

# PENNSYLVANIA BULLETIN

Volume 47  
Saturday, December 9, 2017 • Harrisburg, PA  
Number 49  
Pages 7413—7546

## Agencies in this issue

The Courts  
Department of Agriculture  
Department of Banking and Securities  
Department of Community and Economic  
Development  
Department of Education  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Revenue  
Department of Transportation  
Environmental Hearing Board  
Fish and Boat Commission  
Independent Regulatory Review Commission  
Insurance Department  
Pennsylvania Public Utility Commission  
State Board of Certified Real Estate Appraisers  
State Board of Nursing  
State Board of Vehicle Manufacturers, Dealers  
and Salespersons  
State Real Estate Commission

Detailed list of contents appears inside.



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

**No. 517, December 2017**

CUT ON DOTTED LINES AND ENCLOSE IN AN ENVELOPE

**CHANGE NOTICE/NEW SUBSCRIPTION**

If information on mailing label is incorrect, please email changes to [info@pabulletin.com](mailto:info@pabulletin.com) or mail to:

FRY COMMUNICATIONS, INC.  
Attn: *Pennsylvania Bulletin*  
800 W. Church Rd.  
Mechanicsburg, PA 17055-3198

CUSTOMER NUMBER (6 digit number above name on mailing label)

NAME OF INDIVIDUAL

OFFICE NAME—TITLE

ADDRESS (Number and Street)

(City) (State) (Zip Code)

TYPE OR PRINT LEGIBLY

**PENNSYLVANIA**



**BULLETIN**

(ISSN 0162-2137)

The *Pennsylvania Bulletin* is published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 641 Main Capitol Building, Harrisburg, Pennsylvania 17120, under the policy supervision and direction of the Joint Committee on Documents under 4 Pa.C.S. Part II (relating to publication and effectiveness of Commonwealth documents). The subscription rate is \$82.00 per year, postpaid to points in the United States. Individual copies are \$2.50. Checks for subscriptions and individual copies should be made payable to "*Fry Communications, Inc.*" Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

FRY COMMUNICATIONS, Inc.  
Attn: *Pennsylvania Bulletin*  
800 West Church Road  
Mechanicsburg, Pennsylvania 17055-3198  
(717) 766-0211 ext. 2340  
(800) 334-1429 ext. 2340 (toll free, out-of-State)  
(800) 524-3232 ext. 2340 (toll free, in State)

Orders for subscriptions and other circulation matters should be sent to:

Fry Communications, Inc.  
Attn: *Pennsylvania Bulletin*  
800 West Church Road  
Mechanicsburg, Pennsylvania 17055-3198

Copyright © 2017 Commonwealth of Pennsylvania

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 West Church Road, Mechanicsburg, Pennsylvania 17055-3198.

# CONTENTS

## THE COURTS

<b>DISCIPLINARY BOARD OF THE SUPREME COURT</b>	
Notice of suspension .....	7451
<b>LOCAL COURT RULES</b>	
<b>Clarion County</b>	
Adoption of local rules regarding public access policy care records of the trial court; No. 1194 CD 2017 .....	7439
<b>Erie County</b>	
Custody hearing officer pilot program, suspension of 1915.4-4, amendment of 1915.4-1(a), 1915.4-3, and 1915.27 and adoption of 1915.4-2 of the rules of civil procedure; doc. No. 90051-17 .....	7440
<b>Franklin County</b>	
Adoption of local rule of judicial administration 200; misc. doc. No. 2017-4415 .....	7443
<b>Fulton County</b>	
Adoption of local rule of judicial administration 200; misc. doc. No. 27-2017 .....	7443
<b>Lawrence County</b>	
Register of wills; O.C. No. 90193/17 ADM .....	7444
<b>Mifflin County</b>	
Local rule 101 of judicial administration; CP-44-CV-2-2017 .....	7446
<b>Monroe County</b>	
Pennsylvania Supreme Court public access policy local procedure; 5 AD 2017; 51 ADM .....	7446
<b>Montgomery County</b>	
Adoption of local rule of criminal procedure 113.1*—confidential information and confidential documents. certification; No. AD-388-17 .....	7447
Adoption of local rule of judicial administration 520*—public access policy; No. 2017-00001 .....	7448
Adoption of local rule of orphans' court 1.99A—confidential information and confidential documents. certification; rescission of local rule of orphans' court 4.7A(g)—electronic filing of legal papers .....	7448
Rescission of local rule of civil procedure *205.2(a)—required redaction of pleadings and other papers filed with the court; adoption of local rule of civil procedure 205.6*—confidential information and confidential documents. certification; rescission of local rule of civil procedure 1920.51*(f)(5)—all divorce papers under seal; No. 2017-00001 .....	7449
<b>Tioga County</b>	
Judicial administration public access policy local rule 102; No. 213 MS 2017 .....	7450
<b>Venango County</b>	
Adoption of local rules re public access; CIV No. 1259-2017 .....	7451
<b>MINOR COURT CIVIL RULES</b>	
Proposed amendment of Pa.R.C.P.M.D.J. Nos. 515-516 and 1007-1008 .....	7433

## PHILADELPHIA RULES

Philadelphia rule of judicial administration No. \*1900; administrative doc. No. 04 of 2017 .....

## RULES OF CIVIL PROCEDURE

Proposed amendments of Pa.R.C.P. Nos. 1920.14, 1920.42, 1920.46, 1920.51, 1920.72 and 1920.73 .....

## RULES OF EVIDENCE

Proposed amendment of comment to Pa.R.E. 803(1) and 803(2) .....

## SUPREME COURT

Public access policy of the Unified Judicial System of Pennsylvania: case records of the appellate and trial courts; No. 490 judicial administration doc. ....

## EXECUTIVE AND INDEPENDENT AGENCIES

### DEPARTMENT OF AGRICULTURE

#### Notices

Fiscal year 2017-2018 Annual Plan for awarding grants under the Pennsylvania Agricultural Fair Act .....

### DEPARTMENT OF BANKING AND SECURITIES

#### Notices

Actions on applications .....

### DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

#### Notices

Substantial amendments for the Community Development Block Grant—Disaster Recovery; 2012 and 2013 allocations; public hearing .....

### DEPARTMENT OF EDUCATION

#### Notices

Application by Art Institute to amend certificate of organization .....

