that is electronically filed and requires an original signature other than that of the registered user shall be maintained by counsel or, if the party is not represented, by the party itself, for 1 year after periods for appeals expire. Documents shall be maintained by the filer and produced at the request of the Board or other party within 14 days of the request.

(11) Documents may be electronically filed in WordPerfect format, Microsoft Word format, PDF format or other formats as the Board may permit. The electronic filing provider automatically converts uploaded documents not already in PDF format to PDF format. A document may exceed page limitation rules if the additional pages result solely from the electronic conversion by the electronic filing provider.

(12) To the extent practicable, electronically filed documents must be formatted in accordance with subsection (e)(4).

(13) An electronic filing completed before midnight Eastern Time will be considered to be filed on that date. Upon completion of the filing, the electronic filing provider will issue a transaction receipt that includes the date and time the document was received. The transaction receipt serves as proof of filing.

(14) Except in the case of notices of appeal, which are governed by § 1021.53a (relating to nunc pro tunc appeals), if electronic filing or service does not occur or is made untimely because of a technical issue, the party affected may seek appropriate relief from the Board.

(15) A registered user shall submit as exhibits or attachments only excerpts of the referenced documents that are directly germane to the matter under consideration by the Board. Excerpted information must be clearly and prominently identified as such. A registered user who files excerpts of documents as exhibits or attachments under this paragraph does so without prejudice to his right to timely file additional excerpts or the complete document and shall, upon request, provide responding parties with the complete document. A responding party may timely file the complete document or additional excerpts that it believes are directly germane.

(d) *Facsimile filing.*

(1) Documents permitted under subsections (a), (b) and (c)(1) and (2) to be filed by facsimile shall be transmitted to the Board’s facsimile line at (717) 783-4738.

(2) The date of facsimile filing is the date the document is received by the Board.

(3) For documents more than ten pages long, the facsimile filed must consist of the certificate of service and the first five pages and last five pages of each document except exhibits. Exhibits shall be omitted from the filing transmitted to the Board's facsimile line.

(4) On the same day a document is transmitted to the Board's facsimile line, the original (including exhibits) shall be deposited in the mail, addressed to the Board's headquarters at the address provided in subsection (e)(1). When facsimile filing a document including an original bond or check, a copy of the bond or check must be included with the document transmitted by facsimile. The original bond or check must be included with the original of the document deposited in the mail.

(5) Documents must be formatted in accordance with subsection (e)(4).

(6) Except in the case of filing a notice of appeal, which is governed by § 1021.53a, if facsimile filing or service does not occur or is made untimely because of a technical issue, the party affected may seek appropriate relief from the Board.

(e) *Conventional filing.*

(1) Documents permitted to be conventionally filed with the Board under subsections (a), (b) and (c)(1) and (2) shall be filed at the Board's headquarters—2nd Floor, Rachel Carson State Office Building, 400 Market Street, Post Office Box 8457, Harrisburg, Pennsylvania 17105-8457.

(2) The date of conventional filing is the date the document is received by the Board.

(3) Only hard copies may be conventionally filed unless the filer has secured prior approval from the Board to conventionally file documents in other formats, such as CDs, DVDs or other digital storage media.

(4) With the exception of exhibits, documents filed with the Board must be typewritten on letter-size paper (approximately 8 to 8 1/2 inches by 10 1/2 to 11 inches) and pages after the first must be numbered. With the exception of exhibits, notices of appeal and complaints, documents filed must be double spaced, except that footnotes must be single spaced and quotations in excess of a few lines must be single spaced and indented. Photocopied documents will be accepted as typewritten, provided that all copies are legible.

(f) *Format of filing.* Failure to comply with subsection (c)(5), (d)(5) or (e)(4) will not result in dismissal of a filing, but the Board may request that the party resubmit the document in proper form.

**§ 1021.33. Service by the Board.**

(a) The Board will serve the orders, notices and other documents it issues upon counsel designated on the docket. For any parties not represented by counsel, the Board will serve the person who filed the complaint or notice of appeal, or the person upon whom the notice of appeal or complaint was served.

(b) The Board will serve documents it enters or issues upon registered users participating in the proceeding through the electronic filing provider, subject to the provisions in this chapter. The Board will serve persons who have been excused from electronic filing under § 1021.32(c)(1) (relating to filing) by mail or in person.

(c) An order filed electronically without the original signature of an administrative law judge has the same force and effect as if the administrative law judge had affixed a signature to a paper copy of the order.

(d) Subsections (a)—(c) supersede 1 Pa. Code § 33.31 (relating to service by the agency).

**§ 1021.34. Service by a party.**

(a) Notices of appeal shall be served as provided in § 1021.51(h) (relating to commencement, form and content). Complaints filed by the Department will be served as provided in § 1021.71(b) (relating to complaints filed by the Department).

(b) Copies of each document filed with the Board shall be served upon every party to the proceeding on or before the day that the document is filed with the Board. Service upon a party represented by an attorney in the matter before the Board shall be made by serving the attorney.

(c) Electronic service of documents to other registered users through the electronic filing provider shall be considered valid and effective service and have the same legal effect as serving an original paper document. Registered users who receive documents by electronic service shall access the documents using the electronic filing provider.

(d) Documents filed electronically shall be served by hand, mail, other personal delivery or facsimile upon parties who have been excused from electronic filing under § 1021.32(c)(1) (relating to filing).

(e) Subpoenas and documents that must be conventionally filed with the Board under § 1021.32(b) shall be served by hand, mail or other personal delivery. Documents that are conventionally or facsimile filed with the Board under § 1021.32(a) shall be served by hand, mail, other personal delivery or facsimile.

(f) If a party does not receive electronic service in a matter involving a request for expedited disposition, service shall be made upon that party within 24 hours of filing the document with the Board. For purposes of this subsection, service means actual receipt by the party served.

(g) If a person filing electronically becomes aware that the notice of electronic filing was not successfully transmitted to a registered user, or that the notice transmitted to the registered user is defective, the filer shall serve the electronically filed document upon the registered user by hand, mail, other personal delivery or facsimile by 4:30 p.m. on the business day following notification of the deficiency. The filer may also effect service by e-mail, provided the registered user consents to service in that manner.

(h) The filing of a registration statement constitutes a certification that the registered user will accept electronic service of documents permitted to be electronically filed.

(i) Subsections (a)—(h) supersede 1 Pa. Code § 33.32 (relating to service by a participant).

**§ 1021.39. Docket.**

(a) The Board will maintain a docket of proceedings and a proceeding as initiated will be assigned an appropriate designation. The Board will maintain the docket on its web site available to all members of the public and will accept electronic filing of documents from registered users subject to the provisions in this chapter.

(b) The docket will register the date of all filings. When a document is filed electronically, the electronic filing

provider will transmit a notice of the electronic filing to all registered users in the proceeding, which includes the date and time of the filing.

(c) The Board will maintain a complete official file on all proceedings consisting of electronic and hard copy filings. The official copy of an electronically filed document or Board order shall be that appearing on the Board's web site.

(d) The electronic docket will be available on the Board's web site and the hard copy portion of the official file shall be available for inspection and copying by the public during the office hours of the Board insofar as consistent with the proper discharge of the duties of the Board.

(e) Subsections (a)—(d) supersede 1 Pa. Code § 33.51 (relating to docket).

**FORMAL PROCEEDINGS**

**APPEALS**

**§ 1021.51. Commencement, form and content.**

\* \* \* \* \*

(c) The notice of appeal must set forth the name, mailing address, e-mail address and telephone number of the appellant. The notice of appeal shall be signed by at least one attorney of record in the attorney's individual name or, if a party is not represented by an attorney, shall be signed by the party.

(d) If the appellant has received written notification of an action of the Department, the appellant shall attach a copy of that notification and any documents received with the notification to the notice of appeal. If the documents include a permit, the appellant only needs to attach the first page of the permit. Instead of attaching a copy of the notification of the action or related documents, the appellant may provide a link to the publication of the action in the *Pennsylvania Bulletin*.

(e) The notice of appeal must set forth in separate numbered paragraphs the specific objections to the action of the Department. The objections may be factual or legal.

(f) An original notice of appeal shall be filed electronically, conventionally or by facsimile.

\* \* \* \* \*

**(3) Facsimile filing.**

(i) Original notices of appeal filed by facsimile shall be transmitted to the Board's facsimile line at (717) 783-4738. If a bond or check is required to secure payment of a penalty, a copy of the bond or check must be included with the facsimile filing. The notice of appeal and attachments, including the original bond or check, shall be deposited in the mail, addressed to the Board's headquarters at the address provided in paragraph (2)(i).

(ii) The date of facsimile filing is the date the original notice of appeal is received by the Board.

(iii) For original notices of appeal more than ten pages long, the facsimile filed must consist of the certificate of service and the first five pages and last five pages of the notice of appeal except exhibits. Except for copies of checks and bonds required to secure payment of a penalty, exhibits shall be omitted from the filing transmitted to the Board's facsimile line.

(iv) On the same day an original notice of appeal is transmitted to the Board's facsimile line, the original,

including exhibits, shall be deposited in the mail, addressed to the Board's headquarters at the address provided in paragraph (2)(i).

(v) The notice of appeal must be formatted in accordance with paragraph (2)(v). Failure to comply with this requirement will not result in rejection or dismissal of the notice of appeal. The Board may request that the appellant file an amended version of the notice of appeal in proper form.

(vi) The appellant shall, concurrent with or prior to the facsimile filing of a notice of appeal, serve a copy by facsimile on the individuals and entities listed in paragraph (2)(vi). If a party's fax number is not available or operational, the notice of appeal shall be served to that party by overnight delivery.

\* \* \* \* \*

**§ 1021.52. Timeliness of appeal.**

(a) Except as specifically provided in § 1021.53 (relating to amendments to appeal or complaint), jurisdiction of the Board will not attach to an appeal from an action of the Department unless the appeal is in writing and is filed with the Board in a timely manner, as follows, unless a different time is provided by statute:

(1) The person to whom the action of the Department is directed or issued shall file its appeal with the Board within 30 days after it has received written notice of the action.

(2) Any other person aggrieved by an action of the Department shall file its appeal with the Board within one of the following:

(i) Thirty days after the notice of the action has been published in the *Pennsylvania Bulletin*.

(ii) Thirty days after actual notice of the action if a notice of the action is not published in the *Pennsylvania Bulletin*.

(b) The appellant shall, within 20 days of the mailing of a request from the Board, file missing information required under § 1021.51(c), (d) and (k) (relating to commencement, form and content) or suffer dismissal of the appeal.

(c) Subsections (a) and (b) supersede 1 Pa. Code §§ 35.5—35.7 and 35.9—35.11 (relating to informal complaints; and formal complaints).

*Comment:* The language "person to whom the action of the Department is issued or directed" is intended to include, but not be limited to, the recipient of: an order, a permit or license issuance or denial, a civil penalty assessment, or certification. See section 4(a) and (c) of the act (35 P.S. § 7514(a) and (c)).

**PREHEARING PROCEDURES AND PREHEARING CONFERENCES**

**§ 1021.101. Prehearing procedure.**

(a) Upon the filing of an appeal, the Board will issue a prehearing order providing that:

(1) All discovery shall be completed no later than 180 days from the date of the prehearing order.

(2) The service of a report of an expert together with a statement of qualifications may be substituted for an answer to expert interrogatories.

(3) Dispositive motions shall be filed within 210 days of the date of the prehearing order.

(4) The parties may, within 60 days of the date of the prehearing order, submit a Joint Proposed Case Management Order to the Board.

(b) A Joint Proposed Case Management Order shall propose alternate dates for the conclusion of discovery, the service of expert or supplemental reports, and the filing of dispositive motions. The Board may issue subsequent prehearing orders incorporating the alternate dates proposed by the parties or other dates the Board deems appropriate.

(c) The Board will establish a hearing date for the issues in the appeal. The Board may also direct that the parties meet prior to the hearing to stipulate to uncontested facts, the qualifications of experts and the admissibility of exhibits.

(d) The parties shall file their prehearing memoranda at least 20 days before the scheduled hearing date. The Board may issue an order scheduling specific dates on which each party is to file its prehearing memorandum, deadlines for filing motions in limine and a prehearing conference.

(e) Subsection (d) supersedes 1 Pa. Code § 35.121 (relating to initiation of hearings).

**§ 1021.103. Subpoenas, notices to attend and notices to produce.**

(a) Except as otherwise provided in this chapter or by order of the Board, requests for subpoenas, subpoenas, notices to attend and notices to produce shall be governed by Pa.R.C.P. 234.1—234.4, 234.6—234.9 and 4009.21—4009.27. When the term “court” is used in Pa.R.C.P. “Board” is to be understood; when the terms “Prothonotary” or “clerk of court” are used in Pa.R.C.P. “Secretary to the Board” is to be understood.

(b) Proof of service of the subpoena need not be filed with the Board.

(c) Subsections (a) and (b) supersede 1 Pa. Code §§ 35.139 and 35.142 (relating to fees of witnesses; and subpoenas).

**TERMINATION OF PROCEEDINGS**

**§ 1021.141. Termination of proceedings.**

\* \* \* \* \*

(c) When a proceeding is sought to be terminated by the parties pursuant to a consent adjudication, all parties shall submit the proposed consent adjudication to the Board for approval. No proposed consent adjudication will be approved by the Board unless it contains the agreement of all parties to the action. The Board may refuse to approve a proposed consent adjudication if any of its provisions are contrary to law or constitute, in the discretion of the Board, overreaching or bad faith by any party. Prior to approval, the Board will publish the major substantive provisions of the consent adjudication in the manner indicated in subsection (b)(3). In addition, the notice shall provide a comment period of at least 30 days for comments to be provided by the public. When comments are received from the public the parties to the consent adjudication shall respond to the comments. The Board may schedule a hearing prior to taking action on the consent adjudication. Any appeal from a consent adjudication shall be with the Commonwealth Court, and shall, when taken by an aggrieved person not a party to the action, be taken within 30 days of the date of the Board's action.

*Comment:* The prior rule at § 1021.120(b) authorizing dismissal with and without prejudice was deleted because

the Board thought it more appropriate to determine this matter on a case-by-case basis rather than by rule.

**RECONSIDERATION**

**§ 1021.151. Reconsideration of interlocutory orders.**

(a) A petition for reconsideration of an interlocutory order or ruling shall be filed within 10 days of the order or ruling. The petition must demonstrate that extraordinary circumstances justify consideration of the matter by the Board. A party may file a memorandum of law at the time the petition or response is filed.

(b) A copy of the petition shall be served upon the parties. A party wishing to file an answer may do so within 10 days of service or as ordered by the Board.

(c) The failure of a party to file a petition under this section will not result in a waiver of any issue.

(d) Subsections (a)—(c) supersede 1 Pa. Code § 35.241 (relating to application for rehearing or reconsideration).

*Comment:* There is no need to file a petition for reconsideration of an interlocutory order in order to preserve an issue for later argument. Reconsideration is an extraordinary remedy and is inappropriate for the vast majority of the rulings issued by the Board.

**§ 1021.152. Reconsideration of final orders.**

(a) A petition for reconsideration of a final order shall be filed within 10 days of the date of the final order. A party may file a memorandum of law at the time the petition or response is filed. Reconsideration is within the discretion of the Board and will be granted only for compelling and persuasive reasons. These reasons may include the following:

(1) The final order rests on a legal ground or a factual finding which has not been proposed by any party.

(2) The crucial facts set forth in the petition:

(i) Are inconsistent with the findings of the Board.

(ii) Are such as would justify a reversal of the Board's decision.

(iii) Could not have been presented earlier to the Board with the exercise of due diligence.

(b) A copy of the petition shall be served upon all parties simultaneously with and in the same manner as the filing of an appeal with the Board. A party wishing to file an answer may do so within 10 days of service or as ordered by the Board.

(c) Subsections (a) and (b) supersede 1 Pa. Code § 35.241 (relating to application for rehearing or reconsideration).

*Comment:* This provides a shorter time than the standard motions practice, since reconsideration must be granted within 30 days under Pa.R.A.P. 1701. The Board's period for reconsideration of final orders will run contemporaneously with the 30-day right of appeal to Commonwealth Court.

**§ 1021.153. Amendment of interlocutory orders.**

(a) Requests to amend an interlocutory order to certify one or more issues for appeal in accordance with 42 Pa.C.S. § 702(b) (relating to interlocutory orders) shall be filed within 10 days of service of the order and shall take the form of a motion under § 1021.91 (relating to general).

(b) Motions filed under subsection (a) must be accompanied by a memorandum of law setting forth the reasons why the order involves a controlling question of law as to

which there is a substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the matter.

(c) Responses to motions filed under this section shall be filed within 10 days of service of the motion and shall be consistent with § 1021.91.

(d) If the Board does not act on the motion within 30 days of it being filed, the motion shall be deemed denied.

(e) The filing of a motion under this section or the amendment of an interlocutory order containing the requested finding will not stay a proceeding unless otherwise ordered by the Board or by Commonwealth Court.

(f) Subsections (a)–(e) supersede 1 Pa. Code § 35.225 (relating to interlocutory orders).

**APPELLATE MATTERS**

**§ 1021.201. Composition of the certified record on appeal to Commonwealth Court.**

(a) Unless the parties file a stipulation with the Board or the Commonwealth Court requires otherwise, the Board shall certify the record in accordance with the applicable Rules of Appellate Procedure. The record must consist of:

- (1) A list of the docket entries.
- (2) The notice of appeal and the Department action appealed to the Board, or, if the proceedings before the Board were initiated with a complaint, the complaint.

(b) In addition to items listed in subsection (a), for appeals of Board adjudication, the record must also include:

- (1) The Board’s adjudication and order.
- (2) The notes of testimony from the hearing, all exhibits admitted into evidence.
- (3) The parties’ posthearing briefs, including requested findings of fact and conclusions of law.
- (4) Petitions for reconsideration or to reopen the record, answers and accompanying exhibits.
- (5) Other documents which formed the basis of the Board’s adjudication.

(c) In addition to items listed in subsection (a), for appeals of Board opinions and orders, the record must also include:

- (1) The Board’s opinion and order.
- (2) The motion or petition which was the subject of the Board’s opinion and order, together with responses, answers and replies, and accompanying exhibits.

(3) Petitions for reconsideration of the Board’s opinion and order, responses, answers and replies, and accompanying exhibits.

(4) Other documents which formed the basis of the Board’s opinion and order.

(d) For electronic filings, a paper copy of the electronic filing will be submitted to the Commonwealth Court as part of the certified record in accordance with this rule, notwithstanding the provisions of § 1021.39(c) (relating to docket) that the official copy of an electronically filed document shall be that appearing on the Board’s web site.

[Pa.B. Doc. No. 17-1669. Filed for public inspection October 6, 2017, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

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

#### Reorganization of the Department of General Services

The Executive Board approved a reorganization of the Department of General Services effective September 26, 2017.

The organization chart at 47 Pa.B. 6213 (October 7, 2017) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

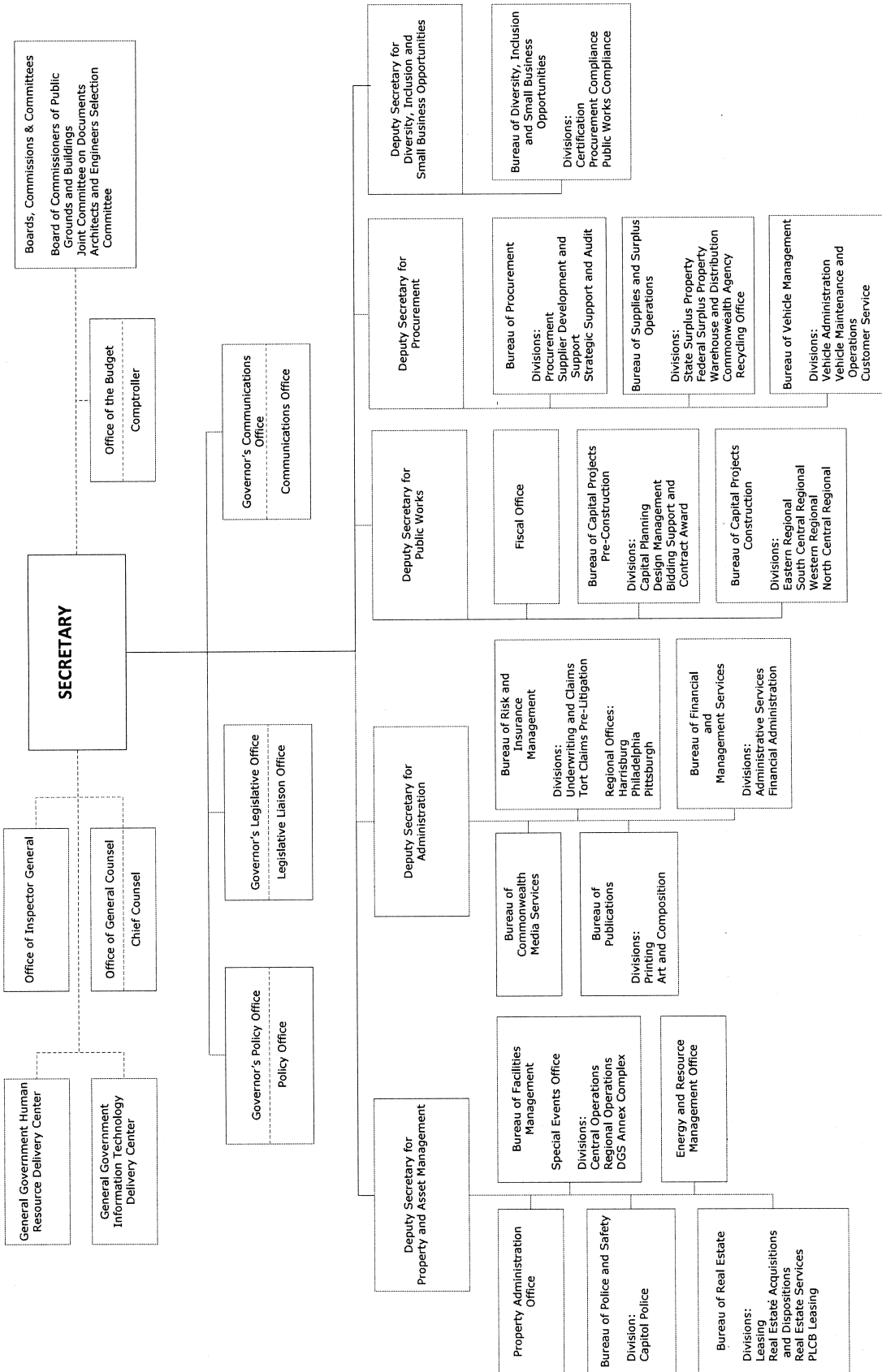
[Pa.B. Doc. No. 17-1670. Filed for public inspection October 6, 2017, 9:00 a.m.]

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**DEPARTMENT OF GENERAL SERVICES**

OR-17-005  
September 26, 2017



# 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 September 26, 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> |
|-------------|--|---------------|
| 9-26-2017   | <p><i>From:</i> Malvern Federal Savings Bank<br/>Paoli<br/>Chester County</p> <p><i>To:</i> Malvern Bank<br/>Paoli<br/>Chester County</p> <p>Application for approval to convert from a Federal stock savings bank to a Pennsylvania State-chartered stock savings bank.</p> | Withdrawn     |

#### Holding Company Acquisitions

| <i>Date</i> | <i>Name and Location of Applicant</i>  | <i>Action</i> |
|-------------|--|---------------|
| 9-25-2017   | <p>Atlantic Community Bancshares, Inc.<br/>Camp Hill<br/>Cumberland County</p> <p>Application for approval to acquire 100% of BBN Financial Corp., Glastonbury, CT, and thereby indirectly acquire 100% of Bankers' Bank Northeast, Glastonbury, CT.</p> | Filed         |

#### Consolidations, Mergers and Absorptions

| <i>Date</i> | <i>Name and Location of Applicant</i>   | <i>Action</i> |
|-------------|---|---------------|
| 9-25-2017   | <p>Meridian Bank<br/>Malvern<br/>Chester County</p> <p>Application for approval to merge Meridian Bank, Malvern, with and into Meridian Interim Bank, Malvern.</p>  | Approved      |
| 9-25-2017   | <p>Atlantic Community Bankers Bank<br/>Camp Hill<br/>Cumberland County Filed</p> <p>Application for approval to merge Bankers' Bank Northeast, Glastonbury, CT, with and into Atlantic Community Bankers Bank, Camp Hill, PA.</p> |               |

#### Branch Applications

##### De Novo Branches

| <i>Date</i> | <i>Name and Location of Applicant</i>                               | <i>Location of Branch</i>  | <i>Action</i> |
|-------------|---|--|---------------|
| 9-11-2017   | <p>Mercer County State Bank<br/>Sandy Lake<br/>Mercer County</p>    | <p>1353 North Hermitage Road<br/>Hermitage<br/>Mercer County</p> | Opened        |
| 9-8-2017    | <p>Republic First Bank<br/>Philadelphia<br/>Philadelphia County</p> | <p>2 Skeet Road<br/>Medford<br/>Burlington County, NJ</p>        | Opened        |

| <i>Date</i> | <i>Name and Location of Applicant</i>                      | <i>Location of Branch</i>                            | <i>Action</i> |
|-------------|--|--|---------------|
| 9-21-2016   | Hometown Bank of Pennsylvania<br>Bedford<br>Bedford County | 13174 Dunning's Highway<br>Claysburg<br>Blair County | Opened        |
| 9-26-2017   | Penn Community Bank<br>Perkasie<br>Bucks County            | 1651 The Fairway<br>Jenkintown<br>Montgomery County  | Approved      |
| 9-26-2017   | New Tripoli Bank<br>New Tripoli<br>Lehigh County           | 4892 Buckeye Road<br>Emmaus<br>Lehigh County         | Approved      |

**Branch Relocations**

| <i>Date</i> | <i>Name and Location of Applicant</i>                                | <i>Location of Branch</i>  | <i>Action</i> |
|-------------|--|--|---------------|
| 9-20-2017   | The Juniata Valley Bank<br>Mifflintown<br>Juniata County             | <i>To:</i> 4076 William Penn Highway<br>Mifflintown<br>Juniata County<br><br><i>From:</i> 5294 West River Road<br>Mifflintown<br>Juniata County          | Filed         |
| 9-22-2017   | Citizens Bank of Pennsylvania<br>Philadelphia<br>Philadelphia County | <i>To:</i> 2020 Smith Township State Road<br>Burgettstown<br>Washington County<br><br><i>From:</i> 1606 Main Street<br>Burgettstown<br>Washington County | Filed         |

**Branch Discontinuances**

| <i>Date</i> | <i>Name and Location of Applicant</i>             | <i>Location of Branch</i>                       | <i>Action</i> |
|-------------|---|---|---------------|
| 9-15-2017   | ESSA Bank & Trust<br>Stroudsburg<br>Monroe County | 3236 Route 940<br>Mount Pocono<br>Monroe County | Closed        |

**CREDIT UNIONS**

No activity.

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

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 17-1671. Filed for public inspection October 6, 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.<br/>(Type)</i> | <i>Facility Name &amp; Address</i>  | <i>County &amp;<br/>Municipality</i>         | <i>Stream Name<br/>(Watershed No.)</i>        | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|---|--|---|----------------------------|
| PA0253146<br>(Sewage)       | Windber Country Club<br>1392 Forest Hills Drive<br>Salix, PA 15952-9201   | Cambria County<br>Adams Township             | Little Paint Creek<br>(18-E)                  | Yes                        |
| PA0219487<br>(Sewage)       | Mine 84 Hallam Portal STP<br>46226 National Road W<br>Saint Clairsville, OH 43950-8742                          | Washington County<br>Amwell Township         | Redd Run<br>(19-B)                            | Yes                        |
| PA0205737<br>(Sewage)       | Dominion Trans Inc.<br>South Oakford Compressor Station<br>466 E Pittsburgh Street<br>Greensburg, PA 15601-8815 | Westmoreland<br>County<br>Hempfield Township | Unnamed Tributary to<br>Brush Creek<br>(19-A) | Yes                        |

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Phone: 484.250.5970.*

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp; Address</i>  | <i>County &amp;<br/>Municipality</i>             | <i>Stream Name<br/>(Watershed No.)</i>                                    | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|---|--|---|----------------------------|
| PA0052647<br>(Industrial)   | Pottstown Borough Water<br>Treatment Plant<br>668 Old Reading Pike<br>Stowe, PA 19464 | Montgomery County<br>West Pottsgrove<br>Township | Schuylkill River and<br>Unnamed Tributary to<br>Schuylkill River<br>(3-D) | Yes                        |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp; Address</i>  | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed No.)</i> | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|---|--------------------------------------|--|----------------------------|
| PA0035629<br>(Sewage)       | PennDOT Safety Rest Stop No. 39<br>Interstate 80 Eastbound<br>White Haven, PA 18661 | Luzerne County<br>Foster Township    | Linesville Creek<br>(02A)              | Y                          |
| PA0061131<br>(Sewage)       | Dalton Sewer Authority WWTP<br>2047 Turnpike Road<br>LaPlume, PA 18414              | Lackawanna County<br>Dalton Borough  | Ackerly Creek<br>(4-F)                 | Yes                        |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp; Address</i>   | <i>County &amp;<br/>Municipality</i>       | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|--|--|--------------------------------------|----------------------------|
| PA0085723—<br>SEW           | The York Water Company<br>Southern York County STP<br>130 East Market Street<br>York, PA 17401 | York County/<br>Springfield Township       | Seaks Run/7H                         | Y                          |
| PA0070360—<br>SEW           | Pilot Travel Centers No. 518<br>5508 Lonas Drive<br>Knoxville, TN 37909                        | Berks County/<br>Bethel Township           | UNT Crosskill Creek/7D               | Y                          |
| PA0084115—<br>SEW           | Pilot Travel Centers No. 517<br>5508 Lonas Drive<br>Knoxville, TN 37909                        | Dauphin County/<br>Reed Township           | Susquehanna River/6C                 | Y                          |
| PA0083399—<br>SEW           | MHC Gettysburg Campground<br>2 North Riverside Plaza Suite 800<br>Chicago, IL 60606            | York County/<br>Dover Township             | W. Conewago Creek/7F                 | Y                          |
| PA00261939—<br>SRSTP        | Geoffrey A. Weaver<br>30 East Main Street<br>New Bloomfield, PA 17068                          | Perry County/<br>Newport Borough           | UNT Juniata River/12B                | Y                          |
| PA0261858—<br>SEW           | P. Scott Shaner<br>54 Locust Road<br>Boyertown, PA 19512                                       | Douglass Township/<br>Berks County         | Ironstone Creek/3D                   | Y                          |
| PA0085278—<br>SEW           | Deerwood Community HOA<br>11375 Lafayette Road<br>Mercersburg, PA 17236                        | Montgomery<br>Township/<br>Franklin County | UNT Licking Creek/13C                | Y                          |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp; Address</i>   | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|--|--------------------------------------|--------------------------------------|----------------------------|
| PA0263893<br>(Sewage)       | Hawthorn Redbank<br>Redbank Municipal Authority WWTP<br>PO Box 241<br>Hawthorn, PA 16230 | Clarion County<br>Redbank Township   | Redbank Creek<br>(17-C)              | Yes                        |

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

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

**PA0001571**, Industrial, SIC Code 4911, **NRG Power Midwest LP**, 121 Champion Way, Canonsburg, PA 15317. Facility Name: Elrama Generating Station (retired). This existing facility is located in Union Township, **Washington County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for discharges of stormwater associated with industrial activity.

The receiving stream, Monongahela River, is located in State Water Plan watershed 19-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 MGD.—Limits.

| <i>Parameters</i>      | <i>Mass Units (lbs/day)</i> |                      | <i>Minimum</i> | <i>Concentrations (mg/L)</i> |                      | <i>Instant. Maximum</i> |
|------------------------|-----------------------------|----------------------|----------------|------------------------------|----------------------|-------------------------|
|                        | <i>Average Monthly</i>      | <i>Daily Maximum</i> |                | <i>Average Monthly</i>       | <i>Daily Maximum</i> |                         |
| Total Suspended Solids | XXX                         | XXX                  | XXX            | XXX                          | 100.0                | XXX                     |
| Oil and Grease         | XXX                         | XXX                  | XXX            | XXX                          | Report               | XXX                     |
| Iron, Total            | XXX                         | XXX                  | XXX            | XXX                          | Report               | XXX                     |
| pH (S.U.)              | XXX                         | XXX                  | 6.0            | XXX                          | 9.0                  | XXX                     |

The proposed effluent limits for Internal Monitoring Point 101 are based on a design flow of 0 MGD.—Limits.

| <i>Parameters</i>      | <i>Mass Units (lbs/day)</i> |                      | <i>Minimum</i> | <i>Concentrations (mg/L)</i> |                      | <i>Instant. Maximum</i> |
|------------------------|-----------------------------|----------------------|----------------|------------------------------|----------------------|-------------------------|
|                        | <i>Average Monthly</i>      | <i>Daily Maximum</i> |                | <i>Average Monthly</i>       | <i>Daily Maximum</i> |                         |
| Flow (mgd)             | Report                      | Report               | XXX            | XXX                          | XXX                  | XXX                     |
| Total Suspended Solids | XXX                         | XXX                  | XXX            | 30.0                         | 100.0                | XXX                     |
| Oil and Grease         | XXX                         | XXX                  | XXX            | 15.0                         | 20.0                 | XXX                     |
| pH (S.U.)              | XXX                         | XXX                  | 6.0            | XXX                          | 9.0                  | XXX                     |

The proposed effluent limits for Internal Monitoring Point 501 are based on a design flow of 0 MGD.—Limits.

| <i>Parameters</i>      | <i>Mass Units (lbs/day)</i> |                      | <i>Minimum</i> | <i>Concentrations (mg/L)</i> |                      | <i>Instant. Maximum</i> |
|------------------------|-----------------------------|----------------------|----------------|------------------------------|----------------------|-------------------------|
|                        | <i>Average Monthly</i>      | <i>Daily Maximum</i> |                | <i>Average Monthly</i>       | <i>Daily Maximum</i> |                         |
| Flow (mgd)             | Report                      | Report               | XXX            | XXX                          | XXX                  | XXX                     |
| Total Suspended Solids | XXX                         | XXX                  | XXX            | Report                       | 50.0                 | XXX                     |
| pH (S.U.)              | XXX                         | XXX                  | 6.0            | XXX                          | 9.0                  | XXX                     |

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

The EPA Waiver is not in effect.