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Notices

Application period for county planning and household hazardous waste grant applications under Act 101, section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 .....

Applications, actions and special notices .....

Availability of technical guidance .....

Extension of erosion and sediment control general permit (ESCGP-2) for earth disturbance associated with oil and gas exploration, production, processing or treatment operations or transmission facilities .....

Planning grant awards under section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988 .....

Available Online at <http://www.pabulletin.com>

**DEPARTMENT OF GENERAL SERVICES****Notices**

Exemption from requirements ..... 7533

**DEPARTMENT OF HEALTH****Notices**Long-term care nursing facilities; requests for ex-  
ception ..... 7534**DEPARTMENT OF REVENUE****Notices**Rates of tax on aviation gasoline and jet fuel for  
2018; oil company franchise tax rate for 2018;  
alternative fuels tax rates for 2018 ..... 7534**DEPARTMENT OF TRANSPORTATION****Notices**

State Transportation Commission meeting ..... 7536

**ENVIRONMENTAL HEARING BOARD****Notices**David H. Martin Excavating, Inc. v. Department of  
Environmental Protection; EHB doc. No. 2017-  
106-C ..... 7536**FISH AND BOAT COMMISSION****Rules and Regulations**

Boating; operational conditions ..... 7467

**INDEPENDENT REGULATORY REVIEW  
COMMISSION****Notices**2018 public meeting schedule ..... 7537  
Notice of comments issued ..... 7537**INSURANCE DEPARTMENT****Notices**Brighthouse Life Insurance Company (SERFF  
# MILL-131123551); rate increase filing for indi-  
vidual LTC form H-LTC2J-5 ..... 7538  
Brighthouse Life Insurance Company (SERFF  
# MILL-131126040); rate increase filing for indi-  
vidual LTC forms H-LTC3JP and  
H-LTC3JP27 ..... 7538  
Brighthouse Life Insurance Company (SERFF  
# MILL-131126102); rate increase filing for indi-  
vidual LTC form H-LTC3J-2 ..... 7538  
Brighthouse Life Insurance Company (SERFF  
# MILL-131126109); rate increase filing for indi-  
vidual LTC form H-LTC4JQ7 ..... 7539  
Brighthouse Life Insurance Company (SERFF  
# MILL-131126122); rate increase filing for indi-  
vidual LTC form H-LTC3JFO26 ..... 7539Brighthouse Life Insurance Company (SERFF  
# MILL-131126126); rate increase filing for indi-  
vidual LTC form H-LTC4JFQ15 ..... 7539  
Brighthouse Life Insurance Company (SERFF  
# MILL-131126145); rate increase filing for indi-  
vidual LTC form H-LTC3JQ3 ..... 7539  
Brighthouse Life Insurance Company (SERFF  
# MILL-131126147); rate increase filing for indi-  
vidual LTC form H-LTC3JFQ7 ..... 7540  
Coal Mine Compensation Rating Bureau; workers'  
compensation loss cost filing ..... 7540  
Pennsylvania Compensation Rating Bureau; United  
States Longshore and Harbor Workers' Compensa-  
tion Act; rate filing ..... 7540  
Pennsylvania Compensation Rating Bureau; work-  
ers' compensation loss cost filing ..... 7540  
Review procedure hearings; cancellation or refusal  
of insurance ..... 7541  
Review procedure hearings under the Unfair Insur-  
ance Practices Act ..... 7541  
Jerome Sacco, Sr.; license denial appeal; doc. No.  
AG17-11-016 ..... 7541**PENNSYLVANIA PUBLIC UTILITY COMMISSION****Notices**Certificate of public convenience and affiliate inter-  
est agreement ..... 7542  
Service of notice of motor carrier applications ..... 7542  
Service of notice of motor carrier of formal com-  
plaints ..... 7543**STATE BOARD OF CERTIFIED REAL ESTATE  
APPRAISERS****Rules and Regulations**

Appraisal management companies ..... 7543

**STATE BOARD OF NURSING****Notices**Bureau of Professional and Occupational Affairs v.  
Sandra Fitterer Roth, RN; file No. 14-51-01713;  
doc. No. 0691-51-16 ..... 7545  
Bureau of Professional and Occupational Affairs v.  
Dennis R. Wolfe, RN; file No. 13-51-07813; doc.  
No. 1940-51-15 ..... 7546**STATE BOARD OF VEHICLE MANUFACTURERS,  
DEALERS AND SALESPERSONS****Notices**Bureau of Professional and Occupational Affairs v.  
Arsenio T. Northern; doc. No. 1857-60-17; file No.  
17-60-09888 ..... 7546**STATE REAL ESTATE COMMISSION****Notices**Bureau of Professional and Occupational Affairs v.  
Andrew W. Kopp; doc. No. 1864-56-17 ..... 7546

# 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).

**SUBSCRIPTION INFORMATION: (717) 766-0211  
GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530**



#### **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.

#### **Reproduction, Dissemination or Publication of Information**

Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish such information except as provided by 1 Pa. Code § 3.44. 1 Pa. Code § 3.44 reads as follows:

##### **§ 3.44. General permission to reproduce content of Code and Bulletin.**

Information published under this part, which information includes, but is not limited to, cross references, tables of cases, notes of decisions, tables of contents, indexes, source notes, authority notes, numerical lists and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the Bureau. The information which appears on the same leaf with the text of a rule or regulation, however, may be incidentally reproduced in connection with the reproduction of the rule or regulation, if the reproduction is for the private use of a subscriber and not for resale. There are no other restrictions on the reproduction of information published under this part, and the Commonwealth hereby consents to a reproduction.