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

**PA0011631**, Storm Water, SIC Code 4911, **Exelon Generation Company, LLC**, 300 Exelon Way, Kennett Square, PA 19348-2473. Facility Name: Cromby Generating Station. This existing facility is located in East Pikeland Township, **Chester County**.

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

The receiving stream, Schuylkill River, is located in State Water Plan watershed 3-D and is classified for Migratory Fishes, and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 002 are based on an average stormwater flow—Limits.

| <i>Parameters</i>                | <i>Mass Units (lbs/day)</i> |                       | <i>Minimum</i> | <i>Concentrations (mg/L)</i> |                      | <i>Instant. Maximum</i> |
|----------------------------------|-----------------------------|-----------------------|----------------|------------------------------|----------------------|-------------------------|
|                                  | <i>Average Monthly</i>      | <i>Average Weekly</i> |                | <i>Average Monthly</i>       | <i>Daily Maximum</i> |                         |
| PCBs Wet Weather Analysis (pg/L) | XXX                         | XXX                   | XXX            | XXX                          | Report               | XXX                     |

The proposed effluent limits for Outfall 004 are based on an average stormwater flow—Limits.

| <i>Parameters</i>      | <i>Mass Units (lbs/day)</i> |                       | <i>Minimum</i> | <i>Concentrations (mg/L)</i> |                      | <i>Instant. Maximum</i> |
|------------------------|-----------------------------|-----------------------|----------------|------------------------------|----------------------|-------------------------|
|                        | <i>Average Monthly</i>      | <i>Average Weekly</i> |                | <i>Average Monthly</i>       | <i>Daily Maximum</i> |                         |
| pH (S.U.)              | XXX                         | XXX                   | XXX            | XXX                          | Report               | XXX                     |
| Total Suspended Solids | XXX                         | XXX                   | XXX            | XXX                          | Report               | XXX                     |
| Oil and Grease         | XXX                         | XXX                   | XXX            | XXX                          | Report               | XXX                     |
| Iron, Total            | XXX                         | XXX                   | XXX            | XXX                          | Report               | XXX                     |

The proposed effluent limits for Outfall 004 are based on an average stormwater flow—Limits.

| <i>Parameters</i>                | <i>Mass Units (lbs/day)</i> |                       | <i>Minimum</i> | <i>Concentrations (mg/L)</i> |                      | <i>Instant. Maximum</i> |
|----------------------------------|-----------------------------|-----------------------|----------------|------------------------------|----------------------|-------------------------|
|                                  | <i>Average Monthly</i>      | <i>Average Weekly</i> |                | <i>Average Monthly</i>       | <i>Daily Maximum</i> |                         |
| PCBs Wet Weather Analysis (pg/L) | XXX                         | XXX                   | XXX            | XXX                          | Report               | XXX                     |

The proposed effluent limits for Outfall 009 are based on an average stormwater flow—Limits.

| <i>Parameters</i>      | <i>Mass Units (lbs/day)</i> |                       | <i>Minimum</i> | <i>Concentrations (mg/L)</i> |                      | <i>Instant. Maximum</i> |
|------------------------|-----------------------------|-----------------------|----------------|------------------------------|----------------------|-------------------------|
|                        | <i>Average Monthly</i>      | <i>Average Weekly</i> |                | <i>Average Monthly</i>       | <i>Daily Maximum</i> |                         |
| pH (S.U.)              | XXX                         | XXX                   | XXX            | XXX                          | Report               | XXX                     |
| Total Suspended Solids | XXX                         | XXX                   | XXX            | XXX                          | Report               | XXX                     |
| Oil and Grease         | XXX                         | XXX                   | XXX            | XXX                          | Report               | XXX                     |
| Iron, Total            | XXX                         | XXX                   | XXX            | XXX                          | Report               | XXX                     |

The proposed effluent limits for Outfall 009 are based on an average stormwater flow—Limits.

| <i>Parameters</i>                | <i>Mass Units (lbs/day)</i> |                       | <i>Minimum</i> | <i>Concentrations (mg/L)</i> |                      | <i>Instant. Maximum</i> |
|----------------------------------|-----------------------------|-----------------------|----------------|------------------------------|----------------------|-------------------------|
|                                  | <i>Average Monthly</i>      | <i>Average Weekly</i> |                | <i>Average Monthly</i>       | <i>Daily Maximum</i> |                         |
| PCBs Wet Weather Analysis (pg/L) | XXX                         | XXX                   | XXX            | XXX                          | Report               | XXX                     |

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

- A. Stormwater Outfalls
- B. BMPs
- C. Routine Inspections
- D. PPC Plan
- E. Monitoring Requirements
- F. Acquire Necessary Property Rights
- G. PCB/PMP Requirement

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

The EPA Waiver is in effect.

**PA0054704**, Sewage, SIC Code 8099, **Qtown Properties, LLC**, 1620 Wrightstown Road, Newtown, PA 18940-2814. Facility Name: Success Rehabilitation Clinic WWTP. This existing facility is located in East Rockhill Township, **Bucks County**.

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

The receiving stream(s), Unnamed Tributary of Tohickon Creek, is located in State Water Plan watershed 2-D and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0077 MGD.—Limits.

| <i>Parameters</i>   | <i>Mass Units (lbs/day)</i> |                       | <i>Minimum</i> | <i>Concentrations (mg/L)</i> |                | <i>Instant. Maximum</i> |
|---|-----------------------------|-----------------------|----------------|------------------------------|----------------|-------------------------|
|   | <i>Average Monthly</i>      | <i>Average Weekly</i> |                | <i>Average Monthly</i>       | <i>Maximum</i> |                         |
| Flow (GPD)  | Report                      | Report                | XXX            | XXX                          | XXX            | XXX                     |
| pH (S.U.)   | XXX                         | XXX                   | 6.0            | XXX                          | XXX            | 9.0                     |
| Dissolved Oxygen  | XXX                         | XXX                   | Inst Min       | XXX                          | XXX            | XXX                     |
| Total Residual Chlorine (TRC)                               | XXX                         | XXX                   | XXX            | 0.05                         | XXX            | 0.12                    |
| Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> ) | 1.6                         | XXX                   | XXX            | 25.0                         | XXX            | 50                      |
| Biochemical Oxygen Demand (BOD <sub>5</sub> )               |                             |                       |                |                              |                |                         |
| Raw Sewage Influent   | XXX                         | XXX                   | XXX            | Report                       | XXX            | XXX                     |
| Total Suspended Solids                                      |                             |                       |                |                              |                |                         |
| Raw Sewage Influent   | XXX                         | XXX                   | XXX            | Report                       | XXX            | XXX                     |
| Total Suspended Solids                                      | 2.0                         | XXX                   | XXX            | 30.0                         | XXX            | 60                      |
| Fecal Coliform (No./100 ml)                                 |                             |                       |                |                              |                |                         |
| Oct 1 - Apr 30  | XXX                         | XXX                   | XXX            | 200                          | XXX            | 1,000                   |
| May 1 - Sep 30  | XXX                         | XXX                   | XXX            | Geo Mean<br>200              | XXX            | 1,000                   |
| Total Nitrogen  | XXX                         | XXX                   | XXX            | Report                       | XXX            | XXX                     |

| Parameters       | Mass Units (lbs/day) |                   | Minimum | Concentrations (mg/L) |         | Instant.<br>Maximum |
|------------------|----------------------|-------------------|---------|-----------------------|---------|---------------------|
|                  | Average<br>Monthly   | Average<br>Weekly |         | Average<br>Monthly    | Maximum |                     |
| Ammonia-Nitrogen |                      |                   |         |                       |         |                     |
| Nov 1 - Apr 30   | 0.38                 | XXX               | XXX     | 6.0                   | XXX     | 12                  |
| May 1 - Oct 31   | 0.12                 | XXX               | XXX     | 2.0                   | XXX     | 4                   |
| Total Phosphorus | 0.0321               | XXX               | XXX     | 0.5                   | XXX     | 1                   |

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

- Designation of Responsible Operator
- TRC Minimization
- Lab Certification

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

The EPA Waiver is in effect.

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

**PA0247405**, Sewage, SIC Code 6514, **Stup David & Stup Penny**, 5394 Big Creek Road, Clearville, PA 15535. Facility Name: Stup Res. This existing facility is located in Monroe Township, **Bedford County**.

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

The receiving stream(s), Unnamed Tributary of West Branch Sideling Hill Creek, is located in State Water Plan watershed 13-B and is classified for Exceptional Value Waters, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

| Parameters                                       | Mass Units (lbs/day) |                   | Minimum | Concentrations (mg/L) |         | Instant.<br>Maximum |
|--|----------------------|-------------------|---------|-----------------------|---------|---------------------|
|  | Average<br>Monthly   | Average<br>Weekly |         | Average<br>Monthly    | Maximum |                     |
| Flow (MGD)                                       | Report               | XXX               | XXX     | XXX                   | XXX     | XXX                 |
| Total Residual Chlorine<br>(TRC)                 | XXX                  | XXX               | XXX     | Report                | XXX     | XXX                 |
| Biochemical Oxygen Demand<br>(BOD <sub>5</sub> ) | XXX                  | XXX               | XXX     | 10.0                  | XXX     | 20                  |
| Total Suspended Solids                           | XXX                  | XXX               | XXX     | 10.0                  | XXX     | 20                  |
| Fecal Coliform (No./100 ml)                      | XXX                  | XXX               | XXX     | 200<br>Geo Mean       | XXX     | 1,000               |

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

The EPA Waiver is in effect

**PA0266370**, Storm Water, SIC Code 2952, **Tarco Roofing Materials Inc.**, 8650 Molly Pitcher Highway, Greencastle, PA 17225-9716. Facility Name: Tarco Greencastle Felt Roofing Plant. This existing facility is located in Antrim Township, **Franklin County**.

Description of Proposed Activity: The application is for a new NPDES permit for a discharge of stormwater associated with industrial activity.

The receiving stream(s), Unnamed Tributary to Muddy Run, is located in State Water Plan watershed 13-C and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001

| Parameters                      | Mass Units (lbs/day) |                   | Minimum | Concentrations (mg/L) |                  | Instant.<br>Maximum |
|---------------------------------|----------------------|-------------------|---------|-----------------------|------------------|---------------------|
|                                 | Average<br>Monthly   | Average<br>Weekly |         | Average<br>Monthly    | Daily<br>Maximum |                     |
| pH (S.U.)                       | XXX                  | XXX               | XXX     | XXX                   | Report           | XXX                 |
| Chemical Oxygen Demand<br>(COD) | XXX                  | XXX               | XXX     | XXX                   | Report           | XXX                 |
| Total Suspended Solids          | XXX                  | XXX               | XXX     | XXX                   | Report           | XXX                 |
| Oil and Grease                  | XXX                  | XXX               | XXX     | XXX                   | Report           | XXX                 |

Monitoring not required for Outfall 002 since it qualifies as no exposure.



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

- Stormwater Outfalls and Authorized non-stormwater discharges
- Best Management Practices (BMPs)—including sector-specific BMPs from Appendix M
- Routine Inspections
- Preparedness, Prevention and Contingency (PPC) Plan
- Stormwater Monitoring Requirements—Including Stormwater Benchmark Values from NPDES PAG-03 General Permit, Appendix M.
- Other Requirements—standard for Industrial Wastewater facilities

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

The EPA Waiver is in effect.

**PA0020664 A-1**, Sewage, SIC Code 4952, **Middletown Water Joint Venture LLC**, 9 W 57th Street, Suite 4200, New York, NY 10019-2707. Facility Name: Middletown Borough WWTP. This existing facility is located in Middletown Borough, **Dauphin County**.

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

The receiving stream(s), Unnamed Tributary to 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 permit is amended to include a provision in Section C.I.C of the permit to allow nutrient credits for compliance and trading of nutrient credits

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.

**PA0088188**, Sewage, SIC Code 4952, **Gratz Borough Municipal Authority Dauphin County**, 125 N Center Street, Gratz, PA 17030. Facility Name: Gratz Borough STP. This existing facility is located in Gratz Borough, **Dauphin 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 Wiconisco Creek, is located in State Water Plan watershed 6-C and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.12 MGD.—Limits.

| <i>Parameters</i>   | <i>Mass Units (lbs/day)</i> |                       | <i>Minimum</i> | <i>Concentrations (mg/L)</i> |                       | <i>Instant. Maximum</i> |
|---|-----------------------------|-----------------------|----------------|------------------------------|-----------------------|-------------------------|
|   | <i>Average Monthly</i>      | <i>Weekly Average</i> |                | <i>Average Monthly</i>       | <i>Weekly Average</i> |                         |
| Flow (MGD)  | Report                      | Report                | XXX            | XXX                          | XXX                   | XXX                     |
| pH (S.U.)   | XXX                         | XXX                   | 6.0            | XXX                          | 9.0                   | XXX                     |
| Dissolved Oxygen  | XXX                         | XXX                   | 5.0            | XXX                          | XXX                   | XXX                     |
| Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> ) | 25                          | 40                    | XXX            | 25                           | 40                    | 50                      |
| Biochemical Oxygen Demand (BOD <sub>5</sub> )               |                             |                       |                |                              |                       |                         |
| Raw Sewage Influent   | Report                      | Report                | XXX            | Report                       | XXX                   | XXX                     |
|   |                             | Daily Max             |                |                              |                       |                         |
| Total Suspended Solids                                      |                             |                       |                |                              |                       |                         |
| Raw Sewage Influent   | Report                      | Report                | XXX            | Report                       | XXX                   | XXX                     |
|   |                             | Daily Max             |                |                              |                       |                         |
| Total Suspended Solids                                      | 30                          | 45                    | XXX            | 30                           | 45                    | 60                      |
| Fecal Coliform (No./100 ml)                                 |                             |                       |                |                              |                       |                         |
| Oct 1 - Apr 30  | XXX                         | XXX                   | XXX            | 2,000                        | XXX                   | 10,000                  |
|   |                             |                       |                | Geo Mean                     |                       |                         |
| May 1 - Sep 30  | XXX                         | XXX                   | XXX            | 200                          | XXX                   | 1,000                   |
|   |                             |                       |                | Geo Mean                     |                       |                         |
| Ultraviolet light transmittance (%)                         | XXX                         | XXX                   | Report         | XXX                          | XXX                   | XXX                     |
| Nitrate-Nitrite as N  | XXX                         | XXX                   | XXX            | Report                       | XXX                   | XXX                     |
| Total Nitrogen  | XXX                         | XXX                   | XXX            | Report                       | XXX                   | XXX                     |

| Parameters              | Mass Units (lbs/day) |                   | Minimum | Concentrations (mg/L) |                   | Instant.<br>Maximum |
|-------------------------|----------------------|-------------------|---------|-----------------------|-------------------|---------------------|
|                         | Average<br>Monthly   | Weekly<br>Average |         | Average<br>Monthly    | Weekly<br>Average |                     |
| Ammonia-Nitrogen        |                      |                   |         |                       |                   |                     |
| Nov 1 - Apr 30          | 10.5                 | XXX               | XXX     | 10.5                  | XXX               | 10.5                |
| May 1 - Oct 31          | 3.5                  | XXX               | XXX     | 3.5                   | XXX               | 7                   |
| Total Kjeldahl Nitrogen | XXX                  | XXX               | XXX     | Report                | XXX               | XXX                 |
| Total Phosphorus        | XXX                  | XXX               | XXX     | Report                | XXX               | XXX                 |

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

The EPA Waiver is in effect.

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

**PA0037966 A-1**, Sewage, SIC Code 4952, **Moshannon Valley Joint Sewer Authority Centre County**, 829 N 9th Street, Philipsburg, PA 16866-2327. Facility Name: Moshannon Valley STP. This existing facility is located in Rush Township, **Centre County**.

Description of Existing Activity: The application is for an amendment of an NPDES permit for an existing discharge of treated Sewage. This amendment eliminates a compliance schedule and requires immediate compliance with effluent limits.

The receiving stream(s), Moshannon Creek, is located in State Water Plan watershed 8-D and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3636.

The EPA Waiver is not in effect.

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

**PA0020141**, Sewage, SIC Code 4952, **Brookville Municipal Authority**, 720 Water Plant Road, Brookville, PA 15825. Facility Name: Brookville Municipal Authority. This existing facility is located in Brookville Borough, **Jefferson County**.

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

The receiving stream, Redbank Creek, is located in State Water Plan watershed 17-C and is classified for trout stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.25 MGD.—Interim Limits.

| Parameters   | Mass Units (lbs/day) |                   | Minimum | Concentrations (mg/L) |                   | Instant.<br>Maximum |
|--|----------------------|-------------------|---------|-----------------------|-------------------|---------------------|
|  | Average<br>Monthly   | Weekly<br>Average |         | Average<br>Monthly    | Weekly<br>Average |                     |
| Flow (MGD)   | Report               | Report            | XXX     | XXX                   | XXX               | XXX                 |
| pH (S.U.)  | XXX                  | XXX               | 6.0     | XXX                   | 9.0<br>Max        | XXX                 |
| Dissolved Oxygen   | XXX                  | XXX               | 4.0     | XXX                   | XXX               | XXX                 |
| Total Residual Chlorine<br>(TRC)                               | XXX                  | XXX               | XXX     | 0.5                   | XXX               | 1.6                 |
| Carbonaceous Biochemical<br>Oxygen Demand (CBOD <sub>5</sub> ) | 260                  | 417               | XXX     | 25.0                  | 40.0              | 50                  |
| Biochemical Oxygen Demand<br>(BOD <sub>5</sub> )               |                      |                   |         |                       |                   |                     |
| Raw Sewage Influent  | Report               | XXX               | XXX     | Report                | XXX               | XXX                 |
| Total Suspended Solids   | 313                  | 469               | XXX     | 30.0                  | 45.0              | 60                  |
| Total Suspended Solids<br>Raw Sewage Influent                  | Report               | XXX               | XXX     | Report                | XXX               | XXX                 |
| Fecal Coliform (No./100 ml)                                    |                      |                   |         |                       |                   |                     |
| Oct 1 - Apr 30   | XXX                  | XXX               | XXX     | 2,000                 | XXX               | 10,000              |
| May 1 - Sep 30   | XXX                  | XXX               | XXX     | 200                   | XXX               | 1,000               |
| Total Nitrogen   | XXX                  | XXX               | XXX     | Report                | XXX               | XXX                 |
| Total Phosphorus   | XXX                  | XXX               | XXX     | Report                | XXX               | XXX                 |
| Total Copper   | XXX                  | XXX               | XXX     | Report                | XXX               | XXX                 |
| Total Zinc   | XXX                  | XXX               | XXX     | Report                | XXX               | XXX                 |

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 MGD.—Final Limits.

| <i>Parameters</i>   | <i>Mass Units (lbs/day)</i> |                       | <i>Minimum</i> | <i>Concentrations (mg/L)</i> |                       | <i>Instant. Maximum</i> |
|---|-----------------------------|-----------------------|----------------|------------------------------|-----------------------|-------------------------|
|   | <i>Average Monthly</i>      | <i>Weekly Average</i> |                | <i>Average Monthly</i>       | <i>Weekly Average</i> |                         |
| Flow (MGD)  | Report                      | Report                | XXX            | XXX                          | XXX                   | XXX                     |
| pH (S.U.)   | XXX                         | XXX                   | 6.0            | XXX                          | 9.0                   | XXX                     |
| Dissolved Oxygen  | XXX                         | XXX                   | 4.0            | XXX                          | Max<br>XXX            | XXX                     |
| Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> ) | 313                         | 500                   | XXX            | 25.0                         | 40.0                  | 50                      |
| Biochemical Oxygen Demand (BOD <sub>5</sub> )               |                             |                       |                |                              |                       |                         |
| Raw Sewage Influent   | Report                      | XXX                   | XXX            | Report                       | XXX                   | XXX                     |
| Total Suspended Solids                                      | 375                         | 563                   | XXX            | 30.0                         | 45.0                  | 60                      |
| Total Suspended Solids Raw Sewage Influent                  | Report                      | XXX                   | XXX            | Report                       | XXX                   | XXX                     |
| Fecal Coliform (No./100 ml)                                 |                             |                       |                |                              |                       |                         |
| Oct 1 - Apr 30  | XXX                         | XXX                   | XXX            | 2,000                        | XXX                   | 10,000                  |
| May 1 - Sep 30  | XXX                         | XXX                   | XXX            | 200                          | XXX                   | 1,000                   |
| Ultraviolet light intensity (µw/cm <sup>2</sup> )           | XXX                         | XXX                   | XXX            | Report                       | XXX                   | XXX                     |
| Total Nitrogen  | XXX                         | XXX                   | XXX            | Report                       | XXX                   | XXX                     |
| Total Phosphorus  | XXX                         | XXX                   | XXX            | Report                       | XXX                   | XXX                     |
| Total Copper  | XXX                         | XXX                   | XXX            | Report                       | XXX                   | XXX                     |
| Total Zinc  | XXX                         | XXX                   | XXX            | Report                       | XXX                   | XXX                     |

The proposed effluent limits for Outfalls 003—005 are based on a design flow of N/A MGD.

Consisting of non-polluting stormwater from the treatment plant site, alone or in combination with other wastewaters.

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

- Chlorine Minimization
- Hauled-In Waste Restrictions
- Sludge Handling
- Stormwater Best Management Practices
- Annual Whole Effluent Toxicity Testing

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

The EPA Waiver is not in effect.

**PA0265233**, Sewage, SIC Code 8800, **William McClintock**, 4528 State Route 417, Cooperstown, PA 16317. Facility Name: William McClintock SRSTP. This proposed facility is located in Cherrytree Township, **Venango County**.

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

The receiving stream(s), Cherrytree Run, is located in State Water Plan watershed 16-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

| <i>Parameters</i>                             | <i>Mass Units (lbs/day)</i> |                       | <i>Minimum</i>   | <i>Concentrations (mg/L)</i> |                  | <i>Instant. Maximum</i> |
|---|-----------------------------|-----------------------|------------------|------------------------------|------------------|-------------------------|
|   | <i>Average Monthly</i>      | <i>Average Weekly</i> |                  | <i>Annual Average</i>        | <i>Maximum</i>   |                         |
| Flow (GPD)                                    | Report                      | XXX                   | XXX              | XXX                          | XXX              | XXX                     |
| pH (S.U.)                                     | Annl Avg<br>XXX             | XXX                   | 6.0              | XXX                          | 9.0              | XXX                     |
| Biochemical Oxygen Demand (BOD <sub>5</sub> ) | XXX                         | XXX                   | Daily Min<br>XXX | 10.0                         | Daily Max<br>XXX | 20                      |
| Total Suspended Solids                        | XXX                         | XXX                   | XXX              | 10.0                         | XXX              | 20                      |
| Fecal Coliform (No./100 ml)                   | XXX                         | XXX                   | XXX              | 200                          | XXX              | XXX                     |

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

The EPA Waiver is in effect.

**PA0265403**, Sewage, SIC Code 8800, **John & Rose Briggs**, 24291 State Highway 89 and 77, Spartansburg, PA 16434-3443. Facility Name: John & Rose Briggs SRSTP. This proposed facility is located in Sparta Township, **Crawford County**.

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

The receiving stream(s), Unnamed Tributary to East Branch Oil Creek, is located in State Water Plan watershed 16-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

| Parameters                                    | Mass Units (lbs/day) |                | Minimum                | Concentrations (mg/L) |         | Instant. Maximum |
|---|----------------------|----------------|------------------------|-----------------------|---------|------------------|
|   | Average Monthly      | Average Weekly |                        | Annual Average        | Maximum |                  |
| Flow (GPD)                                    | Report               | XXX            | XXX                    | XXX                   | XXX     | XXX              |
| pH (S.U.)                                     | Annl Avg<br>XXX      | XXX            | 6.0<br>Inst Min<br>XXX | XXX                   | XXX     | 9.0              |
| Biochemical Oxygen Demand (BOD <sub>5</sub> ) | XXX                  | XXX            | XXX                    | 10.0                  | XXX     | 20               |
| Total Suspended Solids                        | XXX                  | XXX            | XXX                    | 10.0                  | XXX     | 20               |
| Fecal Coliform (No./100 ml)                   | XXX                  | XXX            | XXX                    | 200                   | XXX     | XXX              |

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

The EPA Waiver is in effect.

**PA0265322**, Stormwater, SIC Codes 3272, 3273 & 5032, **Erie Sand & Gravel Co.**, PO Box 179, Erie, PA 16512-0179. Facility Name: Carmeuse Lime & Stone Erie Sand & Gravel. This proposed facility is located in the City of Erie, **Erie County**.

Description of Proposed Activity: The application is for an NPDES permit for an existing discharge of industrial stormwater from a sand and gravel operation and a new discharge from a salt storage/handling operation.

The receiving stream, Lake Erie (Presque Isle Bay), is located in State Water Plan watershed 15 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 N/A MGD.

| Parameters             | Mass Units (lbs/day) |                | Minimum | Concentrations (mg/L) |         | Instant. Maximum |
|------------------------|----------------------|----------------|---------|-----------------------|---------|------------------|
|                        | Average Monthly      | Average Weekly |         | Average Monthly       | Maximum |                  |
| pH (S.U.)              | XXX                  | XXX            | XXX     | XXX                   | Report  | XXX              |
| Total Suspended Solids | XXX                  | XXX            | XXX     | XXX                   | XXX     | Report           |
| Total Dissolved Solids | XXX                  | XXX            | XXX     | XXX                   | XXX     | Report           |
| Aluminum, Total        | XXX                  | XXX            | XXX     | XXX                   | XXX     | Report           |
| Iron, Total            | XXX                  | XXX            | XXX     | XXX                   | XXX     | Report           |
| Chloride               | XXX                  | XXX            | XXX     | XXX                   | XXX     | Report           |

The proposed effluent limits for Outfall 002 are based on a design flow of N/A MGD.

| Parameters             | Mass Units (lbs/day) |                | Minimum | Concentrations (mg/L) |         | Instant. Maximum |
|------------------------|----------------------|----------------|---------|-----------------------|---------|------------------|
|                        | Average Monthly      | Average Weekly |         | Average Monthly       | Maximum |                  |
| pH (S.U.)              | XXX                  | XXX            | XXX     | XXX                   | Report  | XXX              |
| Total Suspended Solids | XXX                  | XXX            | XXX     | XXX                   | XXX     | Report           |
| Total Dissolved Solids | XXX                  | XXX            | XXX     | XXX                   | XXX     | Report           |
| Aluminum, Total        | XXX                  | XXX            | XXX     | XXX                   | XXX     | Report           |
| Iron, Total            | XXX                  | XXX            | XXX     | XXX                   | XXX     | Report           |
| Chloride               | XXX                  | XXX            | XXX     | XXX                   | XXX     | Report           |

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

- Stormwater Best Management Practices

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

The EPA Waiver is in effect.

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


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

**WQM Permit No. 0717401**, Sewerage, **Karen Post**, Power of Attorney, 176 Mountain View Drive, Tyrone, PA 16686.

This proposed facility is located in Antis Township, **Blair County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a single residence sewage treatment system to serve the Amato Property at 245 Hollen Road, Tyrone, PA 16686.

**WQM Permit No. 5017401**, Sewerage, **William J. Myers**, PO Box 40, Shermans Dale, PA 17090.

This proposed facility is located in Carroll Township, **Perry County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a single residence sewage treatment system to serve their property located at 760 Pisgah State Road, Shermans Dale, PA 17090.

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

**WQM Permit No. 2517411**, Sewage, **Nicholoas Schneider**, 683 Highmeyer Road, Harborcreek, PA 16421.

This proposed facility is located in Harborcreek Township, **Erie County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

**WQM Permit No. 2017402**, Sewage, **John & Rose Briggs**, 24291 State Highway 77 & 89, Spartansburg, PA 16434.

This proposed facility is located in Sparta Township, **Crawford County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

**WQM Permit No. 6183401 A-2**, Sewage, **Aqua Pennsylvania Inc.**, 762 W Lancaster Avenue, Bryn Mawr, PA 19010-3402.

This existing facility is located in Emlenton Borough, **Venango County**.

Description of Proposed Action/Activity: Installation of improvements to Emlenton Area Sewage Treatment Plant.

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


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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>                        |
|-------------------|--|---------------|---------------------|---|
| PAD150040         | Malvern Preparatory School<br>418 South Warren Avenue<br>Malvern, PA 19355 | Chester       | Malvern Borough     | Tributary to Crum Creek<br>Massacre Run<br>HQ-CWF |

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

*Lackawanna County Conservation Dist, 1038 Montdale Road, Suite 109, Scott Twp., PA 18447.*

**NPDES**

| <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>County</i> | <i>Municipality</i>     | <i>Receiving Water/Use</i>                         |
|-------------------|--|---------------|-------------------------|--|
| PAD350003         | Clarks Summit University<br>538 Venard Rd.<br>South Abington Twp, PA 18411 | Lackawanna    | South Abington Township | EV Wetlands, UNT to Summit Lake Creek<br>(TSF, MF) |

*Lehigh County Conservation District, Lehigh Ag Center, Suite 102, 4184 Dorney Park Rd., Allentown, PA 18104.*

**NPDES**

| <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>                                     | <i>County</i> | <i>Municipality</i>     | <i>Receiving Water/Use</i>                  |
|-------------------|---|---------------|-------------------------|---|
| PAD390042         | New Tripoli Bank<br>P.O. Box 468<br>New Tripoli, PA 18066               | Lehigh        | Upper Milford Township  | UNT to Little Lehigh Creek<br>(HQ-CWF, MF)  |
| PAD390044         | Parkland School District<br>1210 Springhouse Rd.<br>Allentown, PA 18104 | Lehigh        | Upper Macungie Township | Breinig Run & Schaeffer Run<br>(HQ-CWF, MF) |

*Monroe County Conservation District, 8050 Running Valley Rd., Stroudsburg, PA 18360-0917.*

**NPDES**

| <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>                 | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i>     |
|-------------------|---|---------------|---------------------|--------------------------------|
| PAD450046         | CB H2O LP<br>P.O. Box 168<br>Tannersville, PA 18372 | Monroe        | Pocono Township     | Coolmoor Creek<br>(HQ-CWF, MF) |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i>               |
|-------------------------|--|---------------|---------------------|--|
| PAD480032               | Vertek Construction Management LLC<br>7171 Airport Rd.<br>Suite 200<br>Bath, PA 18014        | Northampton   | Bushkill Township   | UNT TO Sobers Run (EV) and Wetlands (EV) |
| PAD480036               | Lanie Yaswinski<br>Mountain View Drive-In LLC<br>172 E. Aluta Mill Rd.<br>Nazareth, PA 18064 | Northampton   | Bushkill Township   | Bushkill 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> |
|-----------------|--|---------------|----------------------|----------------------------|
| PAD670009       | Tri H Enterprises, LLC<br>141 South Main Street<br>Jacobus, PA 17407 | York          | Springfield Township | Seaks Run (HQ-CWF)         |

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Dana Drake, Waterways and Wetlands Program Manager, 412-442-4000.*

| <i>Permit No.</i> | <i>Applicant &amp; Address</i>  | <i>County</i> | <i>Municipality</i>   | <i>Stream Name</i>  |
|-------------------|---|---------------|---|---|
| PAD300003         | Southwestern Pennsylvania Water Authority<br>P.O. Box 187<br>1442 Jefferson Road<br>Jefferson, PA 15344 | Greene County | Franklin Township;<br>Washington Township;<br>Morris Township | UNT to Browns Run (HQ-WWF);<br>Wisecarver Run (HQ-WWF); Mud Lick Run (HQ-WWF);<br>Garners Run (HQ-WWF); Bates Fork (HQ-WWF) |
| PAD300004         | APV Renaissance Opco, LLC<br>232 Chestnut Avenue<br>Bernardsville, NJ 07924                             | Greene County | Monongahela Township  | Monongahela River (WWF)   |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>County</i> | <i>Municipality</i>  | <i>Receiving Water/Use</i>   |
|-------------------------|--|---------------|----------------------|------------------------------|
| PAD370002               | INMETCO<br>Attn: Richard Lunn<br>1 Inmetco Drive<br>Ellwood City, PA 16117 | Lawrence      | Ellwood City Borough | Connoquenessing Creek<br>WWF |

## VII. List of NOIs for NPDES and/or Other General Permit Types

PAG-12 CAFOs

### CAFO Notices of Intent Received

*Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**NPDES Permit No. PAG124863, CAFO, JOM Hogs, LLC, 1417 Peters Road, Troy, PA 16947-8664.**

This proposed facility is located in West Burlington Township, **Bradford County**.

Description of size and scope of proposed operation/activity: Application for a general NPDES permit for a new finishing swine operation with a concrete under-barn manure storage facility and dairy cattle operation. The facility will be comprised of approximately 4,800 swine (Grow-Finish), 50 dairy heifers, 15 dairy calves, and 95 dairy cows. There will be a total of 846.78 AEUs.