# 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)

### Adopted Rules

6 ..... 6927, 7174

### 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, 6728

## 7 Pa. Code (Agriculture)

### Proposed Rules

28a ..... 5951  
 104 ..... 6489

### Statements of Policy

28b ..... 5230

## 17 Pa. Code (Conservation of Natural Resources)

### Proposed Rules

45 ..... 7210

## 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

93 ..... 7029  
 218 ..... 6482  
 240 ..... 6482  
 252 ..... 4085  
 806 ..... 4107  
 901 ..... 313  
 1021 ..... 6205

### Proposed Rules

93 ..... 6609, 6727  
 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  
 801 ..... 6494  
 806 ..... 4140

### Statements of Policy

16 ..... 6703, 6730

## 28 Pa. Code (Health and Safety)

### Adopted Rules

23 ..... 1300  
 1141 ..... 199  
 1151 ..... 199  
 1161 ..... 217  
 1181 ..... 3096  
 1191 ..... 6938

## 34 Pa. Code (Labor and Industry)

### Statements of Policy

123 ..... 440

## 40 Pa. Code (Liquor)

### Adopted Rules

7 ..... 5600  
 9 ..... 6725

### Proposed Rules

9 ..... 2977  
 11 ..... 2977

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

### Adopted Rules

5 ..... 3494  
 11 ..... 5940  
 36 ..... 7453  
 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  
 61 ..... 7314  
 67 ..... 7314  
 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**

29	7235
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
105	7467
131	1467, 2710
133	1467
135	2599, 2600, 2715, 4982
137	2601
139	2603, 2609, 2717
141	2610, 2710, 2718, 4983, 7046, 7048
143	4982
147	2611, 2612, 2720, 4983, 4984

**Proposed Rules**

63	6808
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, 7052
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

**61 Pa. Code (Revenue)****Proposed Rules**

113	6726
-----	------

**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, 6722
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, 6466
305	1999

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

33	2181
----	------

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

19	6804
25	1277
65	6362
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 VIII ..... 7422  
 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, 7424  
 1930 ..... 4664  
 1950 ..... 4664  
 2000 ..... 3076  
 Part II ..... 4671, 4815, 5930

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

**Adopted Rules**  
 2 ..... 4680, 7177  
 5 ..... 2871, 6173, 7177  
 10 ..... 7181

**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, 7010  
 4 ..... 942, 7011, 7304  
 5 ..... 942, 3336  
 6 ..... 942  
 11 ..... 3336, 3342, 3962, 7016  
 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  
 400 ..... 7305  
 500 ..... 2324, 7433  
 1000 ..... 2324, 7433

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

Unclassified .... 420, 1628, 1732, 2330, 3492, 3806, 6036, 6364, 7184, 7308, 7309, 7438

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

Unclassified ..... 3809, 4685, 6932

**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, 6478, 6481, 6723, 6805, 6806, 6933, 6934, 7019, 7020, 7021, 7022, 7024, 7025, 7185, 7186, 7187, 7188, 7209, 7311, 7312, 7313, 7439, 7440, 7443, 7444, 7446, 7447, 7448, 7449, 7450, 7451

# THE COURTS

## Title 225—RULES OF EVIDENCE

[ 225 PA. CODE ART. VIII ]

### Proposed Amendment of Comment to Pa.R.E. 803(1) and 803(2)

The Committee on Rules of Evidence proposed the amendment of Pa.R.E. 803(1) and 803(2) governing the present sense impression and excited utterance exceptions to Pa.R.E. 802 for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Daniel A. Durst, Counsel  
Committee on Rules of Evidence  
Supreme Court of Pennsylvania  
Pennsylvania Judicial Center  
PO Box 62635  
Harrisburg, PA 17106-2635  
FAX: 717.231.9536  
evidencerules@pacourts.us

All communications in reference to the proposal should be received by January 15, 2018. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Committee on  
Rules of Evidence*

JOHN P. KRILL, Jr.,  
*Chair*

### Annex A

#### TITLE 225. RULES OF EVIDENCE

#### ARTICLE VIII. HEARSAY

#### **Rule 803. Exceptions to the Rule Against Hearsay— Regardless of Whether the Declarant Is Available as a Witness.**

The following are not excluded by the rule against hearsay, regardless of whether the declarant is available as a witness:

#### **Rule 803(1). Present Sense Impression.**

(1) *Present Sense Impression.* A statement describing or explaining an event or condition, made while or immediately after the declarant perceived it. **When the declarant is unidentified, the proponent shall show by independent corroborating evidence that the declarant actually perceived the event or condition.**

#### Comment

[ This rule is identical to F.R.E. 803(1). ] This rule differs from F.R.E. 803(1) insofar as it requires independent corroborating evidence when the declarant is unidentified. See *Commonwealth v. Hood*, 872 A.2d 175 (Pa. Super. 2005).

For this exception to apply, declarant need not be excited or otherwise emotionally affected by the event or condition perceived. The trustworthiness of the statement arises from its timing. The requirement of contemporaneity, or near contemporaneity, reduces the chance of premeditated prevarication or loss of memory.

#### **Rule 803(2). Excited Utterance.**

(2) *Excited Utterance.* A statement relating to a startling event or condition, made while the declarant was under the stress of excitement that it caused. **When the declarant is unidentified, the proponent shall show by independent corroborating evidence that the declarant actually perceived the startling event or condition.**

#### Comment

[ This rule is identical to F.R.E. 803(2). ] This rule differs from F.R.E. 803(2) insofar as it requires independent corroborating evidence when the declarant is unidentified. See *Commonwealth v. Upshur*, 764 A.2d 69 (Pa. Super. 2000).

This exception has a more narrow base than the exception for a present sense impression, because it requires an event or condition that is *startling*. However, it is broader in scope because an excited utterance (1) need not describe or explain the startling event or condition; it need only *relate* to it, and (2) need not be made contemporaneously with, or immediately after, the startling event. It is sufficient if the stress of excitement created by the startling event or condition persists as a substantial factor in provoking the utterance.

There is no set time interval following a startling event or condition after which an utterance relating to it will be ineligible for exception to the hearsay rule as an excited utterance. In *Commonwealth v. Gore*, [ 262 Pa. Super. 540, 547, ] 396 A.2d 1302, 1305 (Pa. Super. 1978), the court explained:

The declaration need not be strictly contemporaneous with the existing cause, nor is there a definite and fixed time limit. . . . Rather, each case must be judged on its own facts, and a lapse of time of several hours has not negated the characterization of a statement as an "excited utterance." . . . The crucial question, regardless of the time lapse, is whether, at the time the statement is made, the nervous excitement continues to dominate while the reflective processes remain in abeyance.

\* \* \* \* \*

**Official Note:** Adopted May 8, 1998, effective October 1, 1998; Comment revised March 23, 1999, effective immediately; Comment revised March 10, 2000, effective immediately; Comment revised May 16, 2001, effective July 1, 2001; amended November 2, 2001, effective January 1, 2002; rescinded and replaced January 17, 2013, effective March 18, 2013; amended November 9, 2016, effective January 1, 2017; amended , 2018, effective , 2018.