The receiving stream, Unnamed Tributary to Sugar Creek, is in watershed 4-C and classified for: Migratory Fishes and Trout Stocking.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 100-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

**MS4 PAG-13 Notices of Intent Received**

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

| <i>NPDES<br/>Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>Municipality,<br/>County</i>                | <i>Waiver<br/>Application<br/>Submitted (Y/N)</i> | <i>Pollutant<br/>Reduction<br/>Plan Submitted<br/>(Y/N)</i> |
|-----------------------------|---|--|---|---|
| PAG136230                   | Versailles Borough<br>Allegheny County<br>5100 Walnut Street<br>McKeesport, PA 15132-6322 | Versailles<br>Borough<br>Allegheny County      | Y   | N   |
| PAG136379                   | Centerville Borough<br>100 East End Road<br>Brownsville, PA 15417                         | Centerville<br>Borough<br>Washington<br>County | Y   | N   |
| PAG136264                   | Edgewood Borough<br>Allegheny County<br>2 Race Street<br>Pittsburgh, PA 15218-1445        | Edgewood<br>Borough<br>Allegheny County        | (Y)   | (N)   |
| PAG136296                   | Township of White<br>2511 13th Avenue<br>Beaver Falls, PA 15010-2457                      | White Township<br>Beaver County                | YES   | YES   |
| PAG136152                   | Township of Pine<br>230 Pearce Mill Road<br>Wexford, PA 15090-8511                        | Pine Township<br>Allegheny County              | NO  | YES   |
| PAG136127                   | Crescent Township<br>Allegheny County<br>225 Spring Run Road<br>Crescent, PA 15046-5402   | Crescent<br>Township<br>Allegheny County       | N   | Y   |

**MS4 PAG-13 Notices of Intent Received**

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

| <i>NPDES<br/>Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>Municipality,<br/>County</i>                   | <i>Waiver<br/>Application<br/>Submitted (Y/N)</i> | <i>Pollutant<br/>Reduction Plan<br/>Submitted<br/>(Y/N)</i> |
|-----------------------------|--|---|---|---|
| PAG130160                   | Silverdale Borough<br>100 W. Park Avenue<br>PO Box 187<br>Silverdale, PA 18962 | Silverdale<br>Borough<br>Bucks County             | N   | Y   |
| PAG130033                   | Pottstown Borough<br>1269 Industrial HWY<br>Pottstown, PA 19464                | Pottstown<br>Borough<br>Montgomery<br>County      | N   | Y   |
| PAG130006                   | West Norriton Township<br>1630 W. Marshall Street<br>Jeffersonville, PA 19403  | West Norriton<br>Township<br>Montgomery<br>County | N   | Y   |
| PAG130110                   | Trappe Borough<br>525 W. Main Street<br>Trappe, PA 19426                       | Trappe Borough<br>Montgomery<br>County            | N   | Y   |
| PAG130096                   | Quakertown Borough<br>35 N. Third Street<br>Quakertown, PA 18951               | Quakertown<br>Borough<br>Bucks County             | N   | Y   |
| PAG130042                   | Upper Merion Township<br>175 W. Valley Forge Road<br>King of Prussia, PA 19406 | Upper Merion<br>Township<br>Montgomery<br>County  | N   | Y   |
| PAG130155                   | Sellersville Borough<br>140 E. Church Street<br>Sellersville, PA 18960         | Sellersville<br>Borough<br>Bucks County           | N   | Y   |

| <i>NPDES<br/>Permit No.</i> | <i>Applicant Name &amp; Address</i>                                      | <i>Municipality,<br/>County</i>                | <i>Waiver<br/>Application<br/>Submitted (Y/N)</i> | <i>Pollutant<br/>Reduction Plan<br/>Submitted<br/>(Y/N)</i> |
|-----------------------------|--|--|---|---|
| PAG130057                   | Newtown Borough<br>23 N. State Street<br>Newtown, PA 18940               | Newtown Borough<br>Bucks County                | N   | Y   |
| PAG130069                   | Perkiomen Township<br>1 Trappe Road<br>Collegetown, PA 19426             | Perkiomen<br>Township<br>Montgomery<br>County  | N   | Y   |
| PAG130043                   | Wrightstown Township<br>2203 Second Street Pike<br>Wrightstown, PA 18940 | Wrightstown<br>Township<br>Bucks County        | N   | Y   |
| PAG130118                   | Trainer Borough<br>824 Main Street<br>Trainer, PA 19061                  | Trainer Borough<br>Delaware County             | N   | Y   |
| PAG130163                   | South Coatesville Borough<br>136 Modena Road<br>Coatesville, PA 19320    | South Coatesville<br>Borough<br>Chester County | N   | Y   |
| PAG130159                   | Norristown Borough<br>235 E. Airy Street<br>Norristown, PA 19401         | Norristown<br>Borough<br>Montgomery<br>County  | N   | Y   |
| PAG130130                   | Springfield Township<br>50 Powell Road<br>Springfield, PA 19064          | Springfield<br>Township<br>Delaware County     | N   | Y   |
| PAG130122                   | Aston Township<br>5021 Pennell Road<br>Aston, PA 19014                   | Aston Township<br>Delaware<br>Township         | N   | Y   |
| PAG130001                   | Swarthmore Borough<br>121 Park Avenue<br>Swarthmore, PA 19081            | Swarthmore<br>Borough<br>Delaware County       | N   | Y   |
| PAG130010                   | Upper Makefield Township<br>1076 Eagle Road<br>Newtown, PA 18940         | Upper Makefield<br>Township<br>Bucks County    | N   | Y   |

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

| <i>NPDES<br/>Permit No.</i> | <i>Applicant Name &amp; Address</i>                                       | <i>Municipality,<br/>County</i>               | <i>Waiver<br/>Application<br/>Submitted (Y/N)</i> | <i>Pollutant<br/>Reduction Plan<br/>Submitted<br/>(Y/N)</i> |
|-----------------------------|---|---|---|---|
| PAG132275                   | Heidelberg Township<br>6272 Route 309<br>Suite A<br>New Tripoli, PA 18066 | Heidelberg<br>Township<br>Lehigh County       | N   | N   |
| PAG132253                   | Throop Borough<br>436 Sanderson Street<br>Throop, PA 18512                | Throop Borough<br>Lackawanna<br>County        | N   | Y   |
| PAG132283                   | East Penn Township<br>167 Municipal Road<br>Leighton, PA 18235            | East Penn<br>Township<br>Carbon County        | Y   | N   |
| PAG132241                   | Factoryville Borough<br>P O Box 277<br>Factoryville, PA 18419             | Factoryville<br>Borough<br>Wyoming County     | Y   | N   |
| PAG132287                   | Williams Township<br>655 Cider Press Road<br>Easton, PA 18042             | Williams<br>Township<br>Northampton<br>County | Y   | N   |
| PAG132261                   | Nazareth Borough<br>134 S Main Street<br>Nazareth, PA 18064               | Nazareth Borough<br>Northampton<br>County     | N   | Y   |



| <i>NPDES<br/>Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>Municipality,<br/>County</i>                      | <i>Waiver<br/>Application<br/>Submitted (Y/N)</i> | <i>Pollutant<br/>Reduction Plan<br/>Submitted<br/>(Y/N)</i> |
|-----------------------------|---|--|---|---|
| PAG132250                   | Fountain Hill Borough<br>941 Long Street<br>Fountain Hill, PA 18015                   | Fountain Hill<br>Borough<br>Lehigh County            | N   | Y   |
| PAG132286                   | Sugarloaf Township<br>P.O. Box 61<br>Sybertsville, PA 18251                           | Sugarloaf<br>Township<br>Luzerne County              | N   | Y   |
| PAG132315                   | Salem Township<br>38 Bomboy Lane<br>Berwick, PA 18603                                 | Salem Township<br>Luzerne County                     | Y   | N   |
| PAG132236                   | West Easton Borough<br>237 7th Street<br>West Easton, PA 18042-6172                   | West Easton<br>Borough<br>Northampton<br>County      | Y   | Y   |
| PAG132218                   | Kingston Township<br>180 E. Center Street<br>Shavertown, PA 18708                     | Kingston<br>Township<br>Luzerne County               | N   | Y   |
| PAG132284                   | Palmerton Borough<br>443 Delaware Avenue<br>Palmerton, PA 18071-1908                  | Palmerton<br>Borough<br>Carbon County                | N   | N   |
| PAG132204                   | Weissport Borough<br>440 Allen Street<br>Weissport, PA 18235                          | Weissport<br>Borough<br>Carbon County                | Y   | N   |
| PAG132276                   | Pottsville City<br>401 North Centre Street<br>Pottsville, PA 17901-1330               | Pottsville City<br>Schuylkill County                 | N   | N   |
| PAG132239                   | Lehigh Township<br>1069 Municipal Road<br>Walnutport, PA 18088                        | Lehigh Township<br>Northampton<br>County             | N   | Y   |
| PAG132258                   | Foster Township<br>1000 Wyoming Avenue<br>Freeland, PA 18224                          | Foster Township<br>Luzerne County                    | Y   | N   |
| PAG132291                   | Lehighon Borough<br>One Constitution Avenue<br>P.O. Box 29<br>Lehighon, PA 18235-0029 | Lehighon<br>Borough<br>Carbon County                 | Y   | N   |
| PAG132271                   | Dalton Borough<br>105 West Main Street<br>Dalton, PA 18414                            | Dalton Borough<br>Lackawanna<br>County               | N   | Y   |
| PAG132209                   | Clarks Green Borough<br>104 N. Abington Road<br>Clarks Green, PA 18411                | Clarks Green<br>Borough<br>Lackawanna<br>County      | N   | Y   |
| PAG132318                   | East Stroudsburg Borough<br>24 Analomink Street<br>East Stroudsburg, PA 18301-2801    | East Stroudsburg<br>Borough<br>Monroe County         | Y   | Y   |
| PAG132240                   | North Catasauqua Borough<br>1066 4th Street<br>P.O. Box 150<br>Catasauqua, PA 18032   | North Catasauqua<br>Borough<br>Northampton<br>County | N   | Y   |
| PAG132319                   | La Plume Township<br>2080 Hickory Ridge Road<br>Factoryville, PA 18419                | La Plume<br>Township<br>Lackawanna<br>County         | Y   | Y   |
| PAG132210                   | Dickson City Borough<br>901 Enterprise Street<br>Dickson City, PA 18519               | Dickson City<br>Borough<br>Lackawanna<br>County      | N   | Y   |

| <i>NPDES<br/>Permit No.</i> | <i>Applicant Name &amp; Address</i>                              | <i>Municipality,<br/>County</i>                | <i>Waiver<br/>Application<br/>Submitted (Y/N)</i> | <i>Pollutant<br/>Reduction Plan<br/>Submitted<br/>(Y/N)</i> |
|-----------------------------|--|--|---|---|
| PAG132238                   | Walnutport Borough<br>417 Lincoln Avenue<br>Walnutport, PA 18088 | Walnutport<br>Borough<br>Northampton<br>County | N   | N   |
| PAG132290                   | Parryville Borough<br>P.O. Box 10<br>Parryville, PA 18244-0010   | Parryville<br>Borough<br>Carbon County         | Y   | N   |
| PAG132301                   | Hanover Township<br>2202 Grove Road<br>Allentown, PA 18103       | Hanover<br>Township<br>Lehigh County           | N   | Y   |
| PAG132226                   | Dupont Borough<br>600 Chestnut Street<br>Dupont, PA 18641-1935   | Dupont Borough<br>Luzerne County               | N   | Y   |

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

| <i>NPDES<br/>Permit No.</i> | <i>Applicant Name &amp; Address</i>                                    | <i>Municipality/County</i>            | <i>Waiver<br/>Application<br/>Submitted (Y/N)</i> | <i>Pollutant<br/>Reduction<br/>Plan Submitted<br/>(Y/N)</i> |
|-----------------------------|--|---------------------------------------|---|---|
| PAG133510                   | Robesonia Borough<br>75 S. Brooke Street<br>Robesonia, PA 19551        | Robesonia<br>Borough<br>Berks County  | N   | Y   |
| PAG133518                   | Laureldale Borough<br>3406 Kutztown Road<br>Laureldale, PA 19605       | Laureldale<br>Borough<br>Berks County | Y   | Y   |
| PAG133656                   | Dover Township<br>2480 West Canal Road<br>Dover, PA 17315              | Dover Township<br>York County         | N   | Y   |
| PAG133595                   | York Township York County<br>190 Oak Road<br>Dallastown, PA 17313-9300 | York Township<br>York County          | N   | Y   |

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

| <i>NPDES<br/>Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>Municipality,<br/>County</i>          | <i>Waiver<br/>Application<br/>Submitted (Y/N)</i> | <i>Pollutant<br/>Reduction Plan<br/>Submitted<br/>(Y/N)</i> |
|-----------------------------|--|--|---|---|
| PAG138322                   | Lawrence Park Township<br>Erie County<br>4230 Iroquois Avenue<br>Erie, PA 16511-2133           | Lawrence Park<br>Township<br>Erie County | Y   | N   |
| PAG138315                   | Girard Township<br>Erie County<br>10140 Ridge Road<br>Girard, PA 16417-9415                    | Girard Township<br>Erie County           | N   | N   |
| PAG138312                   | Meadville City<br>Crawford County<br>894 Diamond Park<br>Meadville, PA 16335-2603              | Meadville City<br>Crawford County        | N   | N   |
| PAG138337                   | Evans City Borough<br>Butler County<br>204 B South Jackson Street<br>Evans City, PA 16033-1138 | Evans City<br>Borough<br>Butler County   | N   | Y   |
| PAG138319                   | PA State University<br>Penn State Erie<br>Erie, PA 16563                                       | Harborcreek<br>Township<br>Erie County   | Y   | N   |

**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.

**ACT 38  
NUTRIENT MANAGEMENT PLANS  
CAFO PUBLIC NOTICE SPREADSHEET—APPLICATIONS**

| <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>New or Renewal</i> |
|---|---------------|--------------------|--------------|--------------------|---|-----------------------|
| Chris Hoffman<br>Lazy Hog Farm<br>240 Long Hollow Lane<br>Lewistown, PA 17044 | Mifflin       | 0                  | 532.33       | Finisher Swine     | NA  | renewal               |
| Marlin Hartzler<br>39 Hazel Lane<br>Belleville, PA 17004                      | Mifflin       | 113.9              | 607.56       | Finisher Swine     | NA  | New                   |
|   |               |                    | 40.92        | And Dairy Heifers  | NA  |                       |
| Kim Schlappich<br>1345 Main St.<br>Mohrsville, PA 19541                       | Berks         | 117.8              | 89.88        | Ducks              | NA  | Renewal               |
| Phillip Reisinger<br>315 Greens Valley Run<br>Landisburg, PA 17040            | Perry         | 0                  | 360          | Layer              | Green Valley Run EV                               | Approved              |
| Hickory Lane Farms<br>230 Clarks Run Road<br>Blain, PA 17006                  | Perry         | 528                | 1,328.2      | Swine              | Shermans Creek HQ                                 | Approved              |

**PUBLIC WATER SUPPLY (PWS) PERMITS**

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

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the

name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

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

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

#### SAFE DRINKING WATER

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

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 3117503 MA, Minor Amendment, Public Water Supply.**

|                       |  |
|-----------------------|--|
| Applicant             | <b>Wood-Broad Top-Wells Joint Municipal Authority</b>  |
| Municipality          | Wood Township  |
| County                | <b>Huntingdon</b>  |
| Responsible Official  | Gary McCavitt, Chairman<br>PO Box 7<br>Wood, PA 16694  |
| Type of Facility      | Public Water Supply  |
| Consulting Engineer   | Ann K. Reynolds, P.E.<br>GHD Inc<br>321 Washington Street<br>Huntingdon, PA 16652  |
| Application Received: | 9/5/2017   |
| Description of Action | Wood-Broad Top-Wells Joint Municipal Authority has submitted a permit application for the replacement of the existing Great Trough Creek Reservoir intake structure and piping. The project also includes the replacement of the existing filter media, high service pumps, chemical feed systems, instrumentation, and control systems. |

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

**Permit No. 1014506-MA1, Public Water Supply.**

|                           |   |
|---------------------------|---|
| Applicant                 | <b>Slippery Rock Muni Auth</b>                |
| Township or Borough       | Slippery Rock                                 |
| County                    | <b>Butler</b>                                 |
| Responsible Official      | Shaun Brown                                   |
| Type of Facility          | Public Water Supply                           |
| Consulting Engineer       | Iran Gabin/Dixon Engineering                  |
| Application Received Date | September 13, 2017                            |
| Description of Action     | Repaint interior, exterior, and install mixer |

**Permit No. 6180501-MA1, Public Water Supply.**

|                           |  |
|---------------------------|--|
| Applicant                 | <b>Barkeyville Boro Municipal Authority</b>  |
| Township or Borough       | Barkeyville Boro   |
| County                    | <b>Venango</b>   |
| Responsible Official      | James Coursen  |
| Type of Facility          | Public Water Supply  |
| Consulting Engineer       | Matthew Arena, P.E.<br>HRG<br>200 West Kensing Dr<br>Suite 400<br>Cranberry Township, PA 16066 |
| Application Received Date | September 21, 2017   |
| Description of Action     | Replace water mains, fire hydrants, service connections, clean and repair storage tank         |

#### MINOR AMENDMENT

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

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

**Application No. 1099501-MA2, Minor Amendment.**

|                           |  |
|---------------------------|--|
| Applicant                 | <b>Mars Borough</b>  |
| Township or Borough       | Mars Borough   |
| Responsible Official      | G. Michael Fleming   |
| Type of Facility          | Water Treatment Plant  |
| Consulting Engineer       | Bryan Churilla, P.E.<br>KLH Engineers<br>5173 Campbells Run Road<br>Pittsburgh, PA 15205 |
| Application Received Date | September 21, 2017   |
| Description of Action     | Utilize an alternative corrosion and scale inhibitor additive                            |

#### 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

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**WA 18-732B, Water Allocations. Porter Township Municipal Authority, 26 Spring Run Road, Mill Hall, PA 17751, Porter Township, Clinton County.** Application to replace the current allocation permit that will expire at the end of 2017. No increase from the current allocated amount 190,000 gallons per day (gpd) is being requested.

## 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:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Fancher Residence**, 1206 Linden Avenue, Lower Makefield Township, **Bucks County**. Sean M. Damon, P.G., Langan Engineering and Environmental Services, Inc., 2700 Kelly Road, Suite 200, Warrington, PA 18976 on behalf of Louis C. Fancher, 1206 Linden Avenue, Yardley, PA 19067 submitted a Notice of Intent to Remediate. Soil and groundwater near the former UST location have been contaminated with volatile organic compounds (VOCs). The property will continue to be used for residential purposes in the future. The Notice of Intent to Remediate was published in the *Bucks County Courier Times* on August 14, 2017.

**Whitfield Residence**, 546 Jefferson Avenue, Pottstown Borough, **Montgomery County**. Carl Rinkevich, II, Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602 on behalf of Dorothy Whitfield, 546 Jefferson Avenue, Pottstown, PA 19464 submitted a Notice of Intent to Remediate. A release of no. 2 fuel oil occurred at the property and impacted onsite soils. The future use of the property will be residential for the foreseeable future. The Notice of Intent to Remediate was published the *Mercury* on June 7, 2017.

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

**O'Dowd SUS PAD**, 2411 State Route 3011, Auburn Township, **Susquehanna County**, Leidos, LLC, 6310 Allentown Boulevard, Harrisburg, PA 17112, on behalf of Chesapeake Appalachia LLC, 300 North 2nd Street, 5th Floor, Harrisburg, PA 17101, submitted a Notice of Intent to Remediate. Flow back fluid was released to soil due to a leaking valve. The proposed future use of the property is for natural gas production. The Notice of Intent to Remediate was published in *Wyoming Weekly* on September 20, 2017.

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

**Sandro Pagan Property**, 543 North 11th Street, Lebanon, PA 17406, Lebanon City, **Lebanon County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Sandro Pagan, 543 North 11th Street, Lebanon, PA 17406, 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. Future use of the site is to remain residential. The Notice of Intent to Remediate was published in the *Lebanon Daily News* on September 11, 2017.

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

**Former Centre Chemical Facility**, Bellefonte Borough, **Centre County**. McKee Environmental, Inc., 218 Washington Avenue, Bellefonte, PA 16823, on behalf of Catherman's Service Garage, 1803 Buffalo Run Road, Bellefonte, PA 16823, has submitted a Notice of Intent to Remediate soil contaminated with inorganics. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent was published in the *Centre Daily Times* on September 8, 2017.

**Frontier National Resources Tenman Facility**, Sullivan Township, **Tioga County**. Frontier National Re-

sources, Inc., 301 N. Spring Street, Suite 102, Bellefonte, PA 16823, has submitted a Notice of Intent to Remediate soil contaminated with diesel fuel. The applicant proposes to remediate the site to meet the Statewide Health Standard.

#### MUNICIPAL WASTE GENERAL PERMITS

**Application(s) Received Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**General Permit Application No. WMGM054. WeCare Blackwood Farms, LLC**, 9293 Bonta Bridge Road, Jordan, NY 13080. A permit reissuance to transfer the permit for the beneficial use of biosolids-derived material from the Blackwood Farms facility located in Reilly Township, **Schuylkill County** from WeCare Organics Northeast, LLC to WeCare Blackwood Farms, LLC. The application was received on September 11, 2017 and deemed administratively complete by the Regional Office on September 26, 2017.

Comments concerning the application should be directed to Roger Bellas, Environmental Program Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Application(s) Received Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Permit Application No. 603455. WeCare Blackwood Farms, LLC**, 9293 Bonta Bridge Road, Jordan, NY 13080. A permit reissuance to transfer the permit for the Blackwood Farms Biosolids Management Facility located in Reilly Township, **Schuylkill County** from WeCare Organics, LLC to WeCare Blackwood Farms, LLC. The application was received on September 11, 2017 and deemed administratively complete by the Regional Office on September 26, 2017.

Comments concerning the application should be directed to Roger Bellas, Environmental Program Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

## AIR QUALITY

### 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.**

*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.*

**36-05002F: Armstrong Flooring, Inc.** (1067 Dillerville Road, Lancaster, PA 17604) for the modification to emission limits at their flooring plant in the City of Lancaster, **Lancaster County**. The plan approval will revise the 0.001 gr/dscf particulate matter emission limits on Control IDs 902 & C906 to 0.003 gr/dscf. The 0.001 gr/dscf limits were initially established in PA 36-05002E, which was for the installation of a luxury vinyl tile (LVT) line. Potential particulate matter from the LVT project will increase from 6.48 tpy to 12.19 tpy PM/PM<sub>10</sub>/PM<sub>2.5</sub>. No other changes will occur to the equipment or emissions approved under PA 36-05002E. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and 127.12. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into an operating permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

**36-05001N: Armstrong World Industries, Inc.** (1507 River Road, Marietta, PA 17547) for the replacement/installation of various control devices and equipment on the boardmill's operations (Source ID 104) to improve plant hygiene at their ceiling tile plant in East Donegal Township, **Lancaster County**. Specifically, the project is for the replacement of the two (2) 40,844 cfm baghouses (Control IDs C104C & 104D) controlling the boardmill's (Source ID 104) sizing (e.g., dry saw) and material handling (e.g., board and scrap conveying) operations to improve plant hygiene. The baghouses will be replaced with two (2) 80,000 acfm baghouses. Additional hoods/pickups will also be installed to improve particulate matter capture inside the plant; however, no other physical changes will occur to the boardmill's operations. Additionally, a new 15,000 acfm receiver baghouse will be installed to handle the dust collected by the new 80,000 acfm baghouses. Overall tile production at the facility will not increase due to this project since the project will not alter the facility's production capacity. The combined potential emissions from the three (3) new baghouses are estimated to be 9.09 tpy PM/PM<sub>10</sub>/PM<sub>2.5</sub>. The Plan Approval will contain monitoring, recordkeeping, performance testing, & work practice standards designed to

keep the facility operating within all applicable air quality requirements. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and 127.12. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into an operating permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**10-028K: Armstrong Cement & Supply Corp.** (100 Clearfield Road, Cabot, PA 16023) for the installation of a selective non-catalytic reduction system (SNCR) and use of slag raw material addition at their facility in Winfield Township, **Butler County**. This is a Title V facility.

Notice is hereby given pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Department of Environmental Protection (DEP) intends to issue Plan Approval 10-028K to Armstrong Cement & Supply Corp. for the installation of a selective non-catalytic reduction system (SNCR) and use of slag raw material addition at the company's facility located at 100 Clearfield Road, Winfield Township, Butler County. The facility currently has a Title V permit No. 10-00028. The Plan Approval will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 10-028K is for the installation of a selective non-catalytic reduction system (SNCR) and the use of slag raw material addition as NO<sub>x</sub> control measures for the existing Kilns 1 and 2 (Source IDs 101 & 121). The subject controls are being installed in order to comply with the presumptive RACT II emission limits of 3.88 lbs NO<sub>x</sub> per ton of clinker produced, with compliance to be verified via continuous emission monitoring (CEMS). Based on the information provided by the applicant and DEP's own analysis, emissions from the subject source(s) will not exceed 582 tons of nitrogen oxides per year, which represents a decrease from previously permitted levels.

The permittee will be required to monitor and maintain records of SNCR operating parameters and amount(s) of slag addition. The Plan Approval will contain additional monitoring, recordkeeping and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis, and other documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the address shown below. To make an appointment, contact Records Management at 814-332-6340.

Anyone wishing to provide DEP with additional information they believe should be considered may submit the information to the address shown below. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the name, address, and telephone number of the person

submitting comments, identification of the proposed Plan Approval; No. 10-028K and a concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Eric Gustafson, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335, 814-332-6940.

### OPERATING PERMITS

#### Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

*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.*

**44-05001: Standard Steel, LLC.** (500 N. Walnut Street, Burnham, PA 17009) to issue a Title V Operating Permit renewal for railcar steel wheel and axle manufacturing facility in Burnham Borough, **Mifflin County**. The actual emissions from the facility in 2016 were 19.6 tpy of VOCs, 54.4 tpy of NO<sub>x</sub>, 298.5 tpy of CO, 14.9 tpy of SO<sub>x</sub>, and 12.6 tpy of PM<sub>10</sub>. 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. EAF Source ID 104A and baghouse dust handling system are subject to 40 CFR Part 60, NSPS Subpart AAa—Steel Plants and 40 CFR Part 63, NESHAP Subpart YYYYYY—Electric Arc Furnace Steelmaking Facilities. Two diesel fired emergency generators are subject to 40 CFR Part 60, NSPS Subpart IIII and three natural gas fired emergency generators are subject to 40 CFR Part 63, NESHAP Subpart ZZZZ.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**25-00025: General Electric Company** (2901 E Lake Rd, Bldg. 9 Room 201, Erie, PA 16531) In accordance with 25 Pa. Code §§ 129.96—129.100, the Department of Environmental Protection (the Department) has made a preliminary determination to approve an alternate Reasonably Available Control Technology (RACT II) plan and

seeks approval of an amendment to the State Implementation Plan (SIP) for GE Transportation for the facility in Lawrence Park Township, **Erie County**. And in accordance with 25 Pa. Code § 127.521, the Department of Environmental Protection intends to re-issue a Title V Operating Permit for the facility. The facility is located at 2901 East Lake Road, Erie, PA 16531. The facility's representative to contact concerning this application is Mr. James Verderese, Environmental Manager. His phone number is 814-875-5973.

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 finally approved, will be incorporated into the revised operating permit (25-00025) 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 SIP 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; this includes the provisions of the Department's presumptive RACT II requirements in accordance with 25 Pa. Code § 129.97, as they apply to existing sources at this facility.

The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to its potential to emit NO<sub>x</sub>, VOCs, CO, and HAPs. The facility is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

The facility's major emission sources include 4 natural gas fueled boilers (3 rated at 98.6 million Btu/hr each and 1 rated at 95 million Btu/hr), paint booths, varnish application systems, vacuum pressure impregnation systems, 10 engine test cells, machining and grinding operations, 5 diesel fueled emergency generators rated between 230 hp—755 hp, and 20 natural gas fueled emergency generators rated between 15 kW and 100 kW. The facility is subject to the following NSPS of 40 CFR Part 60: Subpart Dc for Small ICI Steam Generating Units, Subpart IIII for Stationary CI ICE, and Subpart JJJJ for Stationary SI ICE. The facility is also subject to the following NESHAPs of 40 CFR Part 63: Subpart MMMM for Surface Coating of Miscellaneous Metal Parts and Products, Subpart ZZZZ for Stationary Reciprocating Internal Combustion Engines, and Subpart DDDDD for Major Source ICI Boilers and Process Heaters. And the facility is subject to the following Protection of Stratospheric Ozone regulations of 40 CFR Part 82: Subpart F for Recycling and Emissions Reduction and Subpart H for Halon Emissions Reduction.

The following is a summary of the proposed amendments to the RACT II determination for this facility that will be submitted to the EPA as a SIP revision:

#### Source

Bldg 4E Test Cell # 1, Source 359:

Engine Test Lab, Test Cells B-G (Bldg 18E), Source 372:

#### RACT II Requirement

- Fuel consumption limited to 11,000,000 gallons per year.
- NO<sub>x</sub> emissions limited to 214 tpy for each full engine test cell and 214 tpy for the single cylinder test cell.
- Fuel consumption limited to 1,100,000 gallons per year.



*Public hearing.* If requested, a public hearing will be held at 10 a.m. on November 8, 2017, to accept oral comments on the proposed operating permit revision and the proposed SIP revision. The hearing will be held, if requested, at the DEP Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. To request a hearing, to register to speak at a hearing, or to inquire if a hearing will be held, please contact Melanie Williams at 814-332-6615. The last day to pre-register to speak at a hearing, if one is held, will be November 1, 2017. If we do not receive any pre-registered speakers by this date, the hearing will be cancelled.

Please note that any updates made to any aspect of the hearing, including whether or not a hearing will be held, will be posted online at: <http://www.dep.pa.gov/About/Regional/NorthwestRegion/Community-Information/Pages/RACT-II.aspx>.

Contact Melanie Williams, Environmental Community Relations Specialist at 814-332-6615 or monitor the Department's web site to determine if a hearing will be held.

Persons wishing to present testimony at the hearing should contact Melanie Williams 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 2 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 3 copies of a written statement and exhibits within 10 days thereafter to Eric A. Gustafson, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335.

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 Eric A. Gustafson, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. A 30-day comment period from October 7, 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 permit number 25-00025 and concise statements regarding the relevancy of the information or objections to issuance of the permit or the proposed RACT II Plan.

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the DEP Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Appointments for scheduling a review may be made by calling the Department at 814-332-6078.

Persons with a disability who wish to comment and require an auxiliary aid, service, or other accommodations to do so should contact Virginia Cain, Environmental Community Relations Specialist, at 484-250-5808 or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

**42-00158: Georgia Pacific Panel Products LLC** (149 Temple Drive, Kane, PA 16735-5343) The Department intends to issue a renewal of the Title V Operating Permit for the Medium Density Fiberboard facility in Sergeant Township, **McKean County**.

Georgia Pacific's facility is primarily used to produce reconstituted wood products. The facility's air emission sources include natural gas fuel combustion devices, wood chip/fiber drying devices, forming and pressing equipment, raw material storage, sawing and sanding equipment, and various other support equipment. The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to the facility's potential to emit of NO<sub>x</sub>, particulate matter, VOC, and HAP emissions. The facility is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335.

The actual emissions reported by the facility for 2016 were 77.2 TPY CO, 48.1 TPY NO<sub>x</sub>, 17.9 TPY PM<sub>10</sub>, 15.3 TPY PM<sub>2.5</sub>, 0.23 TPY SO<sub>x</sub>, and 13.2 TPY VOC.

The permit contains the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Stationary Reciprocating Internal Combustion Engines (40 CFR 63, Subpart ZZZZ) and the Plywood and Composite Wood Products (40 CFR 63, Subpart DDDD). The permit contains the applicable Federal and State requirements to ensure compliance with the Air Pollution Control Act.

The permit incorporates the requirements of Plan Approval 42-00158 and the RACT 2 requirements (Sections 129.96, 129.97, and 129.100). The permit contains a compliance schedule for submittal of a plan approval to modify the PM and PM<sub>10</sub> emission limits for Source 125M (Stack SM07); modify the VOC emission limits for the Refiner Startup Cyclone exhaust (SM02), the Primary Sander exhaust (SM10) and the Secondary Sander exhaust (SM11); incorporate combustion byproduct (CO, NO<sub>x</sub>, and SO<sub>2</sub>) emission limits for the MDF Dryer Abort Stack for the WESP exhaust (SM17); incorporate MDI emission limits for the RTO Stack; and, de-rate the Westec Coen Burner to 43 MMBtu/hr.