*Committee Explanatory Reports:*

Final Report explaining the March 23, 1999 technical revisions to the Comment for paragraph 25 published with the Court's Order at 29 Pa.B. 1714 (April 3, 1999).

Final Report explaining the March 10, 2000 revision of the Comment for paragraph 25 published with the Court's Order at 30 Pa.B. 1641 (March 25, 2000).

Final Report explaining the May 16, 2001 revision of the Comment for paragraph 18 published with the Court's Order at 31 Pa.B. 2789 (June 2, 2001).

Final Report explaining the November 2, 2001 amendments to paragraph 6 published with the Court's Order at 31 Pa.B. 6384 (November 24, 2001).

Final Report explaining the January 17, 2013 rescission and replacement published with the Court's Order at 43 Pa.B. 620 (February 2, 2013).

Final Report explaining the November 9, 2016 amendments to paragraph 6, 8, 10, and revision of the Comment for paragraph 7 and 9 published with the Court's Order at 46 Pa.B. 7436 (November 26, 2016).

**Final Report explaining the \_\_\_\_\_, 2018 amendments to paragraph 1 and 2 published with the Court's Order at \_\_\_\_\_ Pa.B. \_\_\_\_\_ (\_\_\_\_\_, 2018).**

**REPORT****Proposed Amendment of Pa.R.E. 803(1) & 803(2)**

The Committee on Rules of Evidence is considering amendment of Pennsylvania Rule of Evidence 803(1) and 803(2) to reflect additional requirements established by case law.

The Committee received a request for rulemaking seeking to abolish the present sense impression and excited utterance exceptions to the rule against hearsay. See Pa.R.E. 802, 803(1), and 803(2). The basis for that request was the lack of scientific evidence to prove that such statements are inherently reliable. See also *U.S. v. Boyd*, 742 F.3d 792, 799 (7th Cir. 2014) (Posner, J. concurring). The Committee was not inclined to undertake the requested rulemaking.

During consideration of this request, the Committee reviewed the case law in Pennsylvania regarding the necessity of corroborating evidence for these exceptions. In *Carney v. Pennsylvania Railroad Company*, 240 A.2d 71 (Pa. 1968), a case predating the Pennsylvania Rules of Evidence, the Court addressed the admissibility of an unidentified bystander's statement as an excited utterance pursuant to the *res gestae* exception to the hearsay rule. In *Carney*, a civil action was filed against a railroad company as the result of an accident where a railroad-switching engine struck an automobile in which the decedents were passengers. At trial, the statement of an unidentified bystander that the engine came out too fast and had no lights on was admitted into evidence through testimony of the investigating police officer.

Upon review, the Court stated: "It would be mere speculation and surmise on the part of the court and the jury as to whether or not the declarant, who was not present in court for cross-examination or subject to deposition or interrogatories by opposing counsel, actually perceived the engine coming out fast with no lights on it." *Id.* at 74. The Court held that the out-of-court assertion by the unidentified bystander did not demonstrate that the declarant actually viewed the event of which he spoke and, as such, that the admission of the statement constituted reversible error. In reaching its decision, the Court reasoned:

[T]he fundamental basis for admitting purely hearsay statements under the *res gestae* exception is the recognition that under certain circumstances, based on our experience, the utterances may be taken as particularly trustworthy and as an accurate reflection of what the declarant actually observed. See Wigmore, Evidence § 1747 (3d ed.) (1940). We are of the opinion that out-of-court assertions made by unidentified bystanders who may or may not have actually witnessed the litigated event are not properly admissible as part of the *res gestae* because their admission would not be consonant with the underlying philosophy of the hearsay rule and the *res gestae* exception. The mere fact that the police officer inferred from the statements that the declarant must have witnessed the collision, or that the declarant said he witnessed the collision, does not lend any more credence or trustworthiness to the out-of-court statements. In order to justify the admissibility of such testimony, it is incumbent upon the party seeking its admission to persuasively and convincingly demonstrate by the use of other corroborating evidence that the declarant actually viewed the event of which he speaks.

*Id.* at 75. The excited utterance exception was later codified in 1998 as Pa.R.E. 803(2).

In *Commonwealth v. Upshur*, 764 A.2d 69 (Pa. Super. 2000) (*en banc*), the Superior Court considered whether a statement made to a police officer by an unidentified motorist who, within minutes after a shooting, provided a description of the perpetrator could be admitted as an excited utterance. Relying on *Carney*, a majority held that the exception was inapplicable because there was no independent evidence that the motorist actually witnessed the shooting. Notably, the court observed that a statement by the declarant that he saw the event was not sufficient. The dissent argued that the Supreme Court softened the "actually witnessed" standard via *Commonwealth v. Pronkoskie*, 383 A.2d 858, 861-62 (Pa. 1978) when it stated that "generally the proponent of the evidence need only establish that a declarant was in a position to view an incident." The dissent went further and argued that the only matter that needed to be corroborated was whether the event itself occurred.

In sum, with *Upshur*, the state of the law is that the proponent of an excited utterance by an unidentified declarant needs to establish by independent evidence that the declarant actually witnessed the event or condition being perceived. Additionally, this is consistent with the requirement of Rule 602 for personal knowledge. Of note, the Comment to Rule 602 references both *Carney* and *Pronkoskie*. However, Rule 602 does not require other or independent evidence to prove that the witness possessed personal knowledge; rather, the witness can testify as to the basis of his or her personal knowledge.

In *Commonwealth v. Hood*, 872 A.2d 175 (Pa. Super. 2005), the proponent sought to admit two 911 calls from two unidentified callers that identified the shooter in a homicide based upon the excited utterance exception and, alternatively, the present sense exception pursuant to Pa.R.E. 803(1) ("A statement describing or explaining an event or condition, made while or immediately after the declarant perceived it."). This case is remarkable insofar as the Superior Court extended the holding of *Upshur* requiring independent corroborating proof that the unidentified declarant actually viewed the event to the present sense impression exception. The court's analysis relied upon *Carney*'s applicability to *res gestae* exceptions and the fact that the present sense impression was a *res*

*gestae* exception prior to codification. Further, it would be consistent to require collaborative proof if the exception applies to matters that the unidentified declarant is “perceiving.”