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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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*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507.*

**48-00022: ConAgra, Inc.** (4888 South Delaware Drive, Martins Creek, PA 18063) intends to issue a State-Only (Synthetic Minor) Operating Permit renewal for operation of their dog and cat food manufacturing facility located in Lower Mt. Bethel Township, **Northampton County**. The sources include a boiler, wheat receiving, handling, and a flour mill, bulk loading, feed loadout, water chlorination, and a fumigation process. The proposed permit will contain applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**48-00023: Ardent Mills, LLC.** (4888 South Delaware Drive, Martins Creek, PA 18063-0193) intends to issue a State-Only (Synthetic Minor) Operating Permit renewal for operation of their grain and field bean wholesaling

facility located in Lower Mt. Bethel Township, **Northampton County**. The sources include wheat receiving, handling, and loadout and a fumigation process. The proposed permit will contain applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**54-00007: PA Department of Corrections** (1920 Technology Parkway, Mechanicsburg, PA 17050-8507) intends to issue a State-Only (Natural Minor) Operating Permit renewal for operation of their correctional facility located in Ryan Township, **Schuylkill County**. The sources include a fire-tube boiler and emergency generators. The proposed permit will contain 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 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.*

**28-03027: APX Industrial Coatings, Inc./St. Thomas** (9473 Lincoln Way West, Saint Thomas, PA 17252) for operation of a surface coating facility, in St. Thomas Township, **Franklin County**. The actual emissions in year 2016 from the operation were 2.95 tons 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.

**67-05120: Magnesita Refractories Co./York Quarry** (425 Salem Church Road, York, PA 17408) to issue a State Only Operating Permit for a limestone crushing plant in West Manchester Township, **York County**. The 2016 emissions were 1.17 ton CO, 1.40 ton NO<sub>x</sub>, 4.38 tons PM<sub>10</sub>, and 0.01 ton SO<sub>x</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. Among other items, the conditions include 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

**21-03004: ADM Milling Co./Camp Hill** (PO Box 3100, Shiremanstown, PA 17011) to issue a State Only Operating Permit for a flour milling facility in Camp Hill Borough, **Cumberland County**. The facility's 2016 emissions are 29.65 tons 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. The facility is subject to 40 CFR Part 60, Subpart DD—Standards of Performance for Grain Elevators.

**21-05039: Fleetwood Industries, Inc.** (225 Peach Street, Leesport, PA 19533) for the operation of a furniture manufacturing facility located Ontelaunee Township, **Berks County**. 2016 actual emissions are estimated at 0.14 tpy of CO, 0.16 tpy of NO<sub>x</sub>, 6.4 tpy of PM<sub>10</sub>, 0.001 tpy of SO<sub>x</sub>, and 3.1 tpy of VOC. The State-Only Operating Permit will include material usage limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies

with the applicable air quality regulations. The facility has a source that is subject to 40 CFR Part 63 Subpart ZZZZ.

**50-03006: Sunoco Pipeline LP** (525 Fritztown Road, Sinking Spring, PA 19608) to issue a State Only Operating Permit for the natural gas liquid (ethane, propane, butane or a mixture of these) Doylesburg pumping station located in Toboynne Township, **Perry County**. The potential emissions from the facility are estimated to be less than 1 ton for each of the following pollutants: NO<sub>x</sub>, CO, SO<sub>x</sub>, PM, VOCs and HAPs and less than 108 tons of GHGs. 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.

**22-03094: Sunoco Pipeline LP** (525 Fritztown Road, Sinking Spring, PA 19608) to issue a State Only Operating Permit for the natural gas liquid (ethane, propane, butane or a mixture of these) Middletown pumping station located in Londonderry Township, **Dauphin County**. The potential emissions from the facility are estimated to be less than 1 ton for each of the following pollutants: NO<sub>x</sub>, CO, SO<sub>x</sub>, PM and HAPs, less than two tons of VOCs and 187 tons of GHGs. 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.

**31-03036: Sunoco Pipeline LP** (525 Fritztown Road, Sinking Spring, PA 19608) to issue a State Only Operating Permit for the natural gas liquid (ethane, propane, butane or a mixture of these) Mount Union pumping station located in Shirley Township, **Huntingdon County**. The potential emissions from the facility are estimated to be less than 1 ton for each of the following pollutants: NO<sub>x</sub>, CO, SO<sub>x</sub>, PM and HAPs, less than 2 tons of VOCs and 137 tons of GHGs. 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.

**06-03164: Sunoco Pipeline LP** (525 Fritztown Road, Sinking Spring, PA 19608) to issue a State Only Operating Permit for the natural gas liquid (ethane, propane, butane or a mixture of these) Beckersville pumping station located in Brecknock Township, **Berks County**. The potential emissions from the facility are estimated to be less than 1 ton for each of the following pollutants: NO<sub>x</sub>, CO, SO<sub>x</sub>, PM, and HAPs, less than 2 tons of VOCs and 138 tons of GHGs. 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.

**36-03197: Sunoco Pipeline LP** (525 Fritztown Road, Sinking Spring, PA 19608) to issue a State Only Operating Permit for the natural gas liquid (ethane, propane, butane or a mixture of these) Blainsport pumping station located in West Cocalico Township, **Lancaster County**. The potential emissions from the facility are estimated to be less than 1 ton for each of the following pollutants: NO<sub>x</sub>, CO, SO<sub>x</sub>, PM, VOCs and HAPs and 108 tons of GHGs. 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.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**37-00218: Young Galvanizing** (PO Box 334, Pulaski, PA 16143-0334), the Department intends to issue the renewal of the State Only Operating Permit for the metal galvanizing operations located in Pulaski Township, **Lawrence County**. The facility is a Natural Minor. The primary sources at the facility include a large and small zinc kettle, parts washer, a boiler, and miscellaneous combustion process heaters. The potential emissions from the facility are less than the following: 7 TPY NO<sub>x</sub>; 5.4 TPY CO; 5.1 TPY PM; 0.04 TPY SO<sub>x</sub>; 0.34 TPY VOC; 1.84 TPY zinc chloride; and 4.2 TPY ammonium chloride. 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.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104.*

*Contact: Edward Wiener, Chief—Telephone: 215-685-9426.*

**OP17-000051: The Curtis Center** (601 Walnut Street, Philadelphia PA 19106) for the operation of a commercial office in the City of Philadelphia, **Philadelphia County** and to incorporate a change of ownership. This is the renewal of a Natural Minor operating permit. The facility's air emission sources include two 14.845 MMBTU/hr boilers that burn natural gas or No. 2 fuel oil, a diesel fired 600 kW emergency generator, and a diesel fired 245 BHP emergency fire pump.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

### *Coal Applications Received*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.*

**30841317 and NPDES No. PA0213527. Consol Pennsylvania Coal Company LLC**, (1000 Consol Energy Drive, Canonsburg, PA 15317). To revise the permit for the Enlow Fork Mine in Richhill Township, **Greene County**, Morris Township, **Washington County** and related NPDES permit for waterline installation. This notice is being republished to reflect the surface acres proposed. Surface Acres Proposed 9.0. No additional discharges. The application was considered administratively complete on August 31, 2017. Application received May 3, 2017.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.*

**Permit No. 32120101. Amerikohl Mining Inc.**, 202 Sunset Drive, Butler, PA 16001, permit renewal for reclamation only of a bituminous surface mine in East Wheatfield Township, **Indiana County**, affecting 210.2 acres. Receiving streams: unnamed tributaries to/and Mardis Run and unnamed tributaries to/and Blacklick Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: August 24, 2017.

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.*

**33120104. Twin Brook Coal, Inc.** (P.O. Box 225, Clymer, PA 15728) Renewal of an existing bituminous surface and auger mine in Knox Township, **Jefferson County**, affecting 29.0 acres. Receiving streams: Unnamed tributary to Indiancamp Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: September 14, 2017.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**Permit No. 54100201T. Kuperavage Enterprises, Inc.**, (P.O. Box 99, Middleport, PA 17953), transfer of an existing anthracite coal refuse reprocessing and refuse disposal operation from South Tamaqua Coal Pockets, Inc. in Blythe Township, **Schuylkill County** affecting 86.5 acres, receiving stream: unnamed tributary of Schuylkill River, classified for the following uses: cold water and migratory fishes. Application received: September 19, 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*<br>pH* |                | greater than 6.0; less than 9.0 |                       |

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**Permit No. 58970859. Paul Strohl & Sons**, (12714 State Route 167, Montrose, PA 18801), Stage I & II bond release of a quarry operation in Apolaccon Township, **Susquehanna County** affecting 3.0 acres on property owned by Elsie & Jeff Kilmer. Application received: September 14, 2017.

**Permit No. 58112517. H.L. Robinson Sand & Gravel, Inc.**, (535 Ithaca Road, P.O. Box 121, Candor, NY 13743), Stage I & II bond release of a quarry operation in Lenox Township, **Susquehanna County** affecting 10.0 acres on property owned by Brian Fallon. Application received: September 18, 2017.

**Permit No. 7876SM1C3 and NPDES No. PA0595721. New Enterprise Stone & Lime Company, Inc. dba Eastern Industries, Inc.**, (3724 Crescent Court West, Whitehall, PA 18052), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Whitehall Township, **Lehigh County** affecting 89.30 acres, receiving streams: Coplay Creek to Lehigh River, classified for the following use: cold water fishes. Application received: August 21, 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*

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

**NPDES PA0256498 (Mining permit no. 17070103), Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201, renewal of an NPDES permit for surface coal mining in Girard Township, **Clearfield County** affecting 326.1 acres. Receiving stream(s): Unnamed Tributaries to Deer Creek, Little Deer Creek and Deer Creek, classified for the following use(s): CWF. Deer Creek Watershed TMDL. Application received: July 28, 2017.

This proposed mine site also contains or is hydrologically connected to substandard discharges for which there is no responsible party. Pursuant to 25 Pa. Code § 87.201, effluent limits for those discharges will be based upon existing baseline pollution load or the standards found at 25 Pa. Code § 87.102(a) Group A, whichever is least stringent.

The outfall(s) listed below discharge to UNT "A" to Deer Creek:

|                    |                          |
|--------------------|--------------------------|
| <i>Outfall No.</i> | <i>New Outfall (Y/N)</i> |
| 001                | N                        |

The proposed effluent limits for the above listed outfall(s) are as follows:

| <i>Parameter</i>                             | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|--|----------------|-----------------------|----------------------|-------------------------|
| pH <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)                |                | 35.0                  | 70.0                 | 90.0                    |
| Osmotic Pressure (milliosmoles/kg)           |                |                       |                      | 50.0                    |

<sup>1</sup> The parameter is applicable at all times.

*Noncoal NPDES Draft Permits*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.*

**NPDES No. PA0279579 (Mining Permit No. 11080801), Kevin E. Hite**, 516 Eckenrode Mill Road, Patton, PA 16668, renewal of an NPDES permit for shale material removal in East Carroll Township, **Cambria County**, affecting 5.0 acres. Receiving stream: Laurel Lick Run, classified for the following use: high quality cold water fishes. This receiving stream is included in the Chest Creek TMDL. Application received: September 19, 2017.

No treatment or sediment ponds exist on site because all water is contained within the permit and infiltrates through the shale material.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**NPDES Permit No. PA0224898 on Surface Mining Permit No. 06100301. New Enterprise Stone & Lime Co., Inc.**, (P.O. Box 77, New Enterprise, PA 16664), transfer of an NPDES Permit for a limestone and topsoil quarry operation in Ontelaunee Township, **Berks County**, affecting 366.6 acres. Receiving streams: Maiden Creek and Schuylkill River, classified for the following uses: warm water and migratory fishes. Application received: March 17, 2017.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are BAT limits described above for noncoal mining activities.

The outfalls listed below discharge to Maiden Creek and Schuylkill River.

| <i>Outfall No.</i> | <i>New Outfall Y/N</i> | <i>Type</i>                          |
|--------------------|------------------------|--------------------------------------|
| SWO001             | No                     | Sedimentation Pond                   |
| SWO002             | No                     | Sedimentation Pond                   |
| SWO003             | No                     | Sedimentation Pond                   |
| SWO004             | No                     | Sedimentation Pond                   |
| TFO005             | No                     | Sed. Pond assoc. w/quarry dewatering |

The proposed effluent limits for the above listed outfall are as follows:

| <i>Parameter</i>       | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
|------------------------|----------------|-----------------------|----------------------|------------------------------|
| pH <sup>1</sup> (S.U.) | 6.0            |                       |                      | 9.0                          |
| Total Suspended Solids |                | 35.0                  | 70.0                 | 90.0                         |
| Iron (mg/l)            |                | 3.5                   | 7.0                  |                              |
| Manganese (mg/l)       |                | 2.0                   | 4.0                  |                              |

<sup>1</sup> The parameter is applicable at all times.

**NPDES Permit No. PA0225223 on Surface Mining Permit No. 48080301. Grand Central Sanitary Land-fill, Inc.**, (910 West Pennsylvania Avenue, Pen Argyl, PA 18072), renewal of an NPDES Permit for a slate quarry operation in Pen Argyl Borough, **Northampton County**, affecting 174.59 acres. Receiving stream: Waltz Creek, classified for the following use: cold water and migratory fishes. TMDL exists for metals and sediment Application received: July 7, 2017.

This NPDES Permit is a non-discharging (containment without discharge). Non-discharging best management practices are the proposed effluent limits.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person

commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Applications Received under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.**

### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Southeast Region: Waterways and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900.*

**EA15-019. Chester County Conservation District**, 688 Unionville Road, Suite 200, Kennett Square, PA

19348, Lower Oxford Township, **Chester County**, ACOE Baltimore District. To perform the following water obstruction and encroachment activities along approximately 1,215 linear feet of one (1) unnamed tributary to Leech Run (Perennial, TSF, MF):

1. Installation of in-stream stabilization structures including rock cross vanes, toe willow fascines and root wads.
2. Streambank grading for the establishment of floodplain connectivity.
3. Installation of native riparian plantings for stabilization and enhancement efforts outside of the channel.
4. Reinforcement of existing livestock crossing.
5. Installation of temporary stream crossings.

The proposed project is located at 389 Street Road, Oxford, PA 19363 (Oxford, PA USGS Quadrangle, Latitude 39.813089°N; Longitude -75.995232°W).

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E38-203: Jackson Township**, 60 North Ramona Road, Myerstown, PA 17067 in Jackson Township, **Lebanon County**, U.S. Army Corps of Engineers Philadelphia District.

To construct and maintain 1) a 28-foot, 6-inch long, 10-foot wide steel stringer bridge with a 3.35-foot under clearance over Tulpehocken Creek (TSF, MF); and 2) a 30-foot, 6-inch long, 10-foot wide steel stringer bridge with a 3.79-foot under clearance over Tulpehocken Creek (TSF, MF) for the purpose of completing a pedestrian path through the park. The project is near the intersection of Sterling Drive and South Fairlane Avenue (Latitude: 40° 22' 01"N; Longitude: 76° 19' 30"W) in Jackson Township, Lebanon County. No wetlands will be impacted by this project.

**E21-463: Brian Johnson**, 1387 Leidigh Drive Boiling Springs, PA 17007 in Monroe Township, **Cumberland County**, U.S. Army Corps of Engineers Baltimore District.

To construct and maintain 1) an attached garage, storage shed, planting beds, deck, patios and a stone and macadam driveway impacting 13,068 square feet of the floodway of Yellow Breeches Creek (HQ-CWF) for the purpose rehabilitating and replacing existing structures. The project is located 1387 Leidigh Drive (Latitude:

40.142475°N, Longitude: -77.089757°W) in Monroe Township, Cumberland County. No wetlands will be impacted by this project.

**E28-390: Accent Developers, LLC**, 10764 Buchanan Trail East, Waynesboro, Pennsylvania, 17268 in Washington Township, **Franklin County**, U.S. Army Corps of Engineers Baltimore District.

To remove the existing dual culvert crossing and to install and maintain: 1) a 36 foot wide, 16 foot span, concrete arch bridge with concrete wingwalls, 2) a 24 inch diameter outfall with riprap apron, 3) 20 lineal feet of 8 inch diameter, ductile iron water line encased in an 18 inch diameter steel sleeve with trench plugs, 4) 20 lineal feet of 4 inch gas line encased in an 12 inch steel sleeve, 5) 20 lineal feet of 5 inch diameter PVC electric conduit, 6) 20 lineal feet of 4 inch diameter PVC telephone conduit, 7) 20 lineal feet of 4 inch diameter PVC cable conduit, and 8) the conversion of two agricultural crossings to pedestrian crossings, all in an unnamed tributary to East Branch Antietam Creek (CWF, MF) (Latitude: 36°45'40", Longitude: -77°33'40"). No wetlands will be impacted by the project.

**E67-929: Goodman North American Partnership Development, LLC**, 18201 Von Karman Avenue, Suite 1170, Irvine, CA 92612 in Newberry Township, York County, U.S. Army Corps of Engineers Baltimore District.

1) To construct two warehouse buildings totaling 1,836,289 square feet and appurtenant features; 2) to remove 5 on-site wetlands; 3) to remove an intermittent unnamed tributary to Fishing Creek (TSF, MF); 4) to remove portions of 3 intermittent unnamed tributaries to Fishing Creek (TSF, MF); 5) and to impact 2 perennial watercourses. The project consists of approximately 1.20 acres of water resource impacts 0.96 of an acre will be wetland impacts and 0.24 of an acre will be stream impacts totaling approximately 1,604 linear feet. Mitigation for these impacts will be provided on-site with 1.59 acre or created wetlands and 0.31 of an acre of created streams. The project is in Newberry Township, York County (Latitude 40.155278°, Longitude -76.827778°).

**E36-972: Borough of Ephrata**, 124 South State Street, Ephrata, PA 17522 in Ephrata Borough and Ephrata Township, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District.

To install and maintain aerial electric line attached to monopoles in the floodplain of Cocalico Creek (WWF, MF) (Latitude: 40.1940°, Longitude: -76.1663°). No wetlands will be permanently impacted by the project.

**ACTIONS**

**THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT**

**FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS**

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

| <i>Location</i> | <i>Permit Authority</i> | <i>Application Type or Category</i>                            |
|-----------------|-------------------------|--|
| Section I       | NPDES                   | Renewals   |
| Section II      | NPDES                   | New or Amendment   |
| Section III     | WQM                     | Industrial, Sewage or Animal Wastes; Discharges to Groundwater |
| Section IV      | NPDES                   | MS4 Individual Permit  |
| Section V       | NPDES                   | MS4 Permit Waiver  |

| <i>Location</i> | <i>Permit Authority</i> | <i>Application Type or Category</i>          |
|-----------------|-------------------------|--|
| Section VI      | NPDES                   | Individual Permit Stormwater Construction    |
| Section VII     | NPDES                   | NOI for Coverage under NPDES General Permits |

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

## I. NPDES Renewal Permit Actions

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp; Address</i>  | <i>County &amp; Municipality</i>                | <i>Stream Name<br/>(Watershed No.)</i>                                 | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|---|---|--|----------------------------|
| PA0004219<br>(Industrial)   | Langeloth Metallurgical Co.<br>LLC/Langeloth Plant<br>10 Langeloth Plant Drive<br>Langeloth, PA 15054           | Washington County<br>Smith Township             | Burgett's Fork and<br>Unnamed Tributary of<br>Burgett's Fork<br>(20-D) | Yes                        |
| PA0206041<br>(Storm Water)  | Washington Penn Plastics<br>Arden Division<br>2080 North Main Street<br>PO Box 236<br>Washington, PA 15301-0236 | Washington County<br>South Strabane<br>Township | Chartiers Creek<br>(20-F)  | No                         |
| PA0252581<br>(Sewage)       | Distant STP<br>987 State Route 1025<br>New Bethlehem, PA 16242-7033   | Armstrong County<br>Mahoning Township           | Unnamed Tributary to<br>Redbank Creek<br>(17-C)                        | Yes                        |

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Phone: 484.250.5970.*

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp; Address</i>   | <i>County &amp; Municipality</i>            | <i>Stream Name<br/>(Watershed #)</i>                          | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|--|---|---|----------------------------|
| PA0030571<br>(Sewage)       | New Life Youth & Family<br>Service<br>585 Freeman School Road<br>Schwenksville, PA 19473 | Lower Salford Township<br>Montgomery County | Unnamed Tributary to<br>East Branch Perkiomen<br>Creek<br>3-E | Y                          |
| PA0057878<br>(Sewage)       | Mark Piccone<br>52 Hafler Road<br>Sellersville, PA 18960-1022                            | West Rockhill Township<br>Bucks County      | Unnamed Tributary to<br>Ridge Valley Creek<br>3-E             | Y                          |
| PA0266558<br>(Cafo)         | Jonathan Z. Lapp<br>274 Media Road<br>Oxford, PA 19363                                   | East Nottingham Twp<br>Chester County       | Unnamed Tributary to<br>Jordan Run<br>7-K                     | Y                          |



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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp; Address</i>  | <i>County &amp; Municipality</i>       | <i>Stream Name<br/>(Watershed No.)</i> | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|---|--|--|----------------------------|
| PA0070301<br>(Sewage)       | Whispering Hollow North<br>MHP STP<br>139 Country Club Road<br>Northampton, PA 18067-3028 | Northampton County<br>Moore Township   | Hokendauqua Creek<br>(2-C)             | Yes                        |
| PA0062260<br>(Sewage)       | Brookmont Health Care<br>Center, LLC<br>510 Brookmont Drive<br>Effort, PA 18330           | Monroe County<br>Chestnuthill Township | Pohopoco Creek<br>(2-B)                | Yes                        |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp; Address</i>                   | <i>County &amp; Municipality</i>  | <i>Stream Name<br/>(Watershed #)</i>                      | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|--|-----------------------------------|---|----------------------------|
| PA0266515<br>SEW            | Lorin L. Stough<br>PO Box 429<br>Dillsburg, PA 17019 | Franklin Township,<br>York County | UNT North Branch<br>Bermudian Creek in<br>Watershed(s) 7F | Y                          |
| PA0266523<br>SEW            | Lorin Stough<br>PO Box 429<br>Dillsburg, PA 17019    | Franklin Township,<br>York County | UNT North Branch<br>Bermudian Creek in<br>Watershed(s) 7F | Y                          |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp; Address</i>   | <i>County &amp; Municipality</i>     | <i>Stream Name<br/>(Watershed No.)</i>                                 | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|--|--------------------------------------|--|----------------------------|
| PA0234036<br>(Industrial)   | Reagent Chemicals<br>Williamsport Site<br>115 US Highway 202<br>Ringoos, NJ 08551-1913 | Lycoming County<br>Williamsport City | Unnamed Tributary of<br>West Branch<br>Susquehanna River<br>(10-A)     | Yes                        |
| PA0007455<br>(Industrial)   | Lycoming Engines<br>652 Oliver Street<br>Williamsport, PA 17701-4410                   | Lycoming County<br>Williamsport City | Lycoming Creek and<br>Unnamed Tributary to<br>Lycoming Creek<br>(10-A) | No                         |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp; Address</i>  | <i>County &amp; Municipality</i>    | <i>Stream Name<br/>(Watershed #)</i>            | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|---|-------------------------------------|---|----------------------------|
| PA0238562<br>(Sewage)       | Ditrich Subdivision<br>8062 Harborgreene Road<br>Erie, PA 16510-5763          | Erie County<br>Harborcreek Township | Unnamed Tributary to<br>Sixmile Creek<br>(15-A) | Yes                        |
| PA0223131<br>(Sewage)       | Living Church International<br>59 W Penn Street<br>Summerville, PA 15864-6527 | Clarion County<br>Redbank Township  | Unnamed Tributary to<br>Pine Creek<br>(17-C)    | Yes                        |

## **II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions**

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

**NPDES Permit No. PA0255092**, Industrial, SIC Code 4911, **Hilltop Energy Center LLC**, 17 Terra Mar Drive, Huntington Bay, NY 11743.

This proposed facility is located in Cumberland Township, **Greene County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Industrial.

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

**NPDES Permit No. PA0055476**, Sewage, **Chadds Ford Township Sewer Authority**, 10 Ring Road, Chadds Ford, PA 19317.

This proposed facility is located in Chadds Ford Township, **Delaware County**.

The following notice reflects to the notice published in the July 29, 2017 edition of the *Pennsylvania Bulletin*:

Quarterly monitoring requirement for Total Dissolved Solids (TDS) has been included in the final NPDES permit.

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

**NPDES Permit No. PA0266442**, CAFO, **Bower Logan M**, 2675 Conococheague Road, Blain, PA 17006.

This proposed facility is located in Jackson Township, **Perry County**.

Description of Proposed Action/Activity:

The applicant is authorized to operate a CAFO in Watershed 7-A, in accordance with all limitations, monitoring, reporting, record-keeping requirements, and other special conditions set forth in Parts A, B, and C of the Permit. The CAFO contains 1,229.60 AEU's and the CAFO shall only make changes to the AEU's consistent with this permit and the Nutrient Management Plan (NMP) for the CAFO.

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

**NPDES Permit No. PA0020273**, Sewage, SIC Code 4952, **Milton Region Sewer Authority Northumberland County**, 5585 State Route 405, Milton, PA 17847-7519.

This existing facility is located in West Chillisquaque Township, **Northumberland County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Sewage.

**NPDES Permit No. PA0232921**, Sewage, SIC Code 4952, **Mccullough Patience**, 48 Lee Run Road, Mahaffey, PA 15757-9400.

This proposed facility is located in Greenwood Township, **Clearfield County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Sewage.

**NPDES Permit No. PA0232947**, Sewage, SIC Code 4952, **Middlebury Center DPP, LLC**, 9010 Overlook Boulevard, Brentwood, TN 37027-5242.

This proposed facility is located in Middlebury Township, **Tioga County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated sewage.

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

**NPDES Permit No. PA0265101**, Sewage, SIC Code 8800, **Stephen Young**, 19304 Cole Road, Conneautville, PA 16406.

This proposed facility is located in Conneaut Township, **Crawford County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Sewage.

**NPDES Permit No. PA0265144**, Sewage, SIC Code 8800, **Ra Mo LLC**, 1261 Scandia Road, Warren, PA 16365.

This proposed facility is located in Conewango Township, **Warren County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Sewage.

**NPDES Permit No. PA0265152**, Sewage, SIC Code 5399, **New Castle PA DPP LLC**, 9010 Overlook Boulevard, Brentwood, TN 37027-5242.

This proposed facility is located in Slippery Rock Township, **Lawrence County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Sewage.

**NPDES Permit No. PA0103942**, Sewage, SIC Code 4952, **American Carpatho Russian Church**, 339 Pew Road, Mercer, PA 16137-1723.

This existing facility is located in Delaware Township, **Mercer County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit Amendment for an existing discharge of treated Sewage.

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

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

**WQM Permit No. 0415402 A-1**, Sewage, **Center Township Sanitary Authority**, 224 Center Grange Road, Aliquippa, PA 15001-1421.

This existing facility is located in Center Township, **Beaver County**.

Description of Proposed Action/Activity: Extension of existing force main along Frankfort Road for Shell State Rt 18 Project.

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

**WQM Permit No 4617404**, Sewage, **Telford Borough Authority**, 122 Penn Avenue, Telford, PA 18969.

This proposed facility is located in Telford Borough, **Montgomery County**.

Description of Action/Activity: Replaced aging belt press with new centrifuge.

**WQM Permit No. 1592401**, Sewage, **South Coventry Township**, 1371 New Philadelphia Road, Pottstown, PA 19465.  
This proposed facility is located in South Coventry Township, **Chester County**.

Description of Action/Activity: Approval for renewal of WQM Part II Permit to continue to operate Woodridge Subdivision STP with spray irrigation system.

**WQM Permit No. 0995413**, Sewage, Transfer, **Kevin Gallagher**, 509 Cathill Road, Sellersville, PA 18960-1509.

This proposed facility is located in West Rockhill Township, **Bucks County**.

Description of Action/Activity: Transfer of ownership from Mr. Bruce Craven to Mr. Kevin Gallagher for single residence sewage treatment plant.

**WQM Permit No. WQG02151705**, Sewage, **Utilities Inc. of Pa.**, 1201 Sawmill Road, Downingtown, PA 19335-3830.

This proposed facility is located in West Bradford Township, **Chester County**.

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

**WQM Permit No. WQG010029**, Sewage, Transfer, **Gene Horchak**, 2369 Schaffer Road, Pottstown, PA 19464.

This proposed facility is located in New Hanover Township, **Montgomery County**.

Description of Action/Activity: Transfer of ownership from Robert & Dawn Gaskill to Gene Horchak for a single residence sewage treatment plant.

**WQM Permit No. WQG010026**, Sewage, **Alexey Krupitsch & Jennifer Aickley**, 65 Bogle Drive, New Hope, PA 18938.

This proposed facility is located in Solebury Township, **Bucks County**.

Description of Action/Activity: Transfer of ownership of Stephen & Jesse Darlington to Alexey Krupitsch & Jennifer Aickley for single residence sewage treatment plant.

**WQM Permit No. 1503202**, Sewage, Transfer, **Arlin Benner**, 880 Pinkerton Road, Mount Joy, PA 17552.

This proposed facility is located in West Fallowfield Township, **Chester County**.

Description of Action/Activity: Transfer ownership from Andrew Laffey to Arlin Benner for manure storage facility.

**WQM Permit No. WQG010063**, Sewage, **Kevin Lang**, 1660 Bondsville Road, Downingtown, PA 19335.

This proposed facility is located in East Brandywine Township, **Chester County**.

Description of Action/Activity: Small flow single residence sewage treatment plant.

**WQM Permit No. 4601412**, Sewage, Transfer, **Evan & Sandi Levow**, 531 Conshohocken State Road, Gladwyne, PA 19035-1423.

This proposed facility is located in Lower Merion Township, **Montgomery County**.

Description of Action/Activity: Transfer ownership from Mosen & Rowshan Alavi to Sandi L & Evan Levow single residence sewage treatment plant.

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

**WQM Permit No. 6717405**, Sewerage, **Lorin L. Stough**, PO Box 429, Dillsburg, PA 17019.

This proposed facility is located in Franklin Township, **York County**.

Description of Proposed Action/Activity:

This permit approves the construction of sewage facilities consisting of:

- One 1,000-gallon, two-compartment septic tank with Biotube effluent filter
- One 1,250-gallon, two-compartment septic tank with Biotube effluent filter
- Orenco AdvanTex AX25RT
- Ultraviolet Disinfection
- An outfall structure
- Other associated appurtenances

**WQM Permit No. 6717404**, Sewerage, **Lorin L. Stough**, PO Box 429, Dillsburg, PA 17019.

This proposed facility is located in Franklin Township, **York County**.

Description of Proposed Action/Activity:

This permit approves the construction of sewage facilities consisting of:

- One 1,250-gallon, two-compartment septic tank with Biotube effluent filter
- Orenco AdvanTex AX20RT-UV
- Ultraviolet Disinfection
- An outfall structure
- Other associated appurtenances

**WQM Permit No. 0616405**, Sewerage, **Amity Township**, PO Box 215, 2004 Weavertown Road, Douglasville, PA 19518-8971.

This proposed facility is located in Amity Township, **Berks County**.

Description of Proposed Action/Activity:

This permit approves the construction of sewage facilities consisting of:

A new relief 18" gravity interceptor to convey a portion of the flows currently conveyed by the Route 662 interceptor. The new interceptor will commence at the intersection of Route 662 and Bieber Lane and run approximately 6,000 feet along the east side of the existing Route 662 interceptor before rejoining the existing interceptor in Pine Lane. The entirety of the new interceptor will be constructed of 18" SDR-26 PVC with the exception of the Montague Property, which will be constructed from 18" AWWA C905 DR25.

**WQM Permit No. 0616408**, Sewerage, **Amity Township**, PO Box 215, 2004 Weavertown Road, Douglasville, PA 19518-8971.

This proposed facility is located in Amity Township, **Berks County**.

Description of Proposed Action/Activity:

This permit approves the modification of sewage facilities consisting of:

The replacement of the existing 8" ductile iron forcemain, fittings, valves and flow meter at Pumping Station # 2. The proposed forcemain will be comprised of approximately 40' of 12" DIP from just outside of the pumping station to a few feet beyond the existing meter pit and approximately 165' of 14" C905 PVC from the terminal end of the new 12" DIP to MH-188. A new 12" inch magnetic flow meter will be installed as part of the project, as will a new hose connection and isolation valve to allow for temporary bypass or hauling operations. Also, as part of the proposed project, the existing Full Voltage Non-Reversing Motor Starters will be replaced Variable Frequency Drives and automatic bypass contactors.

The proposed modifications to the forcemain will increase the rated capacity of Pumping Station # 2 to 1,750 gpm at 18.7 ft. TDH.

**WQM Permit No. 0615402**, Sewerage, **Amity Township**, 2004 Weavertown Road, Douglasville, PA 19518-8971.

This proposed facility is located in Amity Township, **Berks County**.

Description of Proposed Action/Activity: The permit approves the modification of sewage facilities consisting of: The addition of a third pump to the pumping station. Discharge from the third pump will be conveyed through a new 6" forcemain that will connect to the 10" forcemain downstream of the existing valve vault. The proposed modifications to the pumping station will increase the rated capacity of Pumping Station # 4 to 1,235 gpm at 79 ft. TDH.

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

**WQM Permit No. 1417401**, Sewage, SIC Code 0161, 1795, 4952, 7992, 8221, **The Pennsylvania State University**, 139J Physical Plant Building, University Park, PA 16802.

This proposed facility is located in State College Borough, **Centre County**.

Description of Proposed Action/Activity: Construction of a reclaimed water distribution system throughout campus.

**WQM Permit No. 01591701**, Sewage, SIC Code 4952, **Amy N & Frederick M Golden**, 2200 Mitchell Creek Road, Tioga, PA 16946-8204.

This proposed facility is located in Tioga Township, **Tioga County**.

Description of Proposed Action/Activity: Repairs to an existing malfunctioning SRSTP including replacement of aeration tank and installation of a new 600 square foot subsurface sand filter.

**WQM Permit No. 1717401**, Sewage, SIC Code 4952, **Mccullough Patience**, 48 Lee Run Road, Mahaffey, PA 15757-9400.

This proposed facility is located in Greenwood Township, **Clearfield County**.