Currently, the strict application of Pa.R.E. 803(1) and Pa.R.E. 803(2) is independent of whether the declarant is identified. However, the case law, *supra*, has added a requirement of independent corroborating evidence that the declarant actually viewed the event when the declarant is unidentified. Accordingly, the Committee proposes amending Pa.R.E. 803(1) and Pa.R.E. 803(2) to reflect this requirement.

All comments, concerns, and suggestions concerning this proposal are welcome.

[Pa.B. Doc. No. 17-2010. Filed for public inspection December 8, 2017, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [ 231 PA. CODE CH. 1920 ]

#### Proposed Amendments of Pa.R.C.P. Nos. 1920.14, 1920.42, 1920.46, 1920.51, 1920.72 and 1920.73

The Domestic Relations Procedural Rules Committee (Committee) is planning to propose to the Supreme Court amendments to Pa.R.C.P. Nos. 1920.14, 1920.42, 1920.46, 1920.51, 1920.72 and 1920.73, for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. No 103(a)(1), the proposal is being republished in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Bruce J. Ferguson, Counsel  
Domestic Relations Procedural Rules Committee  
Supreme Court of Pennsylvania  
Pennsylvania Judicial Center  
PO Box 62635  
Harrisburg, PA 17106-2635  
Fax: 717-231-9531  
domesticrules@pacourts.us

All communications in reference to the proposal should be received by March 2, 2018. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Domestic Relations  
Procedural Rules Committee*

DAVID J. SLESNICK, Esq.,  
*Chair*

### Annex A

#### TITLE 231. RULES OF CIVIL PROCEDURE

##### PART I. GENERAL

#### CHAPTER 1920. ACTIONS OF DIVORCE OR FOR ANNULMENT OF MARRIAGE

##### Rule 1920.14. Answer. Denial. Affidavit under Section 3301(d) of the Divorce Code.

(a) The averments in the complaint as to the divorce or annulment, [ **all other claims which** ] **ancillary claims that** may be joined under the Divorce Code, and any petition for special relief under these rules shall be deemed denied unless admitted by an answer. Notwithstanding the foregoing, the court may require a response to a petition for special relief.

(b) The averments of the [ **affidavit** ] **Affidavit** under Section 3301(d) of the Divorce Code shall be deemed admitted unless denied by [ **counteraffidavit** ] **counter-affidavit**.

*Official Note:* [ See Rule 1920.72(d) for the form of counteraffidavit. ] See Pa.R.C.P. No. 1920.72(e)(3) for the form of the counter-affidavit.

##### Explanatory Comment—1994

Subdivision (b) requires that the averments [ **of the plaintiff’s affidavit** ] in an **Affidavit** under Section 3301(d) of the Divorce Code be denied by [ **counteraffidavit** ] **counter-affidavit**. [ **If the defendant fails to file a counteraffidavit, all allegations are deemed admitted.** ] **If the non-moving party fails to file a counter-affidavit, all allegations in the moving party’s affidavit are deemed admitted.**

##### Explanatory Comment—2007

Subdivision (a) has been amended to clarify that the averments in a petition for special relief in a divorce or annulment action are deemed [ **to be** ] denied unless admitted by an answer.

Rule 1920.42. [ **Affidavit and Decree under § 3301(c) or § 3301(d)(1) of the Divorce Code. Notice of Intention to Request Entry of Divorce Decree in § 3301(c) and § 3301(d)(1)(i) Divorces. Counter-affidavit.** ] **Obtaining Decrees under Section 3301(c) or Section 3301(d) of the Divorce Code. Affidavits and Counter-Affidavits. Requirements of the Affidavit of Consent. Ancillary Claims. Orders Approving Grounds for Divorce. Notice of Intention to File the Praecipe to Transmit Record. Praecipe to Transmit Record.**

[ (a) **If a complaint has been filed requesting a divorce on the ground of irretrievable breakdown and**

(1) **both parties have filed an affidavit under § 3301(c) of the Divorce Code substantially in the form prescribed by Rule 1920.72(b), or**

(2) **either party has filed a § 3301(d) affidavit under § 3301(d) of the Divorce Code substantially in the form prescribed by Rule 1920.72(d) and has served it upon the other party along with a form counter-affidavit and the other party has admitted or failed to deny the averments of the § 3301(d) affidavit, the prothonotary on praecipe in the form prescribed by Rule 1920.73(b) shall transmit the**



record to the court, which shall review the record and enter the appropriate decree. No master shall be appointed.

(b) The affidavit required by § 3301(c) of the Divorce Code must have been executed

(1) ninety days or more after both filing and service of the complaint and

(2) within thirty days of the date the affidavit was filed.

(c) An affidavit of consent may be withdrawn only with leave of court.

(d)(1) Except as provided in (e), no decree shall be entered by the court under § 3301(c) or § 3301(d)(1)(i) of the Divorce Code unless a notice of intention to request entry of divorce decree, substantially in the form prescribed by Rule 1920.73(a), was mailed or delivered to the attorney of record of the party against whom the decree is to be entered or, if there is no attorney of record, to the party, along with a form counter-affidavit if none has been filed, at least twenty days prior to the date of the filing of the praecipe to transmit the record. A copy of the praecipe, which shall state the date and manner of service of the notice, shall be attached.

(2) The affidavit required under § 3301(d) of the Divorce Code shall be filed with the prothonotary and served upon the other party, along with a form counter-affidavit. The moving party must wait a minimum of 20 days after service of the § 3301(d) affidavit before serving the Notice of Intention to File Praecipe to Transmit the Record and another form counter-affidavit or filing the waiver of notice pursuant to Rule 1920.72(c).

(e) Notice of intention to request entry of divorce decree shall not be required prior to entry of a divorce decree

(1) where the parties have executed and filed with the prothonotary a waiver of notice substantially in the form set forth in Rule 1920.72(c); or

(2) under § 3301(d) where the court finds that no appearance has been entered on defendant's behalf and that defendant cannot be located after diligent search.

*Official Note:* This counter-affidavit will be filed only if the party against whom the decree is to be entered has not previously denied the allegations of the other party's affidavit or has not previously claimed economic relief by counterclaim or petition. ]

(a) *Obtaining a divorce decree under Section 3301(c)(1) of the Divorce Code.*

(1) If a party has filed a complaint requesting a divorce on the ground of irretrievable breakdown, the court shall enter a decree in divorce after:

(i) proof of service of the complaint has been filed with the prothonotary;

(ii) the parties have signed Affidavits of Consent 90 days or more after service of the complaint and have filed the affidavits with the prothonotary within 30 days of signing, which may only be withdrawn by an order of court;

(iii) the ancillary claims under Pa.R.C.P. Nos. 1920.31 and 1920.33 have been withdrawn by the party raising the claims, have been resolved by agreement of the parties or order of court, have not been raised in the pleadings, or in the case of a bifurcated divorce, the court has retained jurisdiction of the ancillary claims;

(iv) either the party requesting the divorce decree has served on the other party a Notice of Intention to File the Praecipe to Transmit Record, which included a blank Counter-Affidavit under Section 3301(c)(1) and a copy of the proposed Praecipe to Transmit Record indicating the date and manner of service of the Notice of Intention to File the Praecipe to Transmit Record, or, alternatively, the parties have signed and filed Waivers of Notice of Intention to File the Praecipe to Transmit Record; and

(v) the party requesting the divorce decree has completed and filed with the prothonotary a Praecipe to Transmit Record. If the parties have not waived the Notice of Intention to File the Praecipe to Transmit Record, the moving party shall wait a minimum of 20 days after service of the Notice of Intention to File the Praecipe to Transmit Record before filing the Praecipe to Transmit Record.

*Official Note:* See Pa.R.C.P. No. 1920.72(b) for the Affidavit of Consent.

See Pa.R.C.P. No. 1920.73(a) for the Notice of Intention to File the Praecipe to Transmit Record.

See Pa.R.C.P. No. 1920.72(e)(1) for the Counter-Affidavit under Section 3301(c)(1) of the Divorce Code.

See Pa.R.C.P. No. 1920.73(b) for the Waiver of Notice of Intention to File the Praecipe to Transmit Record.

See Pa.R.C.P. No. 1920.73(c) for the Praecipe to Transmit the Record.

(2) To the extent that grounds for divorce have been established under Section 3301(c)(1) of the Divorce Code by the parties complying with subdivision (a)(1)(ii), if the parties have been unable to resolve the ancillary claims the court shall enter an Order Approving Grounds for Divorce when the requirements of subdivision (a)(1)(i) has been completed and the moving party:

(i) has served on the other party a Notice of Intention to File the Praecipe to Transmit Record or, alternatively, the other party waived this notice by signing and filing with the prothonotary a Waiver of Notice of Intention to File the Praecipe to Transmit Record; and

(ii) has completed and filed with the prothonotary a Praecipe to Transmit Record requesting the court enter an order approving grounds for divorce. If the parties have not waived the Notice of Intention to File the Praecipe to Transmit Record, the moving party shall wait a minimum of 20 days after service of the Notice of Intention to File the Praecipe to Transmit Record before filing the Praecipe to Transmit Record. If the court enters an order approving grounds for divorce, entry of the divorce decree shall be deferred until the ancillary claims have been resolved.



*Official Note:* See Pa.R.C.P. No. 1920.73(a) for the Notice of Intention to File the Praecipe to Transmit Record.

See Pa.R.C.P. No. 1920.73(b) for the Waiver of Notice of Intention to File the Praecipe to Transmit Record.

See Pa.R.C.P. No. 1920.73(c) for the Praecipe to Transmit the Record.

(3) After the court issues an order approving grounds for divorce, a party may request, consistent with the judicial district's local rules and procedures, the court either hear the ancillary claims or appoint a master to hear the ancillary claims as outlined in Pa.R.C.P. No. 1920.51.

*Official Note:* See Pa.R.C.P. No. 1920.74 for the Motion for Appointment of Master.

(4) If the parties resolve the ancillary claims by agreement after the court approves the grounds for the divorce but before the court entering an order disposing of the ancillary claims, the parties shall notify the court of the agreement and request the entry of the appropriate divorce decree. To the extent the agreement does not address all of the claims raised by the parties in the pleadings, the party raising the claim shall withdraw the claim before the court entering a divorce decree.

(b) *Obtaining a divorce decree under Section 3301(c)(2) of the Divorce Code.*

(1) If a party has filed a complaint requesting a divorce on the ground of irretrievable breakdown and a party has been convicted of a personal injury crime against his or her spouse, the court shall enter a decree in divorce after:

(i) proof of service of the complaint has been filed with the prothonotary;

(ii) the party who is the victim of the personal injury crime:

(A) has signed an Affidavit of Consent consistent with subdivision (a)(1)(ii); and

(B) has signed an Affidavit to Establish Presumption of Consent alleging his or her status as a victim of a personal injury crime and that his or her spouse has been convicted of that crime;

(iii) the filed affidavits have been served on the other party, along with a blank Counter-Affidavit under Section 3301(c)(2), and the other party has admitted or failed to deny the averments in the Affidavit to Establish Presumption of Consent;

(iv) the ancillary claims under Pa.R.C.P. Nos. 1920.31 and 1920.33 have been withdrawn by the party raising the claims, have been resolved by agreement of the parties or order of court, have not been raised in the pleadings, or in the case of a bifurcated divorce, the court has retained jurisdiction of the ancillary claims;

(v) either the party requesting the divorce decree has served on the other party a Notice of Intention to File the Praecipe to Transmit Record, which included a blank Counter-Affidavit under Section 3301(c)(2) and a copy of the proposed Praecipe to Transmit Record indicating the date and manner of service of the Notice of Intention to File the Praecipe to Transmit Record, or, alternatively, the

parties have signed and filed Waivers of Notice of Intention to File the Praecipe to Transmit Record; and

(vi) the party requesting the divorce decree has completed and filed with the prothonotary a Praecipe to Transmit Record. If the parties have not waived the Notice of Intention to File the Praecipe to Transmit Record, the moving party shall wait a minimum of 20 days after service of the Notice of Intention to File the Praecipe to Transmit Record before filing the Praecipe to Transmit Record.

*Official Note:* See Pa.R.C.P. No. 1920.72(b) for the Affidavit of Consent.

See Pa.R.C.P. No. 1920.72(c) for the Affidavit to Establish Presumption of Consent under Section 3301(c)(2) of the Divorce Code.

See Pa.R.C.P. No. 1920.72(e)(2) for the Counter-Affidavit under Section 3301(c)(2) of the Divorce Code.

See Pa.R.C.P. No. 1920.73(a) for the Notice of Intention to File the Praecipe to Transmit Record.