Description of Proposed Action/Activity: Issuance of permit authorizing design, construction and operation of SFTF.

**WQM Permit No. 5917401**, Sewage, SIC Code 4952, **Middlebury Center DPP, LLC**, 9010 Overlook Boulevard, Brentwood, TN 37027-5242.

This proposed facility is located in Middlebury Township, **Tioga County**.

Description of Proposed Action/Activity: Construction of a new Small Flow Treatment Facility consisting of 1,000-gallon septic tank, ORENCO Advantex system and Ultraviolet Light disinfection.

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

**WQM Permit No. WQG01431702**, Sewage, **Rebecca Reed**, 172 Wrays Drive, Volant, PA 16156.

This proposed facility is located in Springfield Township, **Mercer County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

**WQM Permit No. 2017401**, Sewage, **Stephen Young**, 19304 Cole Road, Conneautville, PA 16406.

This proposed facility is located in Conneaut Township, **Crawford County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

**WQM Permit No. WQG01611701**, Sewage, **Terry Duck**, 1670 Horsecreek Road, Seneca, PA 16346-3214.

This proposed facility is located in Cranberry Township, **Venango County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

**WQM Permit No. 3717401**, Sewage, **New Castle DPP LLC**, 9010 Overlook Boulevard, Brentwood, TN 37027-5242.

This proposed facility is located in Slippery Rock Township, **Lawrence County**.

Description of Proposed Action/Activity: Small Flow Treatment Facility.

**WQM Permit No. 6217407**, Sewage, **Ra Mo LLC**, 1261 Scandia Road, Warren, PA 16365.

This proposed facility is located in Conewango Township, **Warren County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

**WQM Permit No. 4377401 A-1**, Sewage, **American Carpatho-Russian Orthodox Greek Catholic Diocese of the U.S.A.**, 312 Garfield Street, Johnstown, PA 15906.

This existing facility is located in Delaware Township, **Mercer County**.

Description of Proposed Action/Activity: Expansion of existing privately owned sewage treatment plant serving an existing church camp.

#### V. NPDES Waiver Stormwater Discharges from MS4 Actions

*Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701.*

##### NPDES

| Waiver No. | Applicant Name & Address                                    | Municipality, County                 | Receiving Water(s)/Use(s)   |
|------------|---|--------------------------------------|---|
| PAG134816  | Riverside Borough<br>PO Box 307<br>Riverside, PA 17868-0307 | Riverside Borough,<br>Northumberland | Kipps Run, Unnamed Tributary to<br>Kipps Run, Unnamed Tributary to<br>Susquehanna River, and<br>Susquehanna River/WWF, CWF,<br>and MF |

The following waiver applications have been approved for a 5-year period. The Department is issuing waivers for the MS4s listed below in lieu of NPDES permit coverage.

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

##### NPDES

| Waiver No. | Applicant Name & Address  | Municipality, County         | Receiving Water(s)/Use(s)   |
|------------|---|------------------------------|---|
| PAG138334  | Saxonburg Borough Butler County<br>420 West Main Street<br>Saxonburg, PA 16056-9517 | Saxonburg Borough,<br>Butler | Unnamed Tributary to Buffalo<br>Creek and Unnamed Tributary of<br>Sarver Run/<br>HQ-TSF and CWF |

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

*Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.*

##### NPDES

| Permit No.   | Applicant Name & Address   | County  | Municipality              | Receiving Water/Use                                |
|--------------|--|---------|---------------------------|--|
| PAD090007    | TimTay Quakertown, LLC<br>25 North Main Street<br>Doylestown, PA 18902                 | Bucks   | Milford Township          | Molasses Creek<br>HQ-TSF                           |
| PAD150039    | Avon Grove Charter School<br>1 Commerce Boulevard<br>Suite 205<br>West Grove, PA 19390 | Chester | Franklin Township         | Unnamed Tributary of<br>Big Elk Creek<br>HQ-TSF-MF |
| PAD150051    | MAR-J Builders, Inc.<br>P.O. Box 137<br>Chester Heights, PA 19017                      | Chester | Franklin Township         | Big Elk Creek<br>HQ-TSF-MF                         |
| PAI011515026 | Cupola Industrial Center<br>301 Lippitt Center<br>Honey Brook, PA 19344                | Chester | West Nantmeal<br>Township | Brandywine Creek East<br>Branch<br>HQ-TSF          |
| PAD150050    | Toll Brothers, Inc.<br>1180 Station Boulevard<br>Chester Springs, PA 19425-3881        | Chester | West Vincent Township     | Tributary to Pickering<br>Creek<br>HQ-TSF-MF       |

**NPDES**

| <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i> | <i>Municipality</i>       | <i>Receiving Water/Use</i>        |
|-------------------|---|---------------|---------------------------|-----------------------------------|
| PAD460005         | 300 Brookside Commercial, LLC<br>300 Brookside Avenue<br>Ambler, PA 19002   | Montgomery    | Lower Gwynedd<br>Township | Houston and<br>Wissahickon Creeks |
| PAD510014         | Philadelphia Industrial<br>Development Corporation<br>1500 Market Street<br>Suite 2600 West<br>Philadelphia, PA 19102 | Philadelphia  | City of Philadelphia      | Delaware Estuary<br>WWF-MF        |

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

**NPDES**

| <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i> | <i>Municipality</i>        | <i>Receiving Water/Use</i>            |
|-------------------|---|---------------|----------------------------|---------------------------------------|
| PAD480020         | Vinart Realty Associates<br>c/o Mr. Andrew Wright<br>675 State Ave.<br>Emmaus, PA 18049 | Northampton   | Lower Nazareth<br>Township | UNT to Bushkill Creek<br>(HQ-CWF, MF) |

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Nathan Crawford, Section Chief, Telephone 717.705.4802.*

| <i>Permit #</i>     | <i>Applicant Name &amp; Address</i>  | <i>County</i> | <i>Municipality</i>                       | <i>Receiving Water/Use</i>                        |
|---------------------|--|---------------|---|---|
| PAD670005<br>Issued | Terra Nova at Eitzert Farms,<br>LLC<br>5515 Lynch Road<br>Baldwin, MD 21013          | York          | Shrewsbury Borough<br>Shrewsbury Township | UNT South Branch<br>Codorus Creek<br>(WWF, MF)    |
| PAD670006<br>Issued | Red Lion (Winterstown) DPP,<br>LLC<br>9010 Overlook Boulevard<br>Brentwood, TN 37027 | York          | Winterstown Borough                       | UNT East Branch<br>Codorus Creek<br>(HQ-CWF, MF)  |
| PAD380002<br>Issued | Mr. Lester M. Martin<br>125 Troutman Drive<br>Myerstown, PA 17067                    | Lebanon       | Jackson Township                          | UNT Tulpehocken Creek<br>(CWF, MF)<br>EV Wetlands |

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Dana Drake, Waterways and Wetlands Program Manager, 412-442-4000.*

**NPDES**

| <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>County</i>     | <i>Municipality</i>  | <i>Receiving Water/Use</i>  |
|-------------------|--|-------------------|--|---|
| PAD110001         | Mid-Atlantic Interstate<br>Transmission, LLC<br>800 Cabin Hill Drive<br>Greensburg, PA 15601 | Cambria<br>County | Cambria Township;<br>Munster Township;<br>Allegheny Township | UNT to Clearfield Creek<br>(CWF); UNT to North<br>Branch Little<br>Conemaugh River<br>(CWF); North Branch to<br>Little Conemaugh River<br>(CWF); UNT to Howells<br>Run (CWF); Clearfield<br>Creek (WWF) |

**VII. Approvals to Use NPDES and/or Other General Permits**

*The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).*

**List of NPDES and/or Other General Permit Types**

|       |   |
|-------|---|
| PAG-1 | General Permit for Discharges from Stripper Oil Well Facilities   |
| PAG-2 | General Permit for Discharges of Stormwater Associated With Construction Activities   |
| PAG-3 | General Permit for Discharges of Stormwater From Industrial Activities  |
| PAG-4 | General Permit for Discharges from Small Flow Treatment Facilities  |
| PAG-5 | General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems   |
| PAG-6 | General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)  |
| PAG-7 | General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application  |
| PAG-8 | General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site |

|             |   |
|-------------|---|
| PAG-8 (SSN) | Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage   |
| PAG-9       | General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site |
| PAG-9 (SSN) | Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage   |
| PAG-10      | General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines   |
| PAG-11      | General Permit for Discharges from Aquatic Animal Production Facilities   |
| PAG-12      | Concentrated Animal Feeding Operations (CAFOs)  |
| PAG-13      | Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)   |
| PAG-14      | (To Be Announced)   |
| PAG-15      | General Permit for Discharges from the Application of Pesticides  |

*General Permit Type—PAG-02*

*Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.*

| <i>Facility Location &amp; Municipality</i>    | <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>Receiving Water / Use</i>             | <i>Contact Office &amp; Phone No.</i>   |
|--|-------------------|--|--|---|
| City of Philadelphia<br>Philadelphia<br>County | PAC510023         | ALDI, Inc.—<br>Center Valley Division<br>270 Saucon Valley Road<br>Center Valley, PA 18034     | Tookany-Tocany<br>Frankford Creek<br>WWF | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900 |
| City of Philadelphia<br>Philadelphia<br>County | PAC510033         | School District of<br>Philadelphia<br>440 North Broad Street<br>Philadelphia, PA<br>19130-4015 | Delaware River<br>WWF-MF                 | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900 |
| City of Philadelphia<br>Philadelphia<br>County | PAC510047         | PennDot 6-0<br>7000 Geerdes Boulevard<br>King of Prussia, PA<br>19406-1525                     | Delaware River<br>WWF                    | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900 |

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

| <i>Facility Location:<br/>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>                       |
|---|-------------------|--|---------------------------------|---|
| Washington &<br>Heidelberg<br>Townships                 | PAC390028         | RGC Development LP<br>6866 Chrisphalt Dr.<br>Bath, PA 18014  | UNT to Mill Creek<br>(CWF, MF)  | Lehigh County<br>Conservation District<br>610-391-9583      |
| City of Allentown                                       | PAC390027         | Two City Center OP, LP<br>and City Center<br>Investment Corp.<br>645 Hamilton St<br>Ste 600<br>Allentown, PA 18101 | Jordan Creek (TSF,<br>MF)       | Lehigh County<br>Conservation District<br>610-391-9583      |
| Bear Creek<br>Township                                  | PAC400030         | PPL Electric Utilities<br>Corp.<br>2 N. Ninth St.<br>Allentown, PA 18101-1139                                      | Pine Creek (CWF,<br>MF)         | Luzerne Conservation<br>District<br>570-674-7991            |
| Hazle Township  | PAC400031         | Equilibrium Equities, Inc.<br>1026 Reeves St.<br>Dunmore, PA 18512   | UNT to Stony Creek<br>(CWF, MF) | Luzerne Conservation<br>District<br>570-674-7991            |
| Moore Township  | PAC480016         | Moore Estates LLC<br>Rt 248 and Hokendauqua<br>Dr<br>Moore Township, PA  | Hokendauqua Creek<br>(CWF-MF)   | Northampton County<br>Conservation District<br>610-746-1971 |

*Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802.*

*Facility Location:*

| <i>Municipality &amp; County</i>                                     | <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>Receiving Water / Use</i>                    | <i>Contact Office &amp; Phone No.</i>   |
|--|-------------------|--|---|---|
| Bern Township<br>Berks County<br>Issued                              | PAC060076         | Provco Pinegood Leesport, LLC<br>795 East Lancaster Avenue, Bldg. 2<br>Ste. 200<br>Villanova, PA 19085 | Lower Tulpehocken Creek<br>(WWF, MF)            | Berks County<br>Conservation District<br>1238 County Welfare Road<br>Suite 200<br>Leesport, PA 19533-9710<br>610.372.4657 |
| Greenwich Township<br>Berks County<br>Issued                         | PAC060022         | James Vozar, PSIP IV, LP<br>1265 Mill Road<br>Wind Gap, PA 18091                                       | UNT Maiden Creek<br>(TSF, MF)                   | Berks County<br>Conservation District<br>1238 County Welfare Road<br>Suite 200<br>Leesport, PA 19533-9710<br>610.372.4657 |
| Bethel Township<br>Lebanon County<br>Issued                          | PAC380029         | Daniel P. Chirico<br>154 W. Main Street<br>Fredericksburg, PA 17026                                    | Elizabeth Run and Earlakill Run<br>(WWF/WWF)    | Lebanon County<br>Conservation District<br>2120 Cornwall Road<br>Lebanon, PA 17042-9788<br>717.277.5275                   |
| Guilford Township<br>Franklin County<br>Issued                       | PAC280045         | WCN Properties<br>900 Kriner Road<br>Chambersburg, PA 17202  | UNT Conococheague Creek<br>(WWF, MF)            | Franklin County<br>Conservation District<br>185 Franklin Farm Lane<br>Chambersburg, PA 17202<br>717.264.5499              |
| Chambersburg Borough and Green Township<br>Franklin County<br>Issued | PAC280034         | Mennohaven<br>2011 Scotland Avenue<br>Chambersburg, PA 17201   | UNT Conococheague Creek<br>(CWF)                | Franklin County<br>Conservation District<br>185 Franklin Farm Lane<br>Chambersburg, PA 17202<br>717.264.5499              |
| Chambersburg Borough<br>Franklin County<br>Issued                    | PAC280031         | Zanes Hotel<br>4900 Woodland Drive<br>Enola, PA 17025  | UNT Fallings Springs<br>(TSF)                   | Franklin County<br>Conservation District<br>185 Franklin Farm Lane<br>Chambersburg, PA 17202<br>717.264.5499              |
| Greene Township<br>Franklin County<br>Issued                         | PAC280032         | Jason Rissler<br>8757 Upper Strausburg Road<br>Pleasant Hall, PA 17246                                 | UNT Conococheague Creek<br>(CWF)                | Franklin County<br>Conservation District<br>185 Franklin Farm Lane<br>Chambersburg, PA 17202<br>717.264.5499              |
| Chambersburg Borough<br>Franklin County<br>Issued                    | PAC280033         | BDR Real Estate Services<br>PO Box 261<br>Quincy, PA 17247   | UNT Conococheague Creek<br>(WWF)                | Franklin County<br>Conservation District<br>185 Franklin Farm Lane<br>Chambersburg, PA 17202<br>717.264.5499              |
| Chambersburg Borough<br>Franklin County<br>Issued                    | PAC280042         | Borough of Chambersburg<br>100 South Second Street<br>Chambersburg, PA 17201                           | UNT Conococheague Creek<br>(WWF, MF)            | Franklin County<br>Conservation District<br>185 Franklin Farm Lane<br>Chambersburg, PA 17202<br>717.264.5499              |
| Mercersburg Borough,<br>Peters Township<br>Issued                    | PAC280043         | Columbia Gas of PA<br>1600 Colony Road<br>York, PA 17408   | UNT West Branch of Conococheague Creek<br>(TSF) | Franklin County<br>Conservation District<br>185 Franklin Farm Lane<br>Chambersburg, PA 17202<br>717.264.5499              |
| Lurgan Township<br>Issued  | PAC280040         | Tim Witmer<br>4795 Sunset Pike<br>Chambersburg, PA 17201   | UNT Paxton Run<br>(WWF, MF)                     | Franklin County<br>Conservation District<br>185 Franklin Farm Lane<br>Chambersburg, PA 17202<br>717.264.5499              |



## NOTICES

6253

| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>  | <i>Receiving<br/>Water/Use</i>         | <i>Contact Office &amp;<br/>Phone No.</i>  |
|---|-------------------|--|--|--|
| Montgomery Township<br>Franklin County<br>Issued            | PAC280038         | Brian Nordyke<br>300 East Seminary Street<br>Mercersburg, PA 174326                                    | Johnston Run<br>(WWF)                  | Franklin County<br>Conservation District<br>185 Franklin Farm Lane<br>Chambersburg, PA 17202<br>717.264.5499 |
| Antrim Township<br>Franklin County<br>Issued                | PAC280039         | John Randolph<br>455 Eugene Drive<br>Chambersburg, PA 17202  | UNT Conococheague<br>Creek<br>(SSF/MF) | Franklin County<br>Conservation District<br>185 Franklin Farm Lane<br>Chambersburg, PA 17202<br>717.264.5499 |
| Union Township<br>Mifflin County<br>Issued                  | PAC440003         | Dollar General<br>9010 Overlook Boulevard<br>Brentwood, TN 37027                                       | UNT Kishacoquillas<br>Creek<br>(TSF)   | Mifflin County<br>Conservation District<br>20 Windmill Hill<br>Suite 4<br>Burnham, PA 17009-1837             |
| Dover Township<br>York County                               | PAC670072         | Dover Township<br>Laurel Oswalt<br>2480 West Canal Road<br>Dover PA 17315                              | UNT to Fox<br>Run/TSF                  | York County<br>Conservation District<br>118 Pleasant Acres Road<br>York, PA 17402<br>(717) 840-7430          |
| Springfield<br>Township<br>York County                      | PAC670046         | KIMED, LLC<br>Edward D. Baker<br>585 Lioners Creek<br>Dallastown, PA 17313                             | Fishel Creek/WWF                       | York County<br>Conservation District<br>118 Pleasant Acres Road<br>York, PA 17402<br>(717) 840-7430          |
| West Manheim<br>Township<br>York County                     | PAC670068         | Fox Run, LLC<br>Jeff Stough<br>160 Ram Drive<br>Hanover, PA 17331                                      | Furnace Creek/WWF                      | York County<br>Conservation District<br>118 Pleasant Acres Road<br>York, PA 17402<br>(717) 840-7430          |
| Shrewsbury<br>Township<br>York County                       | PAC670065         | Shrewsbury Township<br>Todd A. Zeigler<br>11505 Susquehanna Trail<br>South<br>Glen Rock, PA 17327-9067 | UNT to SB Codorus<br>Creek/CWF         | York County<br>Conservation District<br>118 Pleasant Acres Road<br>York, PA 17402<br>(717) 840-7430          |

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Dana Drake, Waterways and Wetlands Program Manager, 412-442-4000.*

| <i>Facility Location<br/>and Municipality</i> | <i>Permit No.</i> | <i>Applicant Name and<br/>Address</i>   | <i>Receiving<br/>Water/Use</i>                | <i>Contact Office and<br/>Phone No.</i>  |
|---|-------------------|---|---|--|
| Pine Township                                 | PAC020101         | Columbia Gas of<br>Pennsylvania<br>2021 West State Street<br>New Castle, PA<br>16101-8917 | 8 UNTs to<br>Breakneck Creek<br>(WWF)         | Allegheny County<br>Conservation District<br>River Walk Corporate<br>Centre<br>33 Terminal Way<br>Suite 325b<br>Pittsburgh, PA 15219<br>(412) 241-7645 |
| Indiana Township                              | PAC020085         | Trumbull Corporation<br>225 North Shore Drive<br>Pittsburgh, PA 15212                     | Cedar Run (CWF);<br>UNT to Cedar Run<br>(CWF) | Allegheny County<br>Conservation District<br>River Walk Corporate<br>Centre<br>33 Terminal Way<br>Suite 325b<br>Pittsburgh, PA 15219<br>(412) 241-7645 |

| <i>Facility Location and Municipality</i> | <i>Permit No.</i> | <i>Applicant Name and Address</i>  | <i>Receiving Water/Use</i>                               | <i>Contact Office and Phone No.</i>  |
|---|-------------------|--|--|--|
| Hampton Township                          | PAC020113         | Trumbull Corporation<br>225, North Shore Drive<br>Pittsburgh, PA 15212                             | UNT to Cedar Run<br>(CWF)                                | Allegheny County<br>Conservation District<br>River Walk Corporate<br>Centre<br>33 Terminal Way<br>Suite 325b<br>Pittsburgh, PA 15219<br>(412) 241-7645 |
| Municipality of<br>Monroeville            | PAC020125         | Knapp Warehouse<br>748 New Texas Road<br>Pittsburgh, PA 15239                                      | UNT to Thompson<br>Run (WWF)                             | Allegheny County<br>Conservation District<br>River Walk Corporate<br>Centre<br>33 Terminal Way<br>Suite 325b<br>Pittsburgh, PA 15219<br>(412) 241-7645 |
| Bethel Park<br>Borough                    | PAC020123         | Christ United Methodist<br>Church<br>2840 Liberty Avenue<br>Pittsburgh, PA 15222                   | Greasers Run<br>(WWF)                                    | Allegheny County<br>Conservation District<br>River Walk Corporate<br>Centre<br>33 Terminal Way<br>Suite 325b<br>Pittsburgh, PA 15219<br>(412) 241-7645 |
| City of Pittsburgh                        | PAC020080         | Hilltop Baptist Church<br>1540 Roseberry Street<br>Pittsburgh, PA 15216                            | UNT to Sawmill Run<br>(WWF)                              | Allegheny County<br>Conservation District<br>River Walk Corporate<br>Centre<br>33 Terminal Way<br>Suite 325b<br>Pittsburgh, PA 15219<br>(412) 241-7645 |
| Robinson Township                         | PAC020127         | Johnson Development<br>Associates, Inc.<br>535 Springfield Avenue<br>Suite 100<br>Summit, NJ 07901 | Montour Run (TSF)  | Allegheny County<br>Conservation District<br>River Walk Corporate<br>Centre<br>33 Terminal Way<br>Suite 325b<br>Pittsburgh, PA 15219<br>(412) 241-7645 |
| Penn Hills<br>Township                    | PAC020096         | The Longue Vue Club<br>400 Longue Vue Drive<br>Verona, PA 15147                                    | UNT to Sandy Creek<br>(WWF)                              | Allegheny County<br>Conservation District<br>River Walk Corporate<br>Centre<br>33 Terminal Way<br>Suite 325b<br>Pittsburgh, PA 15219<br>(412) 241-7645 |
| Bethel Park<br>Borough                    | PAC020115         | Columbia Gas of<br>Pennsylvania<br>4000 Energy Drive<br>Bridgeville, PA 15017                      | UNT to Greasers<br>Run (WWF);<br>McLaughlin Run<br>(WWF) | Allegheny County<br>Conservation District<br>River Walk Corporate<br>Centre<br>33 Terminal Way<br>Suite 325b<br>Pittsburgh, PA 15219<br>(412) 241-7645 |
| South Park<br>Township                    | PAC020103         | Allegheny County Parks<br>542 Forbes Avenue<br>C. O. B.<br>Pittsburgh, PA 15219                    | Peters Creek (TSF)                                       | Allegheny County<br>Conservation District<br>River Walk Corporate<br>Centre<br>33 Terminal Way<br>Suite 325b<br>Pittsburgh, PA 15219<br>(412) 241-7645 |

## NOTICES

6255

| <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>  |
|---|-------------------|---|---|--|
| Wilkins Township                          | PAC020121         | PCE Partners, LLC<br>20 South Clark Street<br>Suite 3000<br>Chicago, IL 60603           | Thompson Run (WWF)                            | Allegheny County Conservation District<br>River Walk Corporate Centre<br>33 Terminal Way<br>Suite 325b<br>Pittsburgh, PA 15219<br>(412) 241-7645 |
| Moon Township                             | PAC020034         | Robert Morris University<br>300 Grant Drive<br>Moon Township, PA 15108                  | Narrows Run (WWF)                             | Allegheny County Conservation District<br>River Walk Corporate Centre<br>33 Terminal Way<br>Suite 325b<br>Pittsburgh, PA 15219<br>(412) 241-7645 |
| Municipality of Monroeville               | PAC020086         | Peoples Natural Gas, LLC<br>225 North Shore Drive<br>Pittsburgh, PA 15212               | UNT to Piersons Run (TSF); Piersons Run (TSF) | Allegheny County Conservation District<br>River Walk Corporate Centre<br>33 Terminal Way<br>Suite 325b<br>Pittsburgh, PA 15219<br>(412) 241-7645 |
| Upper Saint Clair Township                | PAC020110         | Lifespace Communities, Inc.<br>1290 Boyce Road<br>Pittsburgh, PA 15241                  | Chartiers Creek (WWF)                         | Allegheny County Conservation District<br>River Walk Corporate Centre<br>33 Terminal Way<br>Suite 325b<br>Pittsburgh, PA 15219<br>(412) 241-7645 |
| Edgeworth Borough                         | PAC020108         | Three Rivers Trust<br>10960 Wiltshire Boulevard<br>Fifth Floor<br>Los Angeles, CA 90024 | Ohio River (WWF)                              | Allegheny County Conservation District<br>River Walk Corporate Centre<br>33 Terminal Way<br>Suite 325b<br>Pittsburgh, PA 15219<br>(412) 241-7645 |
| Edgewood Borough                          | PAC020119         | Giant Eagle, Inc.<br>261 Kappa Drive<br>Pittsburgh, PA 15238                            | Ninemile Run (TSF)                            | Allegheny County Conservation District<br>River Walk Corporate Centre<br>33 Terminal Way<br>Suite 325b<br>Pittsburgh, PA 15219<br>(412) 241-7645 |
| Scott Township                            | PAC020126         | Saint Clair Hospital<br>1000 Bower Hill Road<br>Pittsburgh, PA 15243                    | UNT to Scrubgrass Run (WWF)                   | Allegheny County Conservation District<br>River Walk Corporate Centre<br>33 Terminal Way<br>Suite 325b<br>Pittsburgh, PA 15219<br>(412) 241-7645 |
| South Fayette Township                    | PAC020093         | South Fayette Township<br>515 Millers Run Road<br>Morgan, PA 15064                      | Millers Run (WWF)                             | Allegheny County Conservation District<br>River Walk Corporate Centre<br>33 Terminal Way<br>Suite 325b<br>Pittsburgh, PA 15219<br>(412) 241-7645 |

| <i>Facility Location and Municipality</i> | <i>Permit No.</i> | <i>Applicant Name and Address</i>  | <i>Receiving Water / Use</i>   | <i>Contact Office and Phone No.</i>  |
|---|-------------------|--|--------------------------------|--|
| Upper Saint Clair Township                | PAC020091         | Saint Clair Country Club<br>2300 Old Washington Road<br>Pittsburgh, PA 15241           | McLaughlin Run (WWF)           | Allegheny County Conservation District<br>River Walk Corporate Centre<br>33 Terminal Way<br>Suite 325b<br>Pittsburgh, PA 15219<br>(412) 241-7645 |
| McCandless Township                       | PAC020076         | StoneMor Partners, LP<br>1035 Virginia Drive<br>Suite 300<br>Fort Washington, PA 19034 | UNT to Little Pine Creek (TSF) | Allegheny County Conservation District<br>River Walk Corporate Centre<br>33 Terminal Way<br>Suite 325b<br>Pittsburgh, PA 15219<br>(412) 241-7645 |
| North Fayette Township                    | PAC020132         | Pittsburgh Botanic Garden<br>799 Pinkerton Run Road<br>Oakdale, PA 15071               | Robinson Run (WWF)             | Allegheny County Conservation District<br>River Walk Corporate Centre<br>33 Terminal Way<br>Suite 325b<br>Pittsburgh, PA 15219<br>(412) 241-7645 |
| Lincoln Borough                           | PAC020135         | Pennsylvania American Water<br>300 Galley Road<br>McMurray, PA 15317                   | Wylie Run (WWF)                | Allegheny County Conservation District<br>River Walk Corporate Centre<br>33 Terminal Way<br>Suite 325b<br>Pittsburgh, PA 15219<br>(412) 241-7645 |
| Leetsdale Borough                         | PAC020092         | Centerside Industrial, LP<br>100 Leetsdale Industrial Drive<br>Leetsdale, PA 15056     | Ohio River (WWF)               | Allegheny County Conservation District<br>River Walk Corporate Centre<br>33 Terminal Way<br>Suite 325b<br>Pittsburgh, PA 15219<br>(412) 241-7645 |

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

| <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>  |
|--|-------------------|---|--|--|
| Callery, Evans City, Harmony, Zelienople Boroughs, Adams, Forward and Jackson Townships, Butler County | PAC100059         | First Energy Corporation<br>800 Cabin Hill Drive<br>Greensburg, PA 15601-1650 | UNT to Breakneck Creek WWF, Breakneck Creek WWF, UNT to Connoquenessing WWF, Connoquenessing Creek WWF, Glade Run WWF, Wolfe Run WWF, Likens Run WWF and Muntz Run WWF | Butler County Conservation District<br>122 MCCune Drive<br>Butler, PA 16001<br>724-284-5270        |
| Jackson Township, Venango County   | PAC610005         | Jason Horowitz<br>9010 Overlook Boulevard<br>Brentwood, TN 37027              | Wolf Run CWF   | Venango County Conservation District<br>1793 Cherrytree Road<br>Franklin, PA 16323<br>814-676-2832 |

*Facility Location:  
Municipality &  
County*Bloomfield  
Township,  
Crawford County*Permit No.*  
PAC200039*Applicant Name &  
Address*  
Union City DPP, LLC  
9010 Overlook Boulevard  
Brentwood, TN 37027*Receiving  
Water / Use*  
UNT to Bloomfield  
Run CWF*Contact Office &  
Phone No.*  
Crawford County  
Conservation District  
Woodcock Creek Nature  
Center  
21742 German Road  
Meadville, PA 16335  
814-763-5269*General Permit Type—PAG-3**Facility Location:  
Municipality &  
County*Richland Township  
Bucks County*Permit No.*  
PAR320002*Applicant Name &  
Address*  
AGC Flat Glass North  
America  
480 California Road  
Quakertown, PA 18951*Receiving  
Water / Use*  
Unnamed Tributary  
of Beaver Run  
2-D*Contact Office &  
Phone No.*  
DEP Southeast  
Regional Office  
Clean Water Program  
2 E. Main Street  
Norristown, PA 19401  
484.250.5970*Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.  
Phone: 412.442.4000.**Facility Location  
Municipality &  
County*German Township  
Fayette County*Permit No.*  
PAG036205*Applicant Name &  
Address*  
Advanced Disposal  
Services  
1184 McClellandtown  
Road  
McClellandtown, PA  
15458*Receiving  
Water / Use*  
Unnamed Tributary  
to North Branch  
Browns Run—19-C  
WWF*Contact Office &  
Phone No.*  
DEP Southwest  
Regional Office  
Clean Water Program  
400 Waterfront Drive  
Pittsburgh, PA 15222-4745  
412.442.4000*General Permit Type—PAG-4**Facility Location  
Municipality &  
County*New Hanover  
Township  
Montgomery County*Permit No.*  
PAG040123 A-1*Applicant Name &  
Address*  
Mr. Gene Horchak  
2368 Schaffer Road  
Pottstown, PA 19464*Receiving  
Water / Use*  
Sanatoga Creek  
3-D*Contact Office &  
Phone No.*  
DEP Southeast  
Regional Office  
Clean Water Program  
2 E Main Street  
Norristown, PA 19401  
484.250.5970Lower Merion  
Township  
Montgomery County*Permit No.*  
PAG040045A-1*Applicant Name &  
Address*  
Evan & Sandi Levow  
531 Conshohocken  
State Rd  
Gladwyne, PA 19035-1423*Receiving  
Water / Use*  
Unnamed Tributary  
to Schuylkill River  
3-F*Contact Office &  
Phone No.*  
DEP Southeast  
Regional Office  
Clean Water Program  
2 E Main Street  
Norristown, PA 19401  
484.250.5970*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.**Facility Location:  
Municipality &  
County*Springfield  
Township  
Mercer County*Permit No.*  
PAG041224*Applicant Name &  
Address*  
Rebecca Reed  
172 Wrays Drive  
Volant, PA 16156*Receiving  
Water / Use*  
Black Run—20-C*Contact Office &  
Phone No.*  
DEP Northwest  
Regional Office  
Clean Water Program  
230 Chestnut Street  
Meadville, PA 16335-3481  
814.332.6942

*General Permit Type—PAG-05*

| <i>Facility Location<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>                                       | <i>Receiving<br/>Water / Use</i> | <i>Contact Office &amp;<br/>Phone No.</i>  |
|--|-------------------|---|----------------------------------|--|
| McKeesport City<br>Allegheny County                        | PAG056263         | Duquesne Light Co.<br>2833 New Beaver Avenue<br>N5-TR<br>Pittsburgh, PA 15233 | Youghiogheny<br>River—19-D       | DEP Southwest<br>Regional Office<br>Clean Water Program<br>400 Waterfront Drive<br>Pittsburgh, PA 15222-4745<br>412.442.4000 |

*General Permit Type—PAG-12*

| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>   | <i>Receiving<br/>Water / Use</i> | <i>Contact Office &amp;<br/>Phone No.</i>  |
|---|-------------------|---|----------------------------------|--|
| West Fallowfield<br>Township<br>Chester County              | PAG123746         | Benner Arlin L<br>880 Pinkerton Road<br>Mount Joy, PA 17552                           | Muddy Run—7-K                    | DEP Southcentral<br>Regional Office<br>Clean Water Program<br>909 Elmerton Avenue<br>Harrisburg, PA 17110-8200<br>717.705.4800 |
| Montgomery<br>Township,<br>Franklin County                  | PAG123833         | Mercer Vu Farms Inc.<br>12275 Mount Pleasant<br>Road<br>Mercersburg, PA<br>17236-8705 | Watershed 13-C                   | DEP—SCRO—CW<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>717-705-4707   |
| Warren Township,<br>Franklin County                         | PAG123693         | Jeff Funk<br>18255 Fort Davis Road<br>Mercersburg, PA<br>17236-9430                   | Watershed 13-B                   | DEP—SCRO—CW<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>717-705-4707   |
| Rapho Township,<br>Lancaster County                         | PAG123690         | Jodie Brubaker<br>1908 Valley Road<br>Manheim, PA 17545-9666                          | Watershed 7-G                    | DEP—SCRO—CW<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>717-705-4707   |
| Strasburg<br>Township,<br>Lancaster County                  | PAG123585         | Larry Breneman<br>774 Bunker Hill Road<br>Strasburg, PA 17579-9764                    | Watershed 7-K                    | DEP—SCRO—CW<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>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.