See Pa.R.C.P. No. 1920.73(b) for the Waiver of Notice of Intention to File the Praecipe to Transmit Record.

See Pa.R.C.P. No. 1920.73(c) for the Praecipe to Transmit the Record.

(2) To the extent that grounds for divorce have been established under Section 3301(c)(2) of the Divorce Code by a party complying with subdivision (b)(1)(ii)-(iii), if the parties have been unable to resolve the ancillary claims the court shall enter an Order Approving Grounds for Divorce when the requirements of subdivision (b)(1)(i) has been completed and the moving party:

(i) has served on the other party a Notice of Intention to File the Praecipe to Transmit Record or, alternatively, the other party waived this notice by signing and filing with the prothonotary a Waiver of Notice of Intention to File the Praecipe to Transmit Record; and

(ii) has completed and filed with the prothonotary a Praecipe to Transmit Record requesting the court enter an order approving grounds for divorce. If the parties have not waived the Notice of Intention to File the Praecipe to Transmit Record, the moving party shall wait a minimum of 20 days after service of the Notice of Intention to File the Praecipe to Transmit Record before filing the Praecipe to Transmit Record. If the court enters an order approving grounds for divorce, entry of the divorce decree shall be deferred until the ancillary claims have been resolved.

*Official Note:* See Pa.R.C.P. No. 1920.73(a) for the Notice of Intention to File the Praecipe to Transmit Record.

See Pa.R.C.P. No. 1920.73(b) for the Waiver of Notice of Intention to File the Praecipe to Transmit Record.

See Pa.R.C.P. No. 1920.73(c) for the Praecipe to Transmit the Record.

(3) After the court issues an order approving grounds for divorce, a party may request, consistent with the judicial district's local rules and

procedures, the court either hear the ancillary claims or appoint a master to hear the ancillary claims as outlined in Pa.R.C.P. No. 1920.51.

*Official Note:* See Pa.R.C.P. No. 1920.74 for the Motion for Appointment of Master.

(4) If the parties resolve the ancillary claims by agreement after the court approves the grounds for the divorce but prior to the court entering an order disposing of the ancillary claims, the parties shall notify the court of the agreement and request the entry of the appropriate divorce decree. To the extent the agreement does not address all of the claims raised by the parties in the pleadings, the party raising the claim shall withdraw the claim prior to the court entering a divorce decree.

(c) *Obtaining a divorce decree under Section 3301(d) of the Divorce Code.*

(1) If a party has filed a complaint requesting a divorce on the ground of irretrievable breakdown and the requisite separation period has elapsed, the court shall enter a decree in divorce when the parties have completed the following requirements:

(i) proof of service of the complaint has been filed with the prothonotary;

(ii) a party has signed and filed an Affidavit under Section 3301(d) of the Divorce Code averring that the marriage is irretrievably broken and that the parties have been separate and apart for the required separation period;

(iii) the filed affidavit, along with a blank Counter-Affidavit under Section 3301(d) of the Divorce Code, has been served on the other party consistent with Pa.R.C.P. No. 1930.4, and the other party has admitted or failed to deny the averments in the Affidavit under Section 3301(d) of the Divorce Code;

*Official Note:* This subdivision requires service of the counter-affidavit on the non-moving party consistent with original process since the averments in the moving party's Affidavit under § 3301(d) of the Divorce Code are deemed admitted unless denied. Pa.R.C.P. No. 1930.4 is the Domestic Relations rule for service of original process.

(iv) the ancillary claims under Pa.R.C.P. Nos. 1920.31 and 1920.33 have been withdrawn by the party raising the claims, have been resolved by agreement of the parties or order of court, have not been raised in the pleadings, or in the case of a bifurcated divorce, the court has retained jurisdiction of the ancillary claims;

(v) either the party requesting the divorce decree has served on the other party a Notice of Intention to File the Praecepte to Transmit Record, which included a blank Counter-Affidavit under Section 3301(d) of the Divorce Code and a copy of the proposed Praecepte to Transmit Record indicating the date and manner of service of the Notice of Intention to File the Praecepte to Transmit Record, or, alternatively, the parties have signed and filed Waivers of Notice of Intention to File the Praecepte to Transmit Record; and

(vi) the party requesting the divorce decree has completed and filed with the prothonotary a Praecepte to Transmit Record. If the parties have not waived the Notice of Intention to File the

Praecepte to Transmit Record, the moving party shall wait a minimum of 20 days after service of the Notice of Intention to File the Praecepte to Transmit Record before filing the Praecepte to Transmit Record.

*Official Note:* See Pa.R.C.P. No. 1920.72(d) for the Affidavit under Section 3301(d) of the Divorce Code.

See Pa.R.C.P. No. 1920.72(e)(3) for the Counter-Affidavit under Section 3301(d) of the Divorce Code.

See Pa.R.C.P. No. 1920.73(a) for the Notice of Intention to File the Praecepte to Transmit Record.

See Pa.R.C.P. No. 1920.73(b) for the Waiver of Notice of Intention to File the Praecepte to Transmit Record.

See Pa.R.C.P. No. 1920.73(c) for the Praecepte to Transmit the Record.

(2) To the extent that grounds for divorce have been established under Section 3301(d) of the Divorce Code by a party complying with subdivision (c)(1)(ii)-(iii), if the parties have been unable to resolve the ancillary claims the court shall enter an Order Approving Grounds for Divorce when the requirements of subdivision (c)(1)(i) has been completed and the moving party:

(i) has served on the other party a Notice of Intention to File the Praecepte to Transmit Record or, alternatively, the other party waived this notice by signing and filing with the prothonotary a Waiver of Notice of Intention to File the Praecepte to Transmit Record; and

(ii) has completed and filed with the prothonotary a Praecepte to Transmit Record requesting the court enter an order approving grounds for divorce. If the parties have not waived the Notice of Intention to File the Praecepte to Transmit Record, the moving party shall wait a minimum of 20 days after service of the Notice of Intention to File the Praecepte to Transmit Record before filing the Praecepte to Transmit Record. If the court enters an order approving grounds for divorce, entry of the divorce decree shall be deferred until the ancillary claims have been resolved.

*Official Note:* See Pa.R.C.P. No. 1920.73(a) for the Notice of Intention to File the Praecepte to Transmit Record.