**CAFO NMP  
PUBLIC NOTICE SPREADSHEET—ACTIONS (Approval/Disapproval)**

| <i>Agricultural Operation<br/>(Name and Address)</i>                                  | <i>County</i> | <i>Total<br/>Acres</i> | <i>Animal<br/>Equivalent<br/>Units (AEUs)</i> | <i>Animal<br/>Type</i> | <i>Special<br/>Protection<br/>Waters (HQ<br/>or EV or NA)</i> | <i>Approved or<br/>Disapproval</i> |
|---|---------------|------------------------|---|------------------------|---|------------------------------------|
| R.W. Sauder Inc.;<br>Hegins Valley Layer Complex<br>824 Church Rd<br>Hegins, PA 17938 | Schuylkill    | 1                      | 4,153.56                                      | Poultry<br>(Layers)    | N/A   | Approved                           |
| Haas Farm;<br>Stephen & Virginia Haas<br>15 Haas Rd<br>Klingerstown, PA 17941         | Schuylkill    | 1,612                  | 540   | Poultry<br>(Layers)    | N/A   | Approved                           |

**NUTRIENT MANAGEMENT PLAN  
PUBLIC NOTICE SPREADSHEET—ACTIONS**

| <i>Agricultural Operation<br/>Name and Address</i>  | <i>County</i> | <i>Total<br/>Acres</i> | <i>AEU's</i> | <i>Animal<br/>Type</i> | <i>Special<br/>Protection<br/>Waters (HQ<br/>or EV or NA)</i> | <i>Approved or<br/>Disapproved</i> |
|---|---------------|------------------------|--------------|------------------------|---|------------------------------------|
| Brook Corner Holsteins<br>Reid & Diane Hoover<br>400 Mt. Wilson Road<br>Lebanon, PA 17042 | Lebanon       | 385.7                  | 937.35       | Cattle—Dairy           | NA  | Approved                           |
| Furnace Hill Holsteins<br>Joel Krall<br>480 Schaeffer Road<br>Lebanon, PA 17042           | Lebanon       | 9.4                    | 671.2        | Dairy                  | NA  | Approved                           |
| Weiler Farm 2<br>436 Lawn Road<br>Palmyra, PA 17078                                       | Lebanon       | 0                      | 1,014.79     | Swine &<br>Poultry     | NA  | Approved                           |
| Misty Glen Properties<br>Leon Snyder<br>150 Hain Ave<br>Lebanon, PA 17046                 | Lebanon       | 0                      | 1,800        | Poultry                | NA  | Approved                           |
| Trout Bros. Farm LLC<br>508 Red Rock Road<br>Loysville, PA 17047                          | Perry         | 545                    | 1,222.75     | Dairy                  | Shermans<br>Creek EV  | Approved                           |
| M&E Farms<br>710 Pfoutz Valley Rd<br>Millerstown, PA 17068                                | Perry         | 0                      | 805.48       | Swine                  | N/A   | Approved                           |

**CAFO NMP  
PUBLIC NOTICE SPREADSHEET—ACTIONS (Approval/Disapproval)**

| <i>Agricultural Operation<br/>(Name and Address)</i>                         | <i>County</i>  | <i>Total<br/>Acres</i> | <i>Animal<br/>Equivalent<br/>Units (AEUs)</i> | <i>Animal<br/>Type</i>                     | <i>Special<br/>Protection<br/>Waters (HQ<br/>or EV or NA)</i> | <i>Approved or<br/>Disapproval</i> |
|--|----------------|------------------------|---|--|---|------------------------------------|
| Pine Hurst Acres<br>Richard Crone<br>3036 Sunbury Road<br>Danville, PA 17821 | Northumberland | 2,327.2                | 626.63  | Swine,<br>Cow/Calf,<br>Finishing<br>Steers | NA  | Approved                           |

**PUBLIC WATER SUPPLY PERMITS**

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be

sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also

available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### SAFE DRINKING WATER

#### Actions taken under the Pennsylvania Safe Drinking Water Act

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

**Operations Permit # 2316502** issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, [ (1460085) ] Upper Darby Township, **Delaware County** on September 25, 2017 for the operation of a 350 gpm Discharge Booster at the Highland Park Tank Site facilities approved under construction permit # 2316502.

**Operations Permit # 0917518** issued to: **Borough of Quakertown**, 35 North 3rd Street, Quakertown, PA 18951, [ (1090082) ] Borough of Quakertown, **Bucks County** on September 21, 2017 for the operation of PAX Water Mixer Reservoir Road Tank facilities approved under construction permit # 0917518.

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 2217508 MA, Minor Amendment**, Public Water Supply.

|                            |   |
|----------------------------|---|
| Applicant                  | <b>Pillow Borough Authority</b>   |
| Municipality               | Mifflin Township  |
| County                     | <b>Dauphin</b>  |
| Responsible Official       | Walter Tweitmann, Chairman<br>PO Box 206<br>Pillow, PA 17080                                |
| Type of Facility           | Abandonment of the Well No. 4 reservoir and repiping of the well discharge piping.          |
| Consulting Engineer        | N Peter Fleszar, P.E.<br>Glace Associates, Inc.<br>3705 Trindle Road<br>Camp Hill, PA 17011 |
| Permit to Construct Issued | 9/20/2017   |

|  |   |
|--|---|
| <b>Permit No. 2217506</b> , Public Water Supply. |   |
| Applicant  | <b>Camp Hebron</b>  |
| Municipality                                     | Halifax Township  |
| County   | <b>Dauphin</b>  |
| Responsible Official                             | Dustin Musser, Executive Director<br>957 Camp Hebron Road<br>Halifax, PA 17032                          |
| Type of Facility                                 | Installation of pH adjustment equipment utilizing soda ash as treatment under the Lead and Copper Rule. |
| Consulting Engineer                              | Stephen R. Morse, P.E.<br>Skelly & Loy, Inc.<br>449 Eisenhower Boulevard<br>Harrisburg, PA 17111        |
| Permit to Construct Issued                       | 9/25/2017   |

**Permit No. 0617511 MA, Minor Amendment**, Public Water Supply.

|  |  |
|--|--|
| Applicant  | <b>Western Berks Water Authority</b>   |
| Municipality   | Centre Township  |
| County   | <b>Berks</b>   |
| Responsible Official   | Leonard E. Bilger II, Executive Director<br>91 Water Road<br>Sinking Spring, PA 19608  |
| Type of Facility   | Western Berks Water Authority has submitted an application for the replacement of two existing Stenner peristaltic chemical metering pumps at the Mohrsville Water District Treatment Facility. The new peristaltic pumps will both be Watson Marlow, Model 520U/R2, and will be programmed for flow pacing. |
| Consulting Engineer  | Jeffery C. Jessel, P.E.<br>SSM Group, Inc.<br>1047 North Park Road<br>Reading, PA 19610-0307   |
| Permit to Construct Issued   | 9/20/2017  |
| <b>Permit No. 6717507 MA, Minor Amendment</b> , Public Water Supply. |  |
| Applicant  | <b>The York Water Company</b>  |
| Municipality   | Hellam Township  |
| County   | <b>York</b>  |
| Responsible Official   | Mark S. Snyder, Engineering Manager<br>130 East Market Street<br>PO Box 15089<br>York, PA 17405-7089   |



|   |  |   |  |
|---|--|---|--|
| Type of Facility  | Installation of a permanent interconnect is proposed to enable the Wrightsville Borough Municipal Authority (Authority) to purchase water as needed from the York Water Company (Company). The agreement between the Authority and the Company permits the Authority to purchase up to 8 million gallons per month, at a rate of no greater than 200 gallons per minute. In conjunction with this application, a transfer permit application has also been received requesting the transfer of permits approving operation of water system facilities at the Eastern York School District from the Authority to the Company. | Type of Facility  | The filter media in the two existing Graver filter units will be replaced. The filter lining will be repainted as needed during the media replacement.   |
| Consulting Engineer   | Mark S. Snyder, P.E.<br>The York Water Company<br>130 East Market Street<br>PO Box 15089<br>York, PA 17405-7089  | Consulting Engineer   | Carol A. Piontkowski, P.E.<br>Department of Corrections,<br>Bureau of Operations<br>1920 Technology Parkway<br>Camp Hill, PA 17001   |
| Permit to Construct Issued  | 9/25/2017  | Permit to Construct Issued  | 9/20/2017  |
| <b>Permit No. 2117508 MA, Minor Amendment, Public Water Supply.</b>   |  | <b>Permit No. 6717508 MA, Minor Amendment, Public Water Supply.</b> |  |
| Applicant   | <b>Rodeway Inn/Jajul Corporaiton (Private)</b>   | Applicant   | <b>Red Lion Area School District</b>   |
| Municipality  | Southampton Township   | Municipality  | Winterstown Borough  |
| County  | <b>Cumberland</b>  | County  | <b>York</b>  |
| Responsible Official  | Satish Mehta, Owner<br>10 Hershey Road<br>Shippensburg, PA 17257   | Responsible Official  | Craig S. Slack Jr, Director of Buildings & Grounds<br>696 Delta Road<br>Red Lion, PA 17356   |
| Type of Facility  | The existing UV disinfection system will be removed and replaced with a sodium hypochlorite feed system. Contact piping will be installed to achieve sufficient contact time for 4-log treatment of the groundwater source.  | Type of Facility  | The existing nitrate treatment and soda ash injection equipment will be replaced. A new hypochlorite injection pump and three (3) 120-gallon contact tanks will be installed. Two (2) new 750-gallon finished water storage tanks will be installed. |
| Consulting Engineer   | Randolph S. Bailey, P.E.<br>Wm. F. Hill & Assoc., Inc.<br>207 Baltimore Street<br>Getysburg, PA 17325  | Consulting Engineer   | Charles A. Kehew II, P.E.<br>James R. Holley & Associates, Inc.<br>18 South George Street<br>York, PA 17401  |
| Permit to Construct Issued  | 9/22/2017  | Permit to Construct Issued  | 9/25/2017  |
| <b>Permit No. 2117509 MA, Minor Amendment, Public Water Supply.</b>   |  | <b>Permit No. 3817505, Public Water Supply.</b>                     |  |
| Applicant   | <b>State Correctional Institution at Camp Hill</b>   | Applicant   | <b>Hornings Market of Myerstown</b>  |
| Municipality  | Lower Allen Township   | Municipality  | Myerstown Borough  |
| County  | <b>Cumberland</b>  | County  | <b>Lebanon</b>   |
| Responsible Official  | Laurel Harry, Superintendent<br>2500 Lisburn Road<br>Camp Hill, PA 17001   | Responsible Official  | Lester Z. Horning, Manager<br>905 South College Street<br>Myerstown, PA 17067  |
| Type of Facility  |  | Type of Facility  | Installation of sodium hypochlorite disinfection and contact tanks for GWR 4-log inactivation of viruses treatment.  |
| Consulting Engineer   |  | Consulting Engineer   | Charles A. Kehew II, P.E.<br>James R. Holley & Associates, Inc.<br>18 South George Street<br>York, PA 17401  |
| Permit to Construct Issued  |  | Permit to Construct Issued  | 9/20/2017  |
| <b>Operation Permit No. 0515502 MA issued to: Centerville Area MA (PWS ID No. 4050027), Cumberland Valley Township, Bedford County on 9/20/2017 for facilities approved under Construction Permit No. 0515502 MA.</b> |  |   |  |

**Operation Permit No. 0615510 MA** issued to: **Reading Area Water Authority (PWS ID No. 3060059)**, Bern Township, **Berks County** on 9/26/2017 for facilities approved under Construction Permit No. 0615510 MA.

**Operation Permit No. 2217509 MA** issued to: **Millersburg Area Authority (PWS ID No. 7220034)**, Millersburg Borough, **Dauphin County** on 9/25/2017 for facilities approved under Construction Permit No. 2217509 MA.

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**Permit No. 5717501-MA—Operation—Public Water Supply.**

|                       |   |
|-----------------------|---|
| Applicant             | <b>Red Rock Job Corps Center</b>  |
| Township/Borough      | Colley Township   |
| County                | <b>Sullivan County</b>  |
| Responsible Official  | Mr. Gerry McGroarty<br>Center Director<br>Red Rock Job Corps Center<br>P.O. Box 218<br>Lopez, PA 18628  |
| Type of Facility      | Public Water Supply   |
| Consulting Engineer   | Mr. Edmund G. Slocum,<br>P.E., P.L.S<br>Milnes Engineering, Inc.<br>12 Frear Hill Road<br>Tunkhannock, PA 18657   |
| Permit Issued         | September 22, 2017  |
| Description of Action | Authorizes replacement of the submersible pump in Well No. 5 that was oversized and failed (Goulds Model 8RALC 30 hp) with a more appropriately-sized submersible well pump (Goulds Model65L 15 15 hp). |

**Pennsylvania American Water Company—Nittany (Public Water Supply), Centre County:** On September 22, 2017, the Safe Drinking Water Program approved the Source Water Protection (SWP) plan Pennsylvania American Water Company—Nittany. 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 (Mark R. Stephens, P.G., (570) 327-3422).

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

**Permit No. 3717502, Public Water Supply.**

|                            |  |
|----------------------------|--|
| Applicant                  | <b>PA American Water Company</b>   |
| Township or Borough        | Union Township   |
| County                     | <b>Lawrence</b>  |
| Type of Facility           | Public Water Supply  |
| Consulting Engineer        | William Lage<br>PA American Water Co.<br>2746 Ellwood Road<br>New Castle, PA 16101 |
| Permit to Construct Issued | September 26, 2017   |

**Operation Permit** issued to **PA American Water Butler, PWSID No. 5100012**, Oakland Township, **Butler**

**County.** Permit Number 1017503 issued September 26, 2017 for the operation of the previously unpermitted pump station and storage tanks.

#### WATER ALLOCATIONS

**Actions taken on applications received under the act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.**

*Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**WA 57-412B, Water Allocations. Borough of Laporte, P.O. Box 125, Laporte, PA 18626, Laport Borough, Sullivan County.** This Water Allocation Permit grants Laporte Municipal Water System the right to withdraw a maximum of 80,000 gallons per day (gpd), when available, from Cold Spring, located in the Borough of Laporte, Sullivan County.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

**Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P.S. § 750.5)**

*Southwest Regional Office, Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412-442-4000.*

*Plan Location:*

| <i>Borough or Township</i> | <i>Borough or Township Address</i>  | <i>County</i> |
|----------------------------|---|---------------|
| Mt Pleasant Township       | Mt Pleasant Township<br>Ms. Caprice Mills,<br>Secretary<br>P.O. Box 158, 208 Poker<br>Road<br>Mammoth, PA 15664 | Westmoreland  |

*Plan Description:* The approved plan revision provides for the construction of a Small Flow Sewage Treatment Facility (S.F.S.T.F.) to serve an existing residential building located on the property presently owned by Stacey J. Barnhart. The property is located at 2398 State Route 982, Mt. Pleasant, PA 15666.

The treated effluent will be discharged into an unnamed tributary of Brush Run that discharges into Jacobs Creek which is classified as Cold Water Fisheries stream.

Any required NPDES Permits or WQM Permits must be obtained in the name of the applicant as appropriate.

The Department's review of the sewage facilities revision has not identified any significant environmental impacts results from this proposal. The installation of this SFSTF will address a malfunctioning septic system.

#### SEWAGE FACILITIES ACT PLAN DISAPPROVAL

**Plan Disapprovals Under the Pennsylvania Sewage Facilities Act**

*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> |
|----------------------------|--|---------------|
| West Hanover Township      | 7171 Allentown Blvd.<br>Harrisburg, PA 17112 | Dauphin       |

*Plan Description:* The sewage planning exemption request submitted for the Rustrum-Fox Hill Subdivision, DEP Code No. A3-22937-412-2E, APS Id 950635, is disapproved. The purpose of this plan is to create three new single family residential building lots to use individual onlot sewage disposal systems. The project is located along Fox Hill Road, east of the junction with Compton Drive. A preliminary hydrogeologic study is required because the proposed subdivision is within 1/4 mile of a well documented to exceed 5 PPM nitrate-N and onlot sewage disposal is proposed. Reference: Chapter 71, Section 71.51(b)(1)(ii) and West Hanover Township's Act 537 Sewage Facilities Plan (1992 submission). Therefore, the proposal must be submitted using the Component 2 sewage planning module forms.

*Plan Location:*

| <i>Borough or Township</i> | <i>Borough or Township Address</i>                | <i>County</i> |
|----------------------------|---|---------------|
| Fayette Township           | 181 Bunkertown Rd.<br>McAlisterville, PA<br>17049 | Juniata       |

*Plan Description:* The sewage planning exception (Component 1) module submitted for the Donald Landis Subdivision, DEP Code No. A3-34903-224-1, APS Id 950653, is disapproved. The submission proposed a subdivision to create a parcel for an existing dwelling with an onlot sewage disposal system and a residual tract to be comprised of existing forest and farmland. The proposed subdivision is located along Mountain Road, east of the junction with Phillips Road. This plan is disapproved because a preliminary hydrogeologic study would be required because the proposed subdivision is within 1/4 mile of a well documented to exceed 5 PPM nitrate-N and onlot sewage disposal is proposed. Reference: Chapter 71 § 71.55(a)(2), Chapter 71 § 71.62(c)(2)(iii), and Fayette Township's Act 537 Sewage Facilities Plan (2005 submission and 2010 review). Therefore, the proposal could be submitted using the Component 2 module forms. However, since no new building lots or development is proposed, the subdivision may also be adequately documented by submitting a "Request for Planning Waiver & Non-building Declaration" form.

**HAZARDOUS SITES CLEAN-UP  
UNDER THE ACT OF  
OCTOBER 18, 1988**

**Public Notice of Proposed Consent Order and Agreement**

**Port Richmond Gate HSCA Site, Philadelphia County**

The Department of Environmental Protection (Department), under the authority of the Pennsylvania Hazardous Sites Cleanup Act (HSCA), 35 P.S. § 6020.1113, has entered a Consent Order and Agreement with Keith Charlton, regarding the Port Richmond Gate Development, a residential subdivision located along Edgemont, Venango and Thompson Streets in Philadelphia (Site). The Site was formerly used as a staging area for railroad cars and was subsequently used by Aldan Industries, a rubber manufacturer, which is no longer in business.

Sometime after October 2001, Mr. Charlton and Daniel Ryan incorporated ADK Development Corp., Inc., a company which developed the Site for residential use, without remediation. In 2007, the Department detected levels of arsenic and lead in soil on the Site. These contaminants were found in amounts above the Department's Residen-

tial Statewide Health Standards. The Department also detected polycyclic aromatic hydrocarbons in soil on the Site.

Hazardous substances within the meaning of Section 103 of the Hazardous Sites Cleanup Act, 35 P.S. § 6020.103, were released and threatened to be released on the Site. Pursuant to Section 501(a) of HSCA, 35 P.S. § 6020.501(a), the Department completed response actions at the Site to abate the release of hazardous substances found on the Site. The Department's response actions included the removal of contaminated soil which impacted homes in the Port Richmond Gate Development.

As an officer of ADK Corporation, Inc., Mr. Charlton participated in the construction of homes on the Site, without remediation and is responsible for a portion of the response costs incurred by the Department. In their Inability-to-Pay Consent Order and Agreement, Mr. Charlton and the Department agreed that he would reimburse the Department in the amount of Two Thousand Dollars (\$2,000) and that he would receive contribution protection from claims related to the release of hazardous substances at the Site.

This notice is provided under Section 1113 of HSCA, 35 P.S. § 6020.1113, which states that, "settlement shall become final upon the filing of the Department's response to significant written comments." The Consent Order and Agreement is available for public review and comment. The agreement can be examined from 8 a.m. to 4 p.m. at the Department's Southeast Regional Office, located at 2 East Main Street in Norristown, PA by contacting either Colin Wade (484) 250-5960 or Gina M. Thomas, Esquire at (484) 250-5930. Mr. Wade and Ms. Thomas may also be contacted electronically at [cowade@pa.gov](mailto:cowade@pa.gov) and [githomas@pa.gov](mailto:githomas@pa.gov), respectively. A public comment period on the Consent Order and Agreement will extend for 60 days from today's date. Persons may submit written comments regarding the agreement within 60 days from today's date, by submitting them to Mr. Wade at the above address.

**LAND RECYCLING AND  
ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 2**

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report,

risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Schramm Inc.**, 800 East Virginia Avenue, West Goshen Township, **Chester County**. Michael S. Welsh, P.E., Welsh Environmental, Inc., 131 Clearview Drive, Downingtown, PA 19335 on behalf of Eli Kahn, 920 South Bolmar Associates, LP, 55 Country Club Drive, Downingtown, PA 19335 submitted a Remedial Investigation Report concerning remediation of site groundwater and soil contaminated with petroleum. The report is intended to document remediation of the site to meet the site-specific standard.

**Sears Auto Center # 1654**, 1067 West Baltimore Avenue, **Delaware County**. David Side, Amec Foster Wheeler, Environment & Infrastructure, Inc., 751 Arbor Way, Suite 180, Blue Bell, PA 19422 on behalf of Patricia Feeley, Sears Holding Management Corporation, 3333 Beverly Road, Hoffman Estates, Illinois 60179 submitted a Final Report concerning remediation of site soil contaminated with used motor oil. The report is intended to document remediation of the site to meet the Statewide health standard.

**Solid State Scientific**, 160 Commerce Drive, Montgomery Township, **Montgomery County**. Paul Miller, Environmental Alliance, Inc., 5341 Limestone Road, Wilmington, DE 19808 submitted a Cleanup Plan and Risk Assessment Report concerning remediation of site soil and groundwater contaminated with other organics. The report is intended to document remediation of the site to meet the site-specific standard.

**Fairway Commons Apartment**, 4927 Wynnfield Avenue, City of Philadelphia, **Philadelphia County**. John C. Lydzinski, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406-3207 on behalf of Matthew Canno, Iron Stone 4927 Wynnfield, LLC, 2929 Arch Street, Philadelphia, PA 19104 submitted a Remedial Investigation/Final Report concerning remediation of site soil contaminated with No. 6 fuel oil. The report is intended to document remediation of the site to meet the Statewide health standard.

**Roberto Clemente Middle School**, 3921-3961 North 5th Street, City of Philadelphia, **Philadelphia County**. James Manuel, REPSG, Inc., 6901 Kingsessing Avenue, Suite 210, Philadelphia, PA 19142 on behalf of Walter

Toliver, Esperanza, 4261 North 5th Street, Philadelphia, PA 19140 submitted a Remedial Investigation/Cleanup Plan concerning remediation of site soil and groundwater contaminated with inorganics. The report is intended to document remediation of the site to meet the site-specific standard.

**Whitfield Residence**, 546 Jefferson Avenue, Pottstown Borough, **Montgomery County**. Carl Rinkevich, II, Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17601 on behalf of Dorothy Whitfield, 546 Jefferson Avenue, Pottstown, PA 19464 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.

**First Blue Bell Cleaners Service**, 1734 Dekalb Pike, Whitpain Township **Montgomery County**. Kimberly (Walsh) Hunsberger, GHD Services Inc., 135 Raitan Center Parkway, Suite 5, Edison, NJ 08837, James Carey, GHD Services, Inc., 135 Raritan Center Parkway, Suite 5, Edison, NJ 08837 on behalf Robert Carson, Regency Blue Bell, L.P. c/o Levin Management Corporation, 975 US Highway 22 West, North Plainfield, NJ 07060 submitted a Cleanup Plan/Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with PCE and TCE. The report is intended to document remediation of the site to meet the site-specific standard.

**Biordi Property**, 1216-1224 West Baltimore Pike, Middletown Township, **Delaware County**. Zachary Weaver, Synergy Environmental, Inc., 155 Railroad Plaza, Royersford, PA 19468 on behalf of Laura Biordi, 538 South New Middletown Road, Media, PA 19063 submitted a Final Report concerning remediation of site groundwater contaminated with TCE, MTBE and PCE. The report is intended to document remediation of the site to meet the background standard.

**J&J Development**, 1116 Horsham Road, Horsham Township, **Montgomery County**. Phil Gray, Jr., Compliance Management International, 1350 Welsh Road, Suite 200, North Wales, PA 19454 on behalf of John Pillegi, Jr., J&J Development Company, IL, 3470 Limekiln Pike, Chalfont, PA 18914 submitted a Remedial Investigation/Final Report concerning remediation of site soil contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the site-specific standard.

**Quaker Car Wash**, 71 South West End Boulevard, Borough of Quakertown, **Bucks County**. Brenda MacPhail-Kellogg, REPSG, Inc., 6901 Kingsessing Avenue, Second Floor, Philadelphia, PA 19142 on behalf of Joshua Lee, Noah Nank, 2337 Lemoine Avenue, Second Floor, Fort Lee, NJ 07024 submitted a Remedial Investigation/Cleanup Plan concerning remediation of site soil and groundwater contaminated with VOCs and lead. The report is intended to document remediation of the site to meet the site-specific standard.

**2728 South Front Street Site**, 2728 Front Street, City of Philadelphia, **Philadelphia County**. Michael A. Christie, Penn Environmental & Remediation Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Bill Rountree, Wright Partners, 20 South Olive Street, Suite 203, Media, PA 19063 submitted a Remedial Investigation/Final Report concerning remediation of site soil contaminated with metals. The report is intended to document remediation of the site to meet the site-specific standard.

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

**Schuylkill Haven Water Treatment Plant**, 16 Tumbling Run Road, North Manheim Township, **Schuylkill County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Borough of Schuylkill Haven, 333 Center Avenue, Schuylkill Haven, PA 17972, submitted a Final Report concerning remediation of site soils and groundwater contaminated with Benzene, Ethylbenzene, Isopropylbenzene, MTBE, Naphthalene, Toluene, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene. The report is intended to document remediation of the site to meet the nonresidential Site Specific Standard for soils & groundwater.

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

**Fruitville Business Park**, 1570 Fruitville Pike, Lancaster, PA 17602, Lancaster City, **Lancaster County**. Liberty Environmental, 50 N. 5th Street, 5th Floor, Reading, PA 19601, on behalf of 1570 Fruitville Pike, LP, 2450 Marietta Avenue, Lancaster, PA 17601, and Robert Lepore, c/o John Reed, Esquire, Barley Snyder, LLC, 126 East King Street, Lancaster, PA 17602-2893, submitted a Cleanup Plan concerning remediation of site soil and groundwater contaminated with inorganics and SVOCs. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Karl Knarr Estate**, 2472 Wilson Street, Reading, PA 19605, Bern Township, **Berks County**. ECC Horizon, 520 Fellowship Road, Suite E-506, Mount Laurel, NJ, 08054, on behalf of Coventry Environmental, Inc., 141 South Main Street, Spring City, PA 19475, and June Lerch, the Estate of Karl Knarr, 940 Franklin Street, Wyomissing, PA 19610, 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 Emtrol Inc./York Technical Institute**, 3050 Hempfield Road, Lancaster, PA 17601, East Hempfield Township, **Lancaster County**. ARM Group, Inc., 1129 West Governor Road, P.O. Box 797, Hershey, PA 17033, on behalf of York Tech Associates, LP, 120 North Pointe Boulevard, Suite 301, Lancaster, PA 17601 submitted a Final Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents. 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.*

**Former Centre Chemical Facility**, Bellefonte Borough, **Centre County**. McKee Environmental, Inc., 218 Washington Avenue, Bellefonte, PA 16823, on behalf of Catherman's Service Garage, 1803 Buffalo Run Road, Bellefonte, PA 16823, has submitted a Final Report concerning remediation of site soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Miller Center for Recreation and Wellness Property**, East Buffalo Township, **Union County**. Pennsylvania LaBella Associates, P.C., on behalf of Miller Center for Recreation and Wellness, 120 Hardwood Drive, Lewisburg, PA 17837, has submitted a Final Report concerning remediation of site soil contaminated with Arsenic. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Frontier National Resources Tenman Facility**, Sullivan Township, **Tioga County**. Frontier National Resources, Inc., 301 N. Spring Street, Suite 102, Bellefonte, PA 16823, has submitted a Final report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Former Melody Tent/Civic Arena**, Center Avenue, Fullerton Street, Crawford & Bedford Avenue Pittsburgh, **Allegheny County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Urban Redevelopment Authority of Pittsburgh, 200 Ross Street, Pittsburgh, PA 15219, has submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with volatile organic compounds (VOCs); Semi volatile organic compounds (SVOCs) and metals. Public notice was printed in the *Pittsburgh Post Gazette* on August 18, 2017.

## 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:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Whitfield Residence**, 546 Jefferson Avenue, Pottstown Borough, **Montgomery County**. Carl Rinkevich, II, Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602 on behalf of Dorothy Whitfield, 546 Jefferson Avenue, Pottstown, PA 19464 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 September 13, 2017.

**Solid State Scientific**, 160 Commerce Drive, Montgomery Township, **Montgomery County**. Paul C. Miller, Environmental Alliance Inc., 5341 Limestone Road, Wilmington, DE 19808 on behalf of Anthony Cino, 160 Commerce Drive, LP, 301 Oxford Valley Road, Suite 702, Yardley, PA 19067-7713 submitted a Cleanup Plan concerning the remediation of site soil and groundwater contaminated with other organics. The Plan was approved by the Department on September 13, 2017.

**FBF Inc.**, 1145 Industrial Boulevard, Upper Southampton Township, **Bucks County**. Philip Getty, Boucher & James, Inc., 1456 Ferry Road, Building 500, Doylestown, PA 18901 on behalf of Joe Medvic, FBF, Inc., 1145 Industrial Boulevard, Southampton, PA 18966 submitted a Final Report concerning the remediation of site groundwater contaminated with chlorinated solvents. The Final Report did not demonstrate attainment of the site-specific standard and was disapproved by the Department on August 31, 2017.

**Benedetti Residence**, 1 Mallow Lane, Bristol Township, **Bucks County**. Charles Burger, Mountain Research, LLC, 825 25th Street, Altoona, PA 16601 on behalf of Stephanie Benedetti, 1 Mallow Lane, Levittown, PA 19054 submitted a Final Report concerning the remediation of site soil contaminated with chlorinated solvents. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on September 1, 2017.

**Philadelphia Naval Business Center**, 1109, 1113, 1117, 1121 and 1123 Admiral Pear Way, 110 Flagship Drive, 4501 and 5001 League Island Boulevard, City of Philadelphia, **Philadelphia County**. John Cattuso, Liberty Property/Synterra LP, Eight Penn Center, 1628 John F. Kennedy Blvd, Suite 1100, Philadelphia, PA 19103-2805 and Prema Gupta, Philadelphia Industrial Development Corporation, 4747 South Broad Street, Building 101, Suite 120, Philadelphia, PA 19112 submitted a Baseline Environmental Report concerning the remediation of site soil and groundwater contaminated with VOCs, SVOCs and metals. The Baseline Report demonstrated attainment of the Special Industrial Area and was approved by the Department on February 16, 2017.

**Pine Road/Red Line Road**, Pine Road/Red Lion Road, Lower Moreland Township, **Montgomery County**. Gary Emmanuel, O'Brien & Gere Engineers, Inc, 301 East Germantown Pike, 3rd Floor, East Norriton, PA 19401 behalf of Gregory T. Rogerson, JERC Partners, XIII, LP, 171 State Route 173, Suite 201, Asbury, NJ 08802 submitted a Risk Assessment Report concerning the remediation of site soil contaminated with other organics. The Report was approved by the Department on September 11, 2017.

**Colonial Heritage MHP Evergreen**, 288 Evergreen Drive, New Britain Township, **Bucks County**. Alan R. Hirschfeld, L&A Environmental Specialties, Inc., 219 Laureen Road, Schwenksville, PA 19473 on behalf of James Perano, GSP Management, 2846 Main Street, Suite 12A, P.O. Box 677, Morgantown, PA 19543 submitted a Final Report concerning the remediation of site groundwater and soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on June 14, 2017.

**Cardone Industries Plant 4-4A Property**, 234 West Cayuga Street, City of Philadelphia, **Philadelphia County**. David S. Coyne, QEP, Liberty Environmental Inc., 200 Barr Harbor Drive, Suite 400, Conshohocken, PA 19428, Glenn DePlantino, Cardone Industries, Inc., 5501 Whitaker Avenue, Philadelphia, PA 19124 on behalf of Allen Burns, Richard S. Burns Company, Inc., 4300 Rising Avenue, Philadelphia, PA 19104 submitted a Remedial Investigation/Final Report concerning the remediation of site groundwater contaminated with other organics. The Report was approved by the Department on April 28, 2017.

**French Creek Elementary School**, 3590 Coventryville Road, South Coventry Township, **Chester County**. Andrew Markoski, Patriot Environmental Management, LLC, 21 Unionville Road, P.O. Box 629, Douglasville, PA 19518 on behalf of James A. Turner, James A. Turner Inc., 3469 Old Bethlehem Pike, Souderton, PA 18964 submitted a Final Report concerning the remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on September 14, 2017.

**Darby Borough MGP Site**, 237/263 Mill Street, Darby Borough, **Delaware County**. Bruce Middleman, Stantec Consulting Services, Inc., 400 Drive, Suite 400, Plymouth Meeting, PA 19462 on behalf of Peter Farrand, PECO Energy, 2301 Market Street, S7-1, Philadelphia, PA 19103 submitted a Cleanup Plan/Risk Assessment and Final Report concerning the remediation of site soil and groundwater contaminated with VOC and PAH. The Report was approved by the Department on August 31, 2017.

**318 Boro Road**, 318 Boro Road, Upper Darby Township, **Delaware County**. Michael Napolitan, Taylor Geoscience, Inc., 38 Bishop Hollow Road, Suite 200, Newtown Square, PA 19073 submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with other organics. The Report was disapproved by the Department on August 17, 2017.

**Mack Oil Berwyn**, 46 Branch Avenue, Easttown Township, **Chester County**. Tim McCorry, Mack Services Company, Inc, 45 Branch Avenue, Berwyn, PA 19312 on behalf of Michael S. Welsh, PE, Welsh Environmental, Inc, 131 Clearview Drive, Downingtown, PA 19335 sub-

mitted a Final Report concerning the remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the site-specific standard and was approved by the Department on May 9, 2017.

**PECO Submersible Transformer Oil Spill**, 28 Phoenixville Pike, Malvern Borough, **Chester County**. Bruce Middleman, Stantec Consulting Services, Inc., 400 Davis Drive, Suite 400, Plymouth Meeting, PA 19462 on behalf of George Horvat, Peco Energy Company, 2301 Market Street, Philadelphia, PA 19103 submitted a Final Report concerning the remediation of site soil contaminated with PCB's. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on August 23, 2017.

**Philadelphia Naval Business Center aka the Navy Yard Building 664**, 351 Rouse Boulevard, City of Philadelphia, **Philadelphia County**. John Cattuso, Liberty Property/Synterra LP, Eight Penn Center, 1628 John F. Kennedy Blvd, Suite 1100, Philadelphia, PA 19103-2805, Prema Gupta, Philadelphia Industrial Development Corporation, 4747 South Broad Street, Building 101, Suite 120, Philadelphia, PA 19112 submitted a Baseline Environmental Report concerning the remediation of site soil contaminated with PCBs. The Report was approved by the Department on February 15, 2017.

**Northeast Building Products Corporation**, 327 East Chew Avenue, City of Philadelphia, **Philadelphia County**. Christopher Orzechowski, Keating Environmental, Management, Inc., 1 Bacton Hill Road, North Building, Suite 107, Frazer, PA 19355 on behalf of Alan Levin, Northeast Building Products, 4280 Aramingo Avenue, Philadelphia, PA 19124 submitted a Final Report concerning the remediation of site groundwater contaminated with chlorinated solvents. The Report was disapproved by the Department on September 7, 2017.

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

**Columbia Gas of PA Service Center/Off-Property Area**, 149 North Stratton Street, Borough of Gettysburg, **Adams County**. AECOM, 250 Apollo Drive, Chelmsford, MA 01824, on behalf of NiSource Corporate Services, 4 Technology Drive, Suite 250, Westborough, MA 01581, and Southcentral Community Action Program, 153 North Stratton Street, Gettysburg, PA 17325 submitted a Remedial Investigation and Final Report concerning remediation of groundwater contaminated with benzene. The Final Report demonstrated attainment of the Site-Specific Standard, and was approved by the Department on September 14, 2017.

**Apollo Transportation Specialists Diesel Spill**, Rt. 30 Eastbound On-Ramp from Rt. 24, York, PA 17402, Springettsbury Township, **York County**. Taylor GeoServices, Inc., 38 Bishop Hollow Road, Newtown Square, PA 19073, on behalf of Apollo Transportation Specialist, Inc., 4301 Eastern Avenue, Baltimore, MD 21224, and PennDOT, Engineering-District 8, 2140 Herr Street, Harrisburg, PA 17103, submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on September 18, 2017.

**Bullhead Trucking Diesel Fuel Release/Gardner Property**, 78 East Berlin Road, York Springs, PA 17372, Tyrone Township, **Adams County**. Taylor GeoServices, Inc., 38 Bishop Hollow Road, Newtown Square, PA 19073,

on behalf of Bullhead Trucking, LLC, 1513 Commerce Avenue, Carlisle, PA 17015, and Michael Gardner, 78 East Berlin Road, York Springs, PA 17372, submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on September 15, 2017.

**Norfolk Southern Railway/Juniata Locomotive Repair Shop**, 200 North 4th Avenue, Altoona, PA 16601, City of Altoona and Logan Township, **Blair County**. AECOM Technical Services, Inc., 681 Andersen Drive, Pittsburgh, PA 15220, on behalf of Norfolk Southern Railway Company, 1200 Peachtree Street NE, P.O. Box 13, submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on September 15, 2017.

**Former Quaker Oats Facility**, 485 Saint John's Church Road, Shiremanstown, PA 17011, Hampden Township, **Cumberland County**. HRG, Inc., 369 East Park Drive, Harrisburg, PA 17111, on behalf of QB Limited Partnership, 5351 Jaycee Avenue, Harrisburg, PA 17112, submitted a Remedial Investigation and Final Report concerning remediation of site soil and groundwater contaminated with VOCs, SVOCs and inorganics. The Final Report demonstrated attainment of the Nonresidential Statewide Health and Site-Specific Standards, and was approved by the Department on September 19, 2017.

**Rebecca Kichman Property**, 1900 Lower Bailey Road, Newport, PA 17074, Miller Township, **Perry County**. Environmental Products & Services of Vermont, Inc., 1539 Bobali Drive, Harrisburg, PA 17104, on behalf of Rebecca Kichman, 1900 Lower Bailey Drive, Newport, PA 17074, submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on September 19, 2017.

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

**Snyder Fuels Release Site**, Upper Augusta Township, **Northumberland County**. Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403, on behalf of Snyder Fuels, Inc., P.O. Box 191, Sunbury, PA 17801, has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with undyed diesel fuel and dyed No. 2 fuel oil. The report did not demonstrate attainment of the Statewide Health Standard and was disapproved by the Department on September 13, 2017.

**Former B.J. Burnley Company Site**, Franklin Township, **Snyder County**. Molesevich Environmental, LLC, P.O. Box 654, Lewisburg, PA 17837, on behalf of GBT Realty Corporation, 9010 Overlook Boulevard, Brentwood, TN 37027, has submitted a Final Report concerning the remediation of site groundwater contaminated with unleaded/leaded gasoline. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 5, 2017.

**Frontier National Resources Tenman Facility**, Sullivan Township, **Tioga County**. Frontier National Resources, Inc., 301 N. Spring Street, Suite 102, Bellefonte, PA 16823, has submitted a Final report concerning remediation of site soil contaminated with diesel fuel. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 19, 2017.

*Southwest Region: Environmental Cleanup & Brown-field Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Former Mulach Steel Property**, South Fayette Township, **Allegheny County**. American Geosciences, Inc, 3925 Reed Boulevard, Suite 400, Murrysville, PA 15668-1848 on behalf of South Fayette Hotel Associates, LP, 375 Southpointe Boulevard, Suite 410, Canonsburg, PA 15317 has submitted a Cleanup Plan (CP) and Final Report (FR). Notice of the CP and FR submittal was published in the *Pittsburgh Post-Gazette* on June 15, 2017. The Final Report and Cleanup Plan was approved by the Department on September 11, 2017.

#### RESIDUAL WASTE GENERAL PERMITS

**Permit(s) issued Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Determination of Applicability under General Permit No. WMGR082SW004: Laurel Sand & Stone, Inc.**, Jackson Township, **Cambria County**, for the Laurel Sand & Stone Processing Facility Site located at 1317 Chickaree Hill Road, Johnstown, PA 15909.

Determination of Applicability (DOA) to operate under Residual Waste General Permit No. WMGR082SW004 for the processing and beneficial use of steel slag, iron slag, and refractory bricks that were co-disposed with slag. The approved processing is limited to magnetic separation of metallics and mechanical sizing and separation. The DOA for the General Permit was approved by the Southwest Regional Office on September 22, 2017.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permit(s) Issued Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Permit Application No. 101713. Pioneer Aggregates, Inc.**, 215 E. Saylor Avenue, Laflin, PA 18702. A municipal waste demonstration permit for the use of Re-Crete™ for mine reclamation. The demonstration project site is located at the existing Simpson Quarry in Fell Township, **Susquehanna County**. The permit was issued by the Regional Office on September 21, 2017.

Persons interested in reviewing the permit may contact Roger Bellas, Regional Waste Management Program Manager, Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**GP3-67-03146E: Kinsley Construction, Inc.** (PO Box 2886, York, PA 17405) on September 20, 2017, for portable nonmetallic mineral processing equipment, under GP3, at the Sandbank Quarry located in Springettsbury Township, **York County**.

**GP9-67-03146E: Kinsley Construction, Inc.** (PO Box 2886, York, PA 17405) on September 20, 2017, for two diesel or No. 2 oil-fired internal combustion engines, under GP9, to power portable nonmetallic mineral processing equipment, at the Sandbank Quarry located in Springettsbury Township, **York County**.

**GP1-06-03073C: Giorgio Foods, Inc.** (1161 Park Road, Blandon, PA 19510) on September 19, 2017, for one new natural gas-fired boiler rated at 32.3 MMBtu/hr, and three existing boilers, under GP1, at the facility located in Maiden creek Township, **Berks County**.

**GP13-22-05033: Hempt Bros. Inc.** (205 Creek Road, Camp Hill, PA 17011-7418) on September 22, 2017, for a new batch asphalt plant, under GP13, at the Steelton Quarry located in Swatara Township, **Dauphin County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.*

**GP14-08-304: Southern Tier Cremation Services, LLC** (17219 Berwick Turnpike, Gillett, PA 16925) on September 19, 2017 to authorize the operation of a natural gas-fired, Crematory Manufacturing & Service, model Millenium III human crematorium pursuant to the General Plan Approval and General Operating Permit for Human or Animal Crematories (BAQ-GPA/GP-14) at their facility in Ridgebury Township, **Bradford County**.

**GP9-19-204: AT&T Communications of Pennsylvania, LLC** (PO Box 5095, Room 4W200M, San Ramon, CA 94583) on September 18, 2017, for the continued operation of a 4,060 bhp Cummins model QSK78-G12 diesel-fired engine which powers a 2,750 kW Cummins model DQLF electrical generator for emergency backup power pursuant to the General Plan Approval and/or General Operating Permit for Diesel or No. 2 fuel-fired Internal Combustion Engines (BAQ-GPA/GP-9) at the AT&T Catawissa facility located in Cleveland Township, **Columbia 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.*



**GP3-04-00743A: Bechtel Oil, Gas & Chemical Inc.** (300 Frankford Road, New Monaca, PA 15061) on September 21, 2017, to allow the installation and operation of a portable nonmetallic mineral processing plant consisting of two crushers with two integrated screens and associated conveyers located in Potter Township, **Beaver County**.

**GP11-04-00743A: Bechtel Oil, Gas & Chemical Inc.** (300 Frankford Road, New Monaca, PA 15061) on September 21, 2017, to allow the installation and operation of six nonroad diesel-fired engines of various capacities in conjunction with a portable nonmetallic mineral processing plant located in Potter Township, **Beaver County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**GP11-37-350D: Amerikohl Aggregates, Inc., Gardner Mine** (1384 State Route 711, Stahlstown, PA 15687) on September 21, 2017, for the authority to construct a diesel engine (Source 107) and will replace GP11-37-350C (BAQ-GPS/GP11) located at their facility in Wayne Township, **Lawrence County**.

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**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.*

**23-0003AB: Monroe Energy, LLC** (4101 Post Road, Trainer, PA 19061) On September 22, 2017 for a minor modification to this plan approval to memorialize Emission Reduction Credits (ERCs) purchased and approved for use in the ultra-low sulfur gasoline and crude rate throughput increase project in Trainer Borough, **Delaware County**.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**21-05026C: Carlisle SynTec Inc.** (PO Box 7000, Carlisle, PA 17013) on September 20, 2017, for the construction of a de-vulcanization process to recycle sheet roofing material from the manufacturing process at the facility in Carlisle Borough, **Cumberland County**. The plan approval was extended.

**01-05033B: Knouse Foods Cooperative, Inc.** (800 Peach Glen-Idaville Road, Peach Glen, PA 17307) on September 18, 2017, for construction of a combined heat and power (CHP) project to include an anaerobic digester, combustion flare, IC engine/generator set and catalytic oxidizer at the Peach Glen facility in Huntington Township, **Adams County**. The plan approval was extended.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648.*

**08-00052A: REV LNG SSL BC, LLC** (1005 Empson Road, Ulysses, PA 16948) on September 15, 2017, to extend the plan approval expiration date to April 16, 2018 to allow completion of construction of several sources for the production of liquefied natural gas at the proposed Clark Facility in Herrick Township, **Bradford County**.

**47-309-001A: United States Gypsum Company** (60 PPL Road, Danville, PA 17821) extended the authorization an additional 180 days from August 30, 2017 to February 26, 2018, to allow continued operation of the synthetic gypsum truck and railcar unloading operations located at the US Gypsum/Washingtonville Plant facility in Derry Township, **Montour County** pending issuance of the initial Title V operating permit.

**59-00008C: Tennessee Gas Pipeline Company, LLC** (1001 Louisiana Street, Suite 1000, Houston, TX 77002) extended the authorization an additional 180 days from September 5, 2017 to March 4, 2018, to allow continued operation of the compressor turbine (Source P101B) pending issuance of an operating permit. The source is located at the TGP/Wellsboro Station 315 facility located in Charleston Township, **Tioga County**.

**17-00070A: Baronick Funeral Home & Crematorium, Inc.** (211 South Main Street, DuBois, PA 15801) extended the authorization an additional 180 days from September 18, 2017 to March 17, 2018, to allow continued operation of the Matthews crematory (Source 001) pending issuance of an operating permit. The source is located at their facility in DuBois City, **Clearfield County**.

**08-00001A: Tennessee Gas Pipeline Company, LLC** (1001 Louisiana Street, Suite 1000, Houston, TX 77002) extended the authorization an additional 180 days from September 29, 2017 to March 28, 2018, to allow continued operation of the emergency generator engine pending issuance of an operating permit for the source. The source is located at the TGP/Wyalusing Station 319 facility in Wyalusing Township, **Bradford County**.

**47-309-001: United States Gypsum Company** (60 PPL Road, Danville, PA 17821) extended the authorization an additional 180 days from October 23, 2017 to April 21, 2018, to allow continued operation of the gypsum manufacturing operations located at the US Gypsum/Washingtonville Plant facility in Derry Township, **Montour County** pending issuance of the initial Title V operating permit.

**47-00014C: United States Gypsum Company** (60 PPL Road, Danville, PA 17821) extended the authorization an additional 180 days from November 8, 2017 to May 7, 2018, to permit completion of the evaluation of compliance for the board kiln dryer. The source is located at the US Gypsum/Washingtonville Plant facility in Derry Township, **Montour County**.

**47-00014B: United States Gypsum Company** (60 PPL Road, Danville, PA 17821) extended the authorization an additional 180 days from November 15, 2017 to May 14, 2018, to permit completion of the evaluation of compliance for the board kiln dryer. The source is located at the US Gypsum/Washingtonville Plant facility in Derry Township, **Montour County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.

**43-363B: Pennex Aluminum Company** (93 Werner Road, Greenville, PA 16125-9499) on September 19, 2017, effective September 30, 2017, will issue a plan approval extension for the reclassification of source 103 (# 1 Melting Furnace, 20 MMBtu/hr, Group 2) from a Group 2 furnace to a Group 1 furnace in accordance with 40 CFR Part 63, Subpart RRRR. This facility is located in Sugar Grove Township, **Mercer County**.

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**Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

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*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648.

**18-00030: First Quality Tissue, LLC** (904 Woods Avenue, Lock Haven, PA 17745-3348) on September 19, 2017, issued a revised Title V operating permit for their facility located in Castanea Township, **Clinton County**, to incorporate the terms and conditions of plan approval 18-00030A. The Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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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: Norman Frederick, P.E., Environmental Engineer Manager—Telephone: 570-826-2409.

**40-00083: Multi-Plastics Extrusions, Inc.** (600 Dietrich Avenue, Hazleton, PA 18201-7754) issued on 9/19/17, a State-Only (Natural Minor) Operating Permit for operation of their plastics material and resin manufacturing operation located in the City of Hazleton, **Luzerne County**. The sources at the facility include polystyrene and polyethylene terephthalate extrusion lines, emergency generators, and styrene and ethylbenzene storage tanks. The sources are controlled by cyclones and a thermal oxidizer. The 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.

**45-00026: Hanson Aggregates Pennsylvania LLC—Stroudsburg HMA Plant** (7660 Imperial Way, Allentown, PA 18195-1040) issued on 9/19/17, a State-Only (Synthetic Minor) Operating Permit renewal for operation of an asphalt paving mixture and block manufacturing operation in Hamilton Township, **Monroe County**. The sources include a hot mix asphalt plant, one hot oil heaters, and a reclaimed asphalt paving facility. The emissions are controlled by a knockout box and baghouse. The operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

**64-00018: Lake Region Crematorium, LLC** (143 Gravity Road, Lake Ariel, PA 18436) issued on 9/20/17, a State-Only (Natural Minor) Operating Permit for operation of a funeral services and crematories operation in Lake Township, **Wayne County**. The facility operates one

incinerator. The operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

**40-00070: Berwick Offray LLC, Berwick Plant** (2015 W Front Street, Berwick, PA 18603-4102). On September 20, 2017, the Department issued a renewal State-Only Synthetic Minor Permit for the manufacturing of commercial printing and gravure facility located in Berwick, **Luzerne County**. The main sources at this facility consists of extrusion lines and presses. The sources are considered a minor emission source 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 Elmerton Avenue, Harrisburg, PA 17110.*

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

**36-05149: Burle Business Park LP** (1004 New Holland Avenue, Lancaster, PA 17601-5606) on September 30, 2017, for the boilers and engines at the business park located in Lancaster City, **Lancaster 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.

**56-00145: Berlin Brothers Valley School District** (1025 Main Street, Berlin, PA 15530-1498) State Only Operating Permit renewal issuance date effective September 19, 2017, for their Elementary and Secondary Schools located in Berlin Borough, **Somerset County**.

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**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

**36-05015: Dart Container Corp. of PA** (60 E. Main Street, PO Box 546, Leola, PA 17540-0546) on September 13, 2017, for the expandable polystyrene foam container manufacturing facility located in Upper Leacock Township, **Lancaster County**. The Title V permit was administratively amended in order to incorporate the requirements of Plan Approval No. 36-05015F.

**67-05098: Kinsley Construction, Inc.** (PO Box 2886, York, PA 17405-2886) on September 20, 2017, for the mineral filler plant located in West Manchester Township, **York County**. The State-only permit was administratively amended in order to incorporate the requirements of Plan Approval No. 67-05098C.

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**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.*

**TV-26-00495: Allegheny Energy Supply Co., LLC** (800 Cabin Hill Drive, Greensburg, PA 15601).

Per 25 Pa. Code § 127.449(i), this Notice is for the following de minimis emission increase at the Allegheny Energy Supply Co., LLC, Gans Power Station, located in Springhill Township, **Fayette County**: Project to replace and commission the automatic voltage regulators on Units 8 and 9. Total NO<sub>x</sub> emissions from this project are not expected to exceed 0.03 ton.

The list of de minimis increases for this facility includes only this project.

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**Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act and 25 Pa. Code §§ 127.431 and 127.461.**

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*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**10-00388: Thousand Hills LLC/Butler** (2 Springs Drive, Cranberry Township, PA 16066-4078) on September 25, 2017, the permit was revoked for the facility located in Muddycreek Township, **Butler County**. This State Operating Permit was revoked because the facility no longer operates the crematory at this site.

**42-00221: McKean County Joint Venture** (71 Main Street, Bradford, PA 16701). The Department revoked the State Only Operating Permit for the Hedgehog Compressor Station in Bradford Township, **McKean County**, on September 25, 2017. Operations ceased and the compressor was removed from the site in 2016. No maintenance plan was submitted to the Department in accordance with 25 Pa. Code § 127.215; therefore, a plan approval would be required to re-commence operations at the site.

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a).** The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P.S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1002).

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*Coal Permits Issued*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.*

**63091301 and NPDES No. PA0236004 A-1. Tunnel Ridge, LLC**, (2596 Battle Run Road, Triadelphia, WV 26059). To revise the permit for the Tunnel Ridge Mine in Donegal Township, **Washington County** and related NPDES Permit to construct an airshaft site and add NPDES Outfall 001. Surface Acres Proposed 9.38. Receiving Stream: UNT Middle Wheeling Creek, classified for the following use: WWF. The application was considered administratively complete on June 8, 2017. Application received April 25, 2017. Permit issued September 15, 2017.

**17041301 and NPDES No. PA0235628 and GP12-17041301-R9. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To renew the permit for the Penfield Mine in Huston Township, **Clearfield County**. Approval is authorized under General Permit BAQ-GPA/GP12 and is required to meet all applicable limitations, terms, and conditions of authorization GP12-17041301-R9. No additional discharges. The application was considered administratively complete on July 2, 2015. Application received March 13, 2015. Permit issued September 15, 2017.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.*

**Permit No. 32820134 and NPDES No. PA 0606154, MB Energy Inc.**, 175 McKnight Road, Blairsville, PA 15717, transfer of an existing bituminous surface mine from Arcadia Co., Inc., 175 McKnight Road, Blairsville, PA 15717, located in Grant, Banks, Canoe & Montgomery Townships, **Indiana County**, affecting 1,166 acres. Receiving streams: unnamed tributaries to/and Little Mahoning Creek, unnamed tributary to Cush Creek classified for the following use: high quality—cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 8, 2017. Permit issued: September 20, 2017.

**Permit No. 56070102. Wilson Creek Energy, LLC**, P.O. Box 260, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface mine in Lincoln Township, **Somerset County** affecting 24.8 acres. Receiving stream: Quemahoning Creek, classified for the following use: cold water fishes. The first downstream potable water supply intake from the point of discharge is Greater Johnstown Water Authority. Application received: July 31, 2017. Permit issued: September 22, 2017.

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.*

**10120101. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Renewal of an existing bituminous surface mine in Clearfield Township, **Butler County**, affecting 73.2 acres. Receiving streams: Unnamed tributaries to Buffalo Creek and unnamed tributaries to Buffalo Run. This renewal is issued for reclamation only. Application received: August 21, 2017. Permit Issued: September 19, 2017.

**61130101 and NPDES Permit No. PA0259462. Hill-side Stone, LLC** (228 Georgetown Road, Hadley, PA 16130) Transfer of an existing bituminous surface mine and associated NPDES permit from K & A Mining in Irwin Township, **Venango County**, affecting 52.0 acres. Receiving streams: Unnamed tributary to Scrubgrass Creek. Application received: December 2, 2016. Permit Issued: September 19, 2017.

**61110103 and NPDES Permit No. PA0259462. PA0259462. Hillside Stone, LLC** (228 Georgetown Road, Hadley, PA 16130) Transfer of an existing bituminous surface mine and associated NPDES permit from K & A Mining in Irwin Township, **Venango County**, affecting 73.9 acres. Receiving streams: Unnamed tributary to Scrubgrass Creek. Application received: December 2, 2016. Permit Issued: September 19, 2017.

*New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.*

**03793072 and NPDES Permit No. PA061237. CONSOL Mining Company, LLC** (CNX Center, 1000 Consol Energy Drive, Canonsburg, PA 15317). Permit renewal issued for continued treatment to an existing bituminous surface mine, and revision permit issued for a modification to the monitoring plan located in Kiskiminetas and Young Townships, **Armstrong and Indiana Counties**, affecting 302.0 acres. Receiving streams: unnamed tributary to Big Run and unnamed tributary to Long Run. Application received: April 6, 2015. Renewal permit issued: September 19, 2017.

**26080104 and NPDES Permit No. PA0251453. Steve Patterson Excavating** (170 Yasenosky Road, Smithfield, PA 15478). Permit renewal issued for continued mining to an existing bituminous surface mine, located in Dunbar Township, **Fayette County**, affecting 88.2 acres. Receiving streams: unnamed tributaries "A" and "B" to Gist Run. Application received: October 29, 2015. Renewal permit issued: September 19, 2017.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**Permit No. 35970201R4. APHC II, Inc.**, (148 Adams Avenue, Scranton, PA 18503), renewal of an existing anthracite coal refuse reprocessing operation in the City of Scranton, **Lackawanna County** affecting 26.8 acres, receiving stream: Lackawanna River. Application received: June 12, 2017. Renewal issued: September 21, 2017.

**Permit No. PAM113001R. APHC II, Inc.**, (148 Adams Avenue, Scranton, PA 18503), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 35970201 in the City of Scranton, **Lackawanna County**, receiving stream: Lackawanna River. Application received: June 12, 2017. Renewed issued: September 21, 2017.

**Permit No. 54851305C5. S & J Coal Mine**, (15 Motter Drive, Pine Grove, PA 17963), correction of an existing anthracite underground mine operation in Cass Township, **Schuylkill County** to add 2.0 acres for a total of 19.0 subsurface acres and 1.7 surface acre, receiving stream: West Branch Schuylkill River. Application received: June 29, 2017. Correction issued: September 22, 2017.

**Permit No. PAM112053C. S & J Coal Mine**, (15 Motter Drive, Pine Grove, PA 17963), correction of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Underground Mining Permit No. 54851305 in Cass Township, **Schuylkill County**, receiving stream: West Branch Schuylkill River. Application received: June 29, 2017. Correction issued: September 22, 2017.

#### *Noncoal Permits Issued*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.*

**PAM417014-GP104. Leonard W. Yenzi**, P.O. Box 62, Anita, PA 15711. General NPDES Permit for stormwater discharges associated with mining activities on Noncoal Permit No. 32080801, located in Cherryhill Township, **Indiana County**. Receiving stream: Unnamed Tributary to Two Lick Creek, classified for the following use: cold water fishes. There are no potable water supplies located within 10 miles downstream. Notice of Intent for Coverage received: August 24, 2017. Coverage Approved: September 15, 2017.

**Permit No. 28110301 and NPDES Permit No. PA0263176, David H. Martin Excavating, Inc.**, 4961 Cumberland Highway, Chambersburg, PA 17201, renewal of NPDES permit, Antrim Township, **Franklin County**. Receiving stream: unnamed tributaries to East Branch of the Conococheague Creek classified for the following use: warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: July 26, 2017. Permit issued: September 21, 2017.

**PAM417017-GP104. Scott's Hauling & Excavating, Inc.**, 1462 North Franklin Street, Chambersburg, PA 17202. General NPDES Permit for stormwater discharges associated with mining activities on Noncoal Permit No. 28060801 located in St. Thomas Township, **Franklin County**. Receiving stream: Unnamed Tributary to Campbell Run, classified for the following uses: cold water fishes, migratory fishes. There are no potable water supplies located within 10 miles downstream. Notice of Intent for Coverage received: September 5, 2017. Coverage Approved: September 22, 2017.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**Permit No. 58152803. Thomas J. Bolles**, (943 Gontarski Road, Hallstead, PA 18822), commencement, operation and restoration of a quarry operation in Liberty Township, **Susquehanna County** affecting 5.0 acres, receiving streams: unnamed tributary to Rhiney Creek to Snake Creek. Application received: July 23, 2015. Permit issued: September 20, 2017.

**Permit No. PAM115017. Thomas J. Bolles**, (943 Gontarski Road, Hallstead, PA 18822), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58152803 in Liberty Township, **Susquehanna County**, receiving streams: unnamed tributary to Rhiney Creek to Snake Creek. Application received: July 23, 2015. Permit issued: September 20, 2017.

**Permit No. 58170806. C. Thomas Chilewski, Jr.**, (P.O. Box 88, Susquehanna, PA 18847), commencement, operation and restoration of a quarry operation in Jackson Township, **Susquehanna County** affecting 5.0 acres, receiving stream: Drinker Creek. Application received: April 13, 2017. Permit issued: September 20, 2017.

**Permit No. PAM117013. C. Thomas Chilewski, Jr.**, (P.O. Box 88, Susquehanna, PA 18847), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58170806 in Jackson Township, **Susquehanna County**, receiving stream: Drinker Creek. Application received: April 13, 2017. Permit issued: September 20, 2017.

**Permit No. 45172801. Lehigh Cement Company, LLC**, (7660 Imperial Way, Allentown, PA 18195), commencement, operation and restoration of a quarry operation in Ross Township, **Monroe County** affecting 5.0 acres, receiving stream: Buckwha Creek. Application received: July 3, 2017. Permit issued: September 25, 2017.

**Permit No. PAM117029. Lehigh Cement Company, LLC**, (7660 Imperial Way, Allentown, PA 18195), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 45172801 in Ross Township, **Monroe County**, receiving stream: Buckwha Creek. Application received: July 3, 2017. Permit issued: September 25, 2017.

**Permit No. 06920301C4 and NPDES Permit No. PA0595641. Martin Limestone Quarries, Inc.**, (1355 North Reading Avenue, Bechtelsville, PA 19505), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Washington Township, **Berks County**, receiving stream: unnamed tributary to Swamp Creek. Application received: April 4, 2014. Renewal issued: September 25, 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.*

**08174107. M & J Explosives LLC** (P.O. Box 1248, Carlisle, PA 17013-6248). Blasting for well pad in Overton Township, **Bradford County** with expiration date of September 2, 2018. Permit issued: September 19, 2017.

**14174109. Douglas Explosives Inc.** (2052 Philipsburg Bigler Hwy, Philipsburg, PA 16866-8116). Blasting for residential development in Spring Township, **Centre County** with an expiration date of September 1, 2018. Permit issued: September 19, 2017.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**Permit No. 19174102. Dykon Blasting Corp.**, (8120 West 81st Street, Tulsa, OK 74131), construction blasting for Atlantic Sunrise Pipeline Project Spread 4 in the Town of Bloomsburg, **Columbia County** with an expiration date of May 1, 2018. Permit issued: September 20, 2017.

**Permit No. 23174105. M & J Explosives, LLC**, (P.O. Box 1248, Carlisle, PA 17013), construction blasting for Lena Pe Development in Chester Heights Borough, **Delaware County** with an expiration date of September 15, 2018. Permit issued: September 20, 2017.

**Permit No. 38174118. Maine Drilling & Blasting, Inc.**, (P.O. Box 1140, Gardiner, ME 04345), construction blasting for London Croft in North Londonderry Township, **Lebanon County** with an expiration date of September 14, 2018. Permit issued: September 20, 2017.

**Permit No. 15174104. Brubacher Excavating, Inc.**, (825 Reading Road, Bowmansville, PA 17507), construction blasting for Atwater Village in East Whiteland Township, **Chester County** with an expiration date of September 22, 2018. Permit issued: September 26, 2017.

**Permit No. 36174137. Douglas Explosives, Inc.**, (2052 Philipsburg Bigler Highway, Philipsburg, PA 16866), construction blasting for Traditions of America Lititz Phase 5 in Warwick Township, **Lancaster County** with an expiration date of September 1, 2018. Permit issued: September 26, 2017.

**Permit No. 49174102. Dykon Blasting Corp.**, (8120 West 81st Street, Tulsa, OK 74131), construction blasting for Atlantic Sunrise Pipeline Project Spread 5 in Cleveland, Foster Townships and the City of Shamokin, **Columbia, Northumberland and Schuylkill Counties** with an expiration date of May 1, 2018. Permit issued: September 25, 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

*Southeast Region: Waterway and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900.*

**E46-1150: Hatfield Township**, 1950 School Road, Hatfield, PA 19440-1992, Hatfield Township, **Montgomery County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities within the floodway/floodplain of the Unionville Tributary to West Branch Neshaminy Creek (WWF, MF), and the wetlands (PFO) associated with the Township's (Township) trail network. (Total wetland impact will be 0.0271 AC).

1. To maintain three existing culverts including their outfalls to the creek.

2. To remove the existing trail over the wetlands at two locations and replace both with 10-foot wide board walks of approximate size 145 and 45 linear feet.

3. To construct and maintain a 10-stepping stone pedestrian stream crossing. Stepping stones are concrete, 16-inches wide, 16-inches long, 1.5 feet apart, and about 0.4 feet above the normal water surface level.

The site is located at about 400 feet northwest of the intersection of Line Lexington Road and Valley Woods Road (USGS Telford, PA Quadrangle Latitude 40.280490; Longitude -75.270504).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

**E51-277. City of Philadelphia and John Bartram Association**, 54th Street and Lindbergh Boulevard, Philadelphia, PA 19030, Philadelphia City, **Philadelphia County**, ACOE Philadelphia District.

To construct and maintain 100-foot-long by 24-foot-wide small vessel dock situated at west of the existing large vessel dock (refer Permit E51-195) along the Schuylkill River (WWF-MF) associated with the public boat access to Bartram's Garden. The project also includes the minor rehabilitation of the existing dock, including the access ramp.

The site is located at about 500 feet southeast of Wheeler Avenue and 53rd Street (Philadelphia, PA USGS Quadrangle Latitude: 39.933271; Longitude: -75.208391).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

**E09-991. McDonald's USA, LLC**, 801 Lakeview Drive, Suite 302, Blue Bell, PA 19422, Milford Township, **Bucks County**, ACOE Philadelphia District.

To construct and maintain a commercial facility (Fast Food Restaurant—McDonalds) associated with a parking lot impacting 0.2 acre of wetland.

The site is located near the intersection of John Fries Highway, S.R. 663 & AM Drive (Milford Square, PA USGS Map; Latitude: 404358; Longitude -75.181).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E22-634: Dauphin County Parks and Recreation**, 100 Fort Hunter Road, Harrisburg PA 17110 in Susquehanna Township, City of Harrisburg and Paxtang Borough, **Dauphin County**, U.S. Army Corps of Engineers Baltimore District.

To construct and maintain a stream restoration project including enhancement structures, and bank stabilization along approximately 4,084 of stream reach to address storage capacity and potential infrastructure issues. The project involves 4 separate work sites, three of which occur in the stream channel and work within the floodway of an unnamed tributary to Spring Creek (CWF, MF) (LKA Parkway Creek) and a separate location that does not include in-stream work. The project permanently impacts 0.002 of an acre of wetland. Stream impacts include 816 and 152 linear feet of permanent and temporary impacts, respectively. The project is located in Susquehanna Township, the City of Harrisburg, and Paxtang Borough, Dauphin County (Latitude 40°16'23", Longitude -76°50'33", Latitude 40°16'5", Longitude -76°50'10", Latitude 40°15'58", Longitude -76°50'9", Latitude 40°16'20", Longitude -76°50'30"). Wetland impacts are de minimis and replacement is not required.

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Dana Drake, Waterways and Wetlands Program Manager, 412-442-4000.*

**E02-1769, Cavalier Land Partners, L.P.**, 2585 Washington Road, Building 100, Suite 130, Pittsburgh, PA 15241, Pine Township, **Allegheny County**, Pittsburgh ACOE District.

Has been given consent to:

1. Construct and maintain 58' of a 36" culvert in an unnamed tributary (UNT) to Breakneck Creek (WWF),
2. Construct and maintain 53' of a 48" culvert in the aforementioned UNT,
3. Construct and maintain 47' of a 36" culvert in the aforementioned tributary;

For the purpose of constructing a walking trail; and

4. Construct and maintain 24" sewer pipe which will impact approximately 50' of the aforementioned UNT,
5. Place and maintain fill in approximately 0.07 acre of PEM wetland;

For the purpose of constructing an access road and building lots, in association with the Laurel Grove residential development. This project will also permanently impact 0.48 acre of floodway. The project is located at the intersection of Babcock Boulevard and Bakerstown-Warrendale Road (Mars, PA USGS Topographic Quadrangle; Latitude: 40° 39' 42"; Longitude: -80° 0' 32"; USACE: Pittsburgh District; Sub-basin 20C), In Pine Township, Allegheny County.

*Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335.*

**E16-08-003, Laurel Mountain Productions, LLC**, 61 McMurray Rd., Suite 300, Pittsburgh, PA 15241. Allegheny River Water Withdrawal Pad, **Clarion County**, ACOE Pittsburgh District (Parker, PA Quadrangle N: 41° 3', 40"; W: -79°, 39', 29").

To construct and maintain an approximately 0.07-acre gravel pad and access road within the floodway of the Allegheny River (WWF) to provide a staging location for pumping units and access to the river. The applicant also proposes to construct a permanent 50 foot long prefabricated bridge and aerial waterline over a UNT to the Allegheny River(WWF) that has approximately 0.01 acre of permanent impact to the floodway.

For more detailed information regarding the Clarion County Chapter 105 permit application related to this

proposed project, which is available in the DEP regional office, please contact Craig Lobins at 814-332-6855 to request a file review.

#### ENVIRONMENTAL ASSESSMENT

*Cambria District: Contact Person: Patrick M. Webb, 286 Industrial Park Road, Ebensburg, PA 15931-4119.*

**EA1009-020. Pennsylvania Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Venango Township, **Butler County**, Pittsburgh ACOE District.

The applicant will backfill four dangerous highwalls that total 7,100 linear feet in length and vary from 25—50 feet high. Three non-discharging trapped surface stormwater runoff areas will be drained and filled in with adjacent mine spoil material within the dangerous highwall areas. The three non-discharging trapped surface stormwater runoff areas total 0.83 acre. There are no associated wetlands on site due to mine spoil and steep to vertical topography.

(Eau Claire Quadrangle 41° 08' 32" N, 79° 51' 2 8" W).

**EA3209-003. Pennsylvania Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Road,

Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Young Township, **Indiana County**, Pittsburgh ACOE District.

The applicant will backfill two dangerous highwalls that total 1,500 linear feet in length and vary from 30—60 feet high. One non-discharging trapped surface stormwater runoff area will be drained and filled in with adjacent mine spoil material within the dangerous highwall areas. The non-discharging trapped surface stormwater runoff area totals 0.95 acre. There are no associated wetlands on site due to mine spoil and steep to vertical topography.

(McIntyre Quadrangle 40° 36' 42" N, 79° 19' 55" W).

#### DAM SAFETY

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 2, 400 Market Street, P.O. Box 8460, Harrisburg, PA 17105-8460.*

**D45-039. Stillwater Lakes Civic Association, Inc.** (5144 Hummingbird Drive, Pocono Summit, PA 18346). Permit issued to modify the Summit Lake No. 1 Dam across Red Run (HQ-CWF), 0.25 acre of open water, for the purpose of complying with the Commonwealth's regulations and to obtain a dam permit for the existing dam. (Pocono Pines, PA Quadrangle Latitude: 41.119° N; Longitude: 75.392° W) in Coolbaugh Township, **Monroe County**.

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Dana Drake, Waterways and Wetlands Program Manager, 412-442-4000.*

| <i>ESCGP-2 No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i>     | <i>Municipality</i> | <i>Receiving Water/Use</i>       |
|--------------------|---|-------------------|---------------------|----------------------------------|
| ESG0012515003-1    | MarkWest Liberty Midstream and Resources, LLC<br>4600 J. Barry Court<br>Suite 500<br>Canonsburg, PA 15317 | Washington County | Smith Township      | UNTs to Little Raccoon Run (WWF) |

| <i>ESCGP-2 No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i>       | <i>Municipality</i>  | <i>Receiving Water/Use</i>  |
|--------------------|---|---------------------|--|---|
| ESG0012517005-1    | MarkWest Liberty Midstream and Resources, LLC<br>4600 J. Barry Court<br>Suite 500<br>Canonsburg, PA 15317 | Washington County   | Chartiers Township; Mount Pleasant Township; Smith Township; Robinson Township; Independence Township; Raccoon Township; Potter Township; Findlay Township | Fishpot Run (WWF); UNTs to Raccoon Run (WWF); Raccoon Creek (WWF); Gums Run (WWF); UNTs to Service Creek (WWF); Service Creek (WWF); UNTs to Obney Run (WWF); Obney Run (WWF); Bigger Run (WWF); UNTs to Bigger Run (WWF); Chamberlain Run (WWF); UNTs to Chamberlain Run (WWF); Little Raccoon Run (WWF); UNTs to Little Raccoon Run (WWF); Cherry Run (WWF); UNTs to Cherry Run (WWF); Westland Run (WWF); UNTs to Westland Run (WWF); UNT to Potato Garden Run (WWF) Potato Garden Run (WWF) |
| ESG0012515007-1    | MarkWest Liberty Midstream and Resources, LLC<br>4600 J. Barry Court<br>Suite 500<br>Canonsburg, PA 15317 | Washington County   | Smith Township   | UNTs to Little Raccoon Run (WWF)  |
| ESG0012916002      | Equitrans, LP<br>625 Liberty Avenue<br>Suite 1700<br>Pittsburgh, PA 15222-3114                            | Westmoreland County | Unity Township; Derry Township   | Fourmile Run (TSF); McGee Run (CWF); UNT to McGee Run (CWF); Saxman Run (WWF); UNT to Saxman Run (WWF); Miller Run (HQ-CWF); UNT to Miller Run (HQ-CWF); UNT to Loyalhanna Creek (WWF); Fourmile Run (TSF)  |

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335.*

ESCGP-2 # ESX11-073-0006—Kephart Unit 2019 Renewal  
Applicant R.E. Gas Development, LLC  
Contact Michael T. Endler  
Address 600 Cranberry Woods Drive, Suite 250  
City Cranberry Township State PA Zip Code 1606  
6 County Lawrence Township(s) North Beaver  
Receiving Stream(s) and Classification(s) UNT Hickory Run TSF

ESCGP-2 # ESX12-073-0011—Utica 1  
Applicant Hilcorp Energy Company  
Contact Ms. Stephanie McMurray  
Address 1111 Travis Street  
City Houston State TX Zip Code 77002  
County Lawrence Township(s) North Beaver  
Receiving Stream(s) and Classification(s) UNT Mahoning River

ESCGP-2 # ESG17-083-0002—Potato Creek 1H  
Applicant PA General Energy Co., LLC  
Contact Doug Kuntz  
Address 120 Market Street  
City Warren State PA Zip Code 16365  
County McKean Township Norwich  
Receiving Stream(s) and Classification(s) Colegrove Brook # 70508



Southwest Region: Oil and Gas Management Program Manager 400 Waterfront Drive, Pittsburgh, PA 15222.

**E63-07-011: Huntley & Huntley Energy Exploration, LLC**, 2660 Monroeville Boulevard Monroeville, PA 15146, Plum Borough, Allegheny County, ACOE Pittsburgh District.

Huntley & Huntley Energy Exploration, LLC is constructing a 350-foot by 500-foot natural gas well pad and an associated 0.2 mile long access road off of Coxcomb Hill Road in Plum Borough, Allegheny County. The existing access road at the site will be improved and extended as part of the project.

The project is a Joint Permit Application due to permanently filling in a pond like resource to establish the desired grade for the well pad. The pond like resource was field verified to be .010 acre in size.

Improvements to the existing access road will also permanently impact two palustrine emergent wetlands. This activity is covered under a General Permit 07: Minor Road Crossing.

| Resources                               | Latitude/Longitude                     | Area of Impact |                      |
|---|--|----------------|----------------------|
| Pond Resource                           | Lat: N 40.531851,<br>Long: W 79.766773 | Permanent      | 444 ft <sup>2</sup>  |
| Wetland 3B<br>Palustrine Emergent (PEM) | Lat: N 40.530741,<br>Long: W 79.770183 | Permanent      | 147 ft <sup>2</sup>  |
| Wetland 3C<br>Palustrine Emergent (PEM) | Lat: N 40.530591,<br>Long: W 79.770109 | Permanent      | 1359 ft <sup>2</sup> |

### SPECIAL NOTICES

**Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen and Volatile Organic Compounds, Renewal of the Title V Operating Permit, and Notice of Public Hearing for the Revised Air Quality Operating Permit # 25-00025**

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.

In accordance with 25 Pa. Code §§ 129.96—129.100, the Department of Environmental Protection (Department) has made a preliminary determination to approve an alternate Reasonably Available Control Technology (RACT II) plan and seeks approval of an amendment to the State Implementation Plan (SIP) for **GE Transportation** for the facility in Lawrence Park Township, **Erie County**. And in accordance with 25 Pa. Code § 127.521, the Department of Environmental Protection intends to re-issue a Title V Operating Permit for the facility. The facility is located at 2901 East Lake Road, Erie, PA 16531. The facility’s representative to contact concerning this application is Mr. James Verderese, Environmental Manager. His phone number is 814-875-5973.

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 finally approved, will be incorporated into the revised operating permit (25-00025) 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 SIP 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; this includes the provisions of the Department’s presumptive RACT II requirements in accordance with 25 Pa. Code § 129.97, as they apply to existing sources at this facility.

The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to its potential to emit NO<sub>x</sub>, VOCs, CO, and HAPs. The facility is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

The facility’s major emission sources include 4 natural gas fueled boilers (3 rated at 98.6 million Btu/hr each and 1 rated at 95 million Btu/hr), paint booths, varnish application systems, vacuum pressure impregnation systems, 10 engine test cells, machining and grinding operations, 5 diesel fueled emergency generators rated between 230 hp—755 hp, and 20 natural gas fueled emergency generators rated between 15 kW and 100 kW. The facility is subject to the following NSPS of 40 CFR Part 60: Subpart Dc for Small ICI Steam Generating Units, Subpart IIII for Stationary CI ICE, and Subpart JJJJ for Stationary SI ICE. The facility is also subject to the following NESHAPs of 40 CFR Part 63: Subpart MMMM for Surface Coating of Miscellaneous Metal Parts and Products, Subpart ZZZZ for Stationary Reciprocating Internal Combustion Engines, and Subpart DDDDD for Major Source ICI Boilers and Process Heaters. And the facility is subject to the following Protection of Stratospheric Ozone regulations of 40 CFR Part 82: Subpart F for Recycling and Emissions Reduction and Subpart H for Halon Emissions Reduction.

The following is a summary of the proposed amendments to the RACT II determination for this facility that will be submitted to the EPA as a SIP revision:

| Source  | RACT II Requirement   |
|---|---|
| Bldg 4E Test Cell # 1, Source 359:                      | • Fuel consumption limited to 11,000,000 gallons per year.  |
| Engine Test Lab, Test Cells B-G (Bldg 18E), Source 372: | • NO <sub>x</sub> emissions limited to 214 tpy for each full engine test cell and 214 tpy for the single cylinder test cell.<br>• Fuel consumption limited to 1,100,000 gallons per year. |

*Public hearing.* If requested, a public hearing will be held at 10 a.m. on November 8, 2017, to accept oral comments on the proposed operating permit revision and the proposed SIP revision. The hearing will be held, if requested, at the DEP Northwest Regional Office, 230

Chestnut Street, Meadville, PA 16335. To request a hearing, to register to speak at a hearing, or to inquire if a hearing will be held, please contact Melanie Williams at 814-332-6615. The last day to pre-register to speak at a hearing, if one is held, will be November 1, 2017. If we do not receive any pre-registered speakers by this date, the hearing will be cancelled.

Updates made to any aspect of the hearing, including whether or not a hearing will be held, will be posted online at <http://www.dep.pa.gov/About/Regional/NorthwestRegion/Community-Information/Pages/RACT-II.aspx>.

Contact Melanie Williams, Environmental Community Relations Specialist at 814-332-6615 or monitor the Department's web site to determine if a hearing will be held.

Persons wishing to present testimony at the hearing should contact Melanie Williams 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 2 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 3 copies of a written statement and exhibits within 10 days thereafter to Eric A. Gustafson, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335.

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 Eric A. Gustafson, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. A 30-day comment period from October 7, 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 permit number 25-00025 and concise statements regarding the relevancy of the information or objections to issuance of the permit or the proposed RACT II Plan.

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the DEP Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Appointments for scheduling a review may be made by calling the Department at 814-332-6078.

Persons with a disability who wish to comment and require an auxiliary aid, service, or other accommodations to do so should contact Virginia Cain, Environmental Community Relations Specialist, at 484-250-5808 or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

[Pa.B. Doc. No. 17-1672. Filed for public inspection October 6, 2017, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facility (ASF) has filed a request for exception under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following request for exception relates to regulations governing ASF licensure in 28 Pa. Code Chapters 51 and 551—571 (relating to general information; and ambulatory surgical facilities).

| <i>Facility Name</i>    | <i>Regulation</i>   |
|-------------------------|---|
| Einstein Surgery Center | 28 Pa. Code § 553.31(a) (relating to administrative responsibilities) |

This previously listed request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@pa.gov](mailto:ra-paexcept@pa.gov). Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,  
*Acting Secretary*

[Pa.B. Doc. No. 17-1673. Filed for public inspection October 6, 2017, 9:00 a.m.]

## Hospitals; Requests for Exceptions

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals), with the exception of 28 Pa. Code § 153.1 (relating to minimum standards). Exception requests related to 28 Pa. Code § 153.1 are listed separately in this notice.

| <i>Facility Name</i>                              | <i>Regulation</i>  |
|---|--|
| Geisinger Community Medical Center                | 28 Pa. Code § 107.26(b)(3) (relating to additional committees) |
| TGCH, Inc., d/b/a Washington Health System Greene | 28 Pa. Code § 107.61 (relating to written orders)              |
| St. Mary Medical Center                           | 28 Pa. Code § 107.61   |
| Washington Hospital                               | 28 Pa. Code § 107.61   |
| UPMC Pinnacle Hospitals                           | 28 Pa. Code § 133.21 (relating to facilities)                  |
|   | 28 Pa. Code § 133.31 (relating to policies and procedures)     |
| Geisinger Bloomsburg Hospital                     | 28 Pa. Code § 146.1(a) (relating to principle)                 |

The following hospitals are requesting exceptions under 28 Pa. Code § 153.1. Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities (Guidelines)*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception, as well as the publication year of the applicable *Guidelines*.

| <i>Facility Name</i>  | <i>Guidelines Section</i> | <i>Relating to</i>  | <i>Publication Year</i> |
|---|---------------------------|---|-------------------------|
| Chester County Hospital   | 2.2-2.10.2.2(1)(a)        | Area (space requirements)   | 2014                    |
|   | 2.2-2.10.2.2(3)(a)        | Clearances (space requirements)   | 2014                    |
|   | 2.2-2.10.2.2(3)(b)        | Clearances (space requirements)   | 2014                    |
|   | 2.2-2.10.4.2              | Airborne infection isolation rooms (AII)                                | 2014                    |
|   | 2.2-2.10.8.2              | Parent/infant rooms   | 2014                    |
|   | Table 2.1-1 (2-2-2.10.2)  | Electrical receptacles for patient care areas in hospitals              | 2014                    |
|   | Table 2.1-4 (2.2-2.10)    | Station outlets for oxygen, vacuum and medical air systems in hospitals | 2014                    |
| Children's Hospital of Philadelphia                                   | 2.2-3.1.4.3(b)(c)         | Secure holding rooms  | 2014                    |
|   | 2.7-2.2.2.6               | Patient toilet rooms  | 2014                    |
| Geisinger Medical Center  | 2.1-3.2.2.1(1)            | Area (space requirements)   | 2014                    |
|   | 2.5-3.4.2.2               | ECT procedure rooms   | 2014                    |
| Magee Womens Hospital of UPMC Health System                           | 2.1-2.6.7.2(4)            | Microwave (nourishment area or rooms)                                   | 2014                    |
|   | 2.2-3.12.2.2(1)           | Area (space requirements)   | 2014                    |
| Penn Highlands Clearfield   | 3.1-3.2.2.3               | Hand-washing stations (examination/observation rooms)                   | 2014                    |
|   | 3.1-3.6.5.2(1) and (2)    | Design requirements (hand-washing stations)                             | 2014                    |
| Pennsylvania Hospital of the University of Pennsylvania Health System | 2.1-8.5.3.2               | Size (TDRs)   | 2014                    |
| Saint Vincent Health System, d/b/a Saint Vincent Hospital             | 2.1-8.5.3.2               | Size (TDRs)   | 2014                    |
|   | 2.2-2.16.2.6(1) and (2)   | Toilet Rooms  | 2014                    |
| Sharon Regional Health System   | 2.2-2.16.2.2              | Clearances (space requirements)   | 2014                    |
| Thomas Jefferson University Hospitals (Jefferson Dermatology)         | 3.1-3.2.2.2(1)            | Area (space requirements)   | 2014                    |
|   | 3.1-3.2.2.2(2)            | Clearance (space requirements)  | 2014                    |

All previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,  
*Acting Secretary*

[Pa.B. Doc. No. 17-1674. Filed for public inspection October 6, 2017, 9:00 a.m.]

### **Pennsylvania Achieving Better Care by Monitoring All Prescriptions Board Meeting**

The Pennsylvania Achieving Better Care by Monitoring All Prescriptions Board, established under the Achieving Better Care by Monitoring All Prescriptions Program (ABC-MAP) Act (35 P.S. §§ 872.1—872.40), will hold its next meeting on Tuesday, October 24, 2017, at 1 p.m. in Room 129, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120. Items to be discussed at the meeting include program status updates, and current and upcoming activities.

For additional information or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact the Administrative Assistant of Prescription Drug Monitoring Program Office, Department of Health, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 547-3309, for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

This meeting is subject to cancellation without notice.

RACHEL L. LEVINE, MD,  
*Acting Secretary*

[Pa.B. Doc. No. 17-1675. Filed for public inspection October 6, 2017, 9:00 a.m.]

### **Temporary Waiver for a Disaster Impacting the Ability of Children Transferring into a School to Provide Immunization Records**

Under 28 Pa. Code § 23.85(h)(2) (relating to responsibilities of schools and school administrators) the Acting Secretary of Health (Secretary) is issuing a temporary waiver of the school immunization requirements in 28 Pa. Code Chapter 23, Subchapter C (relating to immunization). Section 23.85(h)(2) of 28 Pa. Code allows the Acting Secretary to issue a temporary waiver of the regulatory requirements in the event of a disaster impacting the ability of children transferring into a school to provide immunization records. Effective upon publication of this notice, the Acting Secretary has determined that a child unable to provide the necessary immunization records for school attendance due to Hurricane Harvey, Hurricane Irma, Hurricane Jose and Hurricane Maria may request and receive 90 days from the date of the child's admission to a school in this Commonwealth to comply with the immunization requirements for school admission.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact Thomas McCleaf, Director, Division of Immunizations, 625 Forster Street, Room 1026,

Health and Welfare Building, Harrisburg, PA 17120, (717) 787-5681, for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,  
*Acting Secretary*

[Pa.B. Doc. No. 17-1676. Filed for public inspection October 6, 2017, 9:00 a.m.]

## **INSURANCE DEPARTMENT**

### **Application for Renewal of Designation as a Certified Reinsurer**

Arch Reinsurance Company Ltd. has applied for renewal of its designation as a certified reinsurer in this Commonwealth. The application was received on September 25, 2017, and was made under section 319.1(a) of The Insurance Company Law of 1921 (40 P.S. § 442.1(a)) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Kimberly A. Rankin, Director, Bureau of Company Licensing and Financial Analysis, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, [krankin@pa.gov](mailto:krankin@pa.gov). Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 17-1677. Filed for public inspection October 6, 2017, 9:00 a.m.]

### **Application for Renewal of Designation as a Certified Reinsurer**

TransRe London Limited has applied for renewal of its designation as a certified reinsurer in this Commonwealth. The application was received on September 12, 2017, and was made under section 319.1(a) of The Insurance Company Law of 1921 (40 P.S. § 442.1(a)) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Kimberly A. Rankin, Director, Bureau of Company Licensing and Financial Analysis, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, krankin@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 17-1678. Filed for public inspection October 6, 2017, 9:00 a.m.]

arson and insurance fraud, and a confirmation of the insurer's reporting to a criminal law enforcement agency.

5. As the Bureau does not forward referrals to the Department, an insurer's entry of the suspected insurance fraud matter to the Bureau by ISO ClaimSearch or any other information system serving the insurance industry will not satisfy insurer's statutory obligation to report suspected violations to the Department.

Questions regarding this notice may be addressed to the Anti-Fraud Compliance Division, Bureau of Enforcement, Insurance Department, 12th Floor, Strawberry Square, Harrisburg, PA 17120, ra-in-fraud@state.pa.us.

This notice supersedes the notice published at 46 Pa.B. 2251 (April 30, 2016).

JESSICA K. ALTMAN,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 17-1679. Filed for public inspection October 6, 2017, 9:00 a.m.]

## Arson and Insurance Fraud Reporting; Notice 2017-10

This notice is issued to advise and remind insurers of their obligations under Commonwealth law in the reporting of suspected arson and insurance fraud, as well as to advise licensees that they are permitted to file reports of suspected arson or insurance fraud electronically with the National Insurance Crime Bureau (Bureau).

Arson and insurance fraud are recognized in this Commonwealth as serious crimes. Commonwealth law requires insurer reporting of suspected arson (section 3(b)(1) of the Arson Reporting Immunity Act (40 P.S. § 1610.3(b)(1)), suspected automotive insurance fraud (75 Pa.C.S. § 1817 (relating to reporting of insurance fraud)) and suspected viatical fraud (section 10(c) of the Viatical Settlements Act (40 P.S. § 626.10(c)) to a law enforcement agency for consideration of criminal investigation and prosecution. Commonwealth law provides immunity to encourage and protect persons in that reporting. Accordingly, the Insurance Department (Department) releases the following guidance to insurers seeking to meet their statutory obligation for reporting of suspected arson and insurance fraud:

1. Each insurer has the burden of determining through investigation when the probable cause of a fire loss is arson or when a reasonable basis exists to believe that insurance fraud has occurred, is occurring or is to occur.

2. Upon reaching a determination, insurers will, within 30 days, make a written report of the suspected arson or insurance fraud to a Federal, State or local criminal law enforcement agency. Instead of making a written report, insurers are authorized to file reports electronically to the Bureau by ISO ClaimSearch to satisfy their obligations under the law.

3. An insurer's entry of the suspected arson or suspected insurance fraud matter to any other claims database or information system serving the insurance industry will not in and of itself be viewed by the Department as satisfying that insurer's statutory obligation to report suspected arson or insurance fraud to a criminal law enforcement agency.

4. Examination of insurer fraud control programs will include a review of insurer determination of suspected

## PATIENT SAFETY AUTHORITY

### Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. § 1303.303), announces a meeting of the Authority's Board to be held at the Conference Center, Central Penn College, 600 Valley Road, Summerdale, PA 17093 at 10 a.m. on Tuesday, October 17, 2017.

Individuals with questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

REGINA M. HOFFMAN, RN, BSN, MBA, CPPS,  
*Executive Director*

[Pa.B. Doc. No. 17-1680. Filed for public inspection October 6, 2017, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Electric Generation Supplier License Cancellations of Companies with an Expired Financial Security or Insufficient Financial Security Amount

Public Meeting held  
September 21, 2017

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

*Electric Generation Supplier License Cancellations of  
Companies with an Expired Financial Security or  
Insufficient Financial Security Amount; M-2017-2584781*

### Tentative Order

*By the Commission:*

The Commission's regulations at 52 Pa. Code § 54.40(a) state that an Electric Generation Supplier (EGS) license will not be issued or remain in force until the licensee

furnishes a bond or other security approved by the Commission. In addition, 52 Pa. Code § 54.40(d) states that the maintenance of an EGS license is contingent on the licensee providing proof to the Commission that a bond or other approved security in the amount directed by the Commission has been obtained.

Each EGS must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120 prior to the EGS's current security expiration date. Each financial instrument must be an original document that displays a "wet" signature or digital signature, preferable in blue ink, and displays a "raised seal" or original notary stamp. The name of the principal on the original financial instrument must match

exactly with the name that appears on the EGS's license issued by the Commission.

Failure to file before the financial security's expiration date may cause Commission staff to initiate a formal proceeding that may lead to the following: cancellation of each company's electric supplier license, removal of each company's information from the Commission's website and notification to all electric distribution companies, in which each company is licensed to do business, of the cancellation of the license.

As of September 12, 2017, each EGS listed in the Supplier Table below has not provided proof to the Commission that it has a bond or other approved security in the amount directed by the Commission, to replace its expired bond as noted in the table below.

*Supplier Table—List of Electric Generation Suppliers*

| <i>Docket Number</i> | <i>Company Name</i>             | <i>Expired Financial Security Date</i> | <i>Commission Approved Amount</i> |
|----------------------|---------------------------------|--|-----------------------------------|
| A-2010-2200158       | BETTER COST CONTROL, LLC        | September 7, 2017                      | Yes                               |
| A-2013-2387026       | BETTER COST ENERGY, LLC         | September 4, 2017                      | Yes                               |
| A-2012-2337640       | BROADWAY ENERGY SOLUTIONS, INC. | August 29, 2017                        | Yes                               |
| A-2012-2327584*      | ENERGY.ME MIDWEST, LLC          | September 1, 2017                      | Yes                               |
| A-2011-2280772       | ENERPOWER SERVICES, LLC         | September 1, 2017                      | Yes                               |
| A-2015-2507077       | FS ENERGY, LLC                  | August 26, 2017                        | Yes                               |
| A-2011-2220388*      | RESCOM ENERGY, LLC              | September 3, 2017                      | Yes                               |

\*Taking title to electricity

As part of its EGS license validation procedures, the Commission's Bureau of Technical Utility Services sent a 90-day Security Renewal Notice Letter to each entity in the Supplier Table above stating that original documentation of a bond, or other approved security, must be filed within 30 days prior to each entity's security expiration date. None of the companies listed in the Supplier Table provided the required documentation.

Based on the above facts, we tentatively conclude that the EGSs listed in the Supplier Table are not in compliance with 52 Pa. Code § 54.40(a) and (d) and therefore it is appropriate to initiate the cancellation process for each EGS license of each company listed in the Supplier Table, without the necessity of a formal complaint, as being in the public interest; *Therefore,*

*It Is Ordered That:*

1. Cancellation of the Electric Generation Supplier Licenses of each company listed in the Supplier Table is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Bureau of Investigation & Enforcement, Department of Revenue—Bureau of Corporation Taxes, all electric distribution companies, all of the Electric Generation Suppliers in the Supplier Table and

also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. Absent the filing of adverse public comment or the filing of an approved security within 30 days after publication in the *Pennsylvania Bulletin*, the Bureau of Technical Utility Services shall prepare a Final Order for entry by the Secretary.

4. Upon entry of the Final Order described in Ordering Paragraph No. 3 above, each company listed in the Supplier Table will be stricken from all active utility lists maintained by the Commission's Bureau of Technical Utility Services and the Assessment Section of the Bureau of Administration, removed from the Commission's website, and notifications be sent to all electric distribution companies in which the Electric Generation Suppliers are licensed to do business.

5. Upon entry of the Final Order described in Ordering Paragraph No. 3, each electric distribution company in which the Electric Generation Suppliers are licensed to do business, shall return the customers of the Electric Generation Suppliers to default service.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-1681. Filed for public inspection October 6, 2017, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by October 23, 2017. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

#### Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

**A-2017-2624431. Scooter Dudes, LLC, t/a Scooter Dudes** (2 Bridge Avenue, Suite 131, Red Bank, NJ 07701) in experimental service, persons upon call or demand, for tours or private functions, or both, utilizing E-Tuk Limos, between points in the Borough of State College, Centre County, limited to roads with speed limits not exceeding 35 miles per hour.

**A-2017-2625408. Designated Driver, LLC** (108 Jacqueline Drive, Johnstown, Cambria County, PA 15904) persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Cambria and Somerset, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

**A-2017-2625431. 45 Wheels, LLC** (711 North 2nd Street, Suite 2, Harrisburg, Dauphin County, PA 17102) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, from points in Dauphin County, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**A-2017-2625492. Fox Chase Adult Day Care, Inc.** (11990 Dumont Road, Philadelphia, Philadelphia County, PA 19111) for the right to transport as a common carrier, by motor vehicle, persons in paratransit service, from points in Philadelphia County, to points in Pennsylvania, and return.

**A-2017-2626162. Rides Your Way, LLC** (1626 South Broad Street, Philadelphia, PA 19145) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service between points in the Counties of Bucks, Chester, Delaware and Montgomery, and the City and County of Philadelphia.

**A-2017-2626180. Paradise Limo's, LLC** (P.O. Box 387, 101 Creekview Drive, Paradise, Lancaster County, PA 17562) for the right to transport as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in Lancaster County, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**A-2017-2626235. Kate's Karriage, LLC** (25 Skyview Drive, Honey Brook, Lancaster County, PA 19344) for the right to transport as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Berks, Chester and Lancaster, to points in Pennsylvania, and return.

#### Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.

**A-2017-2626359. Ace Relocation Services, LLC** (874 Welsh Road, Ambler, PA 19002) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania.

#### Application of the following for the approval of the transfer of stock as described under the application.

**A-2017-2626378. The Fullington Auto Bus Company** (316 East Cherry Street, P.O. Box 211, Clearfield, Clearfield County, PA 16830) for the approval of the transfer of 53,598 shares of the issued stock, from RATP Dev USA, LLC to The Fullington Auto Bus Company. *Attorney:* David R. Berk, One PPG Place, Suite 3010, Pittsburgh, PA 15222.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-1682. Filed for public inspection October 6, 2017, 9:00 a.m.]

### Transmission Line Project; Prehearing Conference

**A-2017-2625214. Mid-Atlantic Interstate Transmission, LLC.** Mid-Atlantic Interstate Transmission, LLC for approval to locate and construct the Lackawanna-North Meshoppen 230 KV HV transmission line project in Blakely Borough, Archbald Borough, Scott Township, North Abington Township and Benton Township, Lackawanna County; Clinton Township, Nicholson Township, Lemon Township, Washington Township and Meshoppen Township, Wyoming County; and Auburn Township, Susquehanna County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before December 1, 2017. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Pennsylvania Public Utility Commission's (Commission) web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

*Applicant:* Mid-Atlantic Interstate Transmission, LLC

*Through and By Counsel:* Travis M. Turner, Engineer IV, FirstEnergy Service Company, 5001 NASA Boulevard, Fairmont, WV 26554

**Prehearing Conference**

An initial prehearing conference on the previously-captioned case will be held as follows:

*Date:* Wednesday, December 6, 2017

*Time:* 10 a.m.

*Location:* Hearing Room 2  
Plaza Level  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

*Presiding:* Administrative Law Judge David A. Salapa  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
(717) 787-1399  
Fax: (717) 787-0481

Persons with a disability who wish to attend the hearing should contact the Commission to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit a request.

For persons who require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit a request.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-1683. Filed for public inspection October 6, 2017, 9:00 a.m.]

**Water Service**

**A-2017-2626577. Aqua Pennsylvania, Inc.** Application of Aqua Pennsylvania, Inc. for approval of: 1) the right to offer, render, furnish and supply water service to the public in a portion of Chestnuthill Township, Monroe County; and 2) the acquisition by Aqua Pennsylvania, Inc. of a well parcel and well assets in Chestnuthill Township, Monroe County. In addition, request for an appointment of Aqua Pennsylvania, Inc. as receiver to use distribution facilities on an interim basis.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before October 23, 2017. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

*Applicants:* Aqua Pennsylvania, Inc.

*Through and By Counsel:* Thomas T. Niesen, Esq.,  
Thomas, Niesen and Thomas, LLC, 212 Locust Street,  
Suite 600, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-1684. Filed for public inspection October 6, 2017, 9:00 a.m.]