See Pa.R.C.P. No. 1920.73(b) for the Waiver of Notice of Intention to File the Praecepte to Transmit Record.

See Pa.R.C.P. No. 1920.73(c) for the Praecepte to Transmit the Record.

(3) After the court issues an order approving grounds for divorce, a party may request, consistent with the judicial district's local rules and procedures, the court either hear the ancillary claims or appoint a master to hear the ancillary claims as outlined in Pa.R.C.P. No. 1920.51.

*Official Note:* See Pa.R.C.P. No. 1920.74 for the Motion for Appointment of Master.

(4) If the parties resolve the ancillary claims by agreement after the court approves the grounds for the divorce but prior to the court entering an order disposing of the ancillary claims, the parties shall

notify the court of the agreement and request the entry of the appropriate divorce decree. To the extent the agreement does not address all of the claims raised by the parties in the pleadings, the party raising the claim shall withdraw the claim prior to the court entering a divorce decree.

**Rule 1920.46. Affidavit of Non-Military Service.**

If the defendant fails to appear in the action, the plaintiff shall file an affidavit regarding military service with the motion for appointment of a master, prior to a trial by the court, or with the plaintiff's affidavit required by [ Rule 1920.42(a)(2) ] Pa.R.C.P. No. 1920.42(c)(1)(ii).

**Official Note:** The Servicemembers Civil Relief Act, [ 50 App. U.S.C.A. § 521 ] 50 U.S.C. app Section 521, requires that in cases in which the defendant does not make an appearance, the plaintiff must file an affidavit of non-military service before the court may enter judgment. If the defendant is in the military service and an attorney has not entered an appearance on behalf of the defendant, [ no judgment may ] a judgment shall not be entered until the court appoints an attorney to represent the defendant and protect his or her interest.

[ Rule 1920.42(a)(2) governs an ] An action for divorce under Section 3301(d)(1)(i) of the Divorce Code is governed by Pa.R.C.P. No. 1920.42(c).

\* \* \* \* \*

**Rule 1920.51. Hearing by the Court. Appointment of Master. Notice of Hearing.**

(a)(1) The court may hear the testimony or, upon [ its own motion or the motion of either party ] motion of a party or of the court, may appoint a master [ with respect to all or any of the matters ] to hear the matters and ancillary claims specified in subdivision (a)(2)(i) [ to consider same ] and issue a report and recommendation. The order of appointment shall specify the [ matters which ] matters and ancillary claims that are referred to the master.

(2)(i) The court may appoint a master in an action of divorce under Section 3301(a), (b), (c)(2), and (d)(1)(ii) of the Divorce Code, an action for annulment, and the ancillary claims for alimony, [ alimony pendente lite, equitable distribution of marital property, child support, partial custody or visitation, or counsel fees, costs and expenses, or any aspect thereof ] equitable division of marital property, partial custody, counsel fees, and costs and expenses.

**Official Note:** The appointment of a master in a Section 3301(c)(2) divorce may be necessary to establish the presumption of consent if a party denies the averments in the Affidavit to Establish Presumption of Consent on the Counter-Affidavit under Section 3301(c)(2) of the Divorce Code.

(ii) [ If there are no claims other than divorce, no master may be appointed ] The Court shall not appoint a master to determine grounds for divorce if [ either ] a party has asserted grounds for divorce pursuant to [ § 3301(c) or § ] Section 3301(c)(1) or Section 3301(d)(1)(i) of the Divorce Code, unless a party raised ancillary claims in the pleadings. [ A master may be appointed to hear ancillary economic claims in a divorce action pursuant to

§ 3301(c) or § 3301(d) of the Divorce Code. The master may be appointed to hear ancillary economic claims prior to the entry of a divorce decree if grounds for divorce have been established. ] An appointment of a master for resolution of the ancillary claims in a Section 3301(c) or Section 3301(d) divorce may be before the entry of a divorce decree if grounds for divorce have been established and approved by the court.

(iii) Before the court hears or appoint a master to hear the ancillary claims, a party shall request the court enter an order approving grounds for divorce.

**Official Note:** See Pa.R.C.P. No. 1920.42(a)(2) for the procedures for obtaining an order approving grounds for a Section 3301(c)(1) divorce.

See Pa.R.C.P. No. 1920.42(b)(2) for the procedures for obtaining an order approving grounds for a Section 3301(c)(2) divorce.

See Pa.R.C.P. No. 1920.42(c)(2) for the procedures for obtaining an order approving grounds for a Section 3301(d) divorce.

[ (iii) No master may be appointed ] (iv) The Court shall not appoint a master in a claim for legal, physical or shared custody or paternity.

**Official Note:** Section 3321 of the Divorce Code, 23 Pa.C.S. § 3321, prohibits the appointment of a master as to the claims of custody and paternity. However, as set forth in Pa.R.C.P. No. 1920.91(3), Section 3321 has been suspended insofar as that section prohibits the appointment of masters in partial custody cases.

\* \* \* \* \*

**Rule 1920.72. Form of Complaint. [ Affidavit under § 3301(c) or § ] Affidavits under Section 3301(c) or Section 3301(d) of the Divorce Code. [ Counter-affidavit ] Counter-Affidavits. [ Waiver of Notice of Intention to Request Decree under § 3301(c) and § 3301(d). ]**

(a) The complaint in an action [ of divorce under § ] for a divorce under Section 3301(c) or Section 3301(d) shall begin with the Notice to Defend and Claim Rights required by [ Rule ] Pa.R.C.P. No. 1920.71 and shall be substantially in the following form:

\* \* \* \* \*

(b) The [ affidavit of consent ] Affidavit of Consent required by Section 3301(c) of the Divorce Code and [ Rule 1920.42(a)(1) ] Pa.R.C.P. No. 1920.42(a)(1)(ii) or (b)(1)(ii) shall be substantially in the following form:

(Caption)

AFFIDAVIT OF CONSENT

1. A Complaint in divorce under Section 3301(c) of the Divorce Code was filed on \_\_\_\_\_ and served on the defendant on \_\_\_\_\_ .  
(Date) (Date)

2. The marriage of plaintiff and defendant is irretrievably broken and [ ninety ] 90 days have elapsed from the date of filing and service of the Complaint.

3. I consent to the entry of a final decree of divorce after service of notice of intention to request entry of the decree.



I verify that the statements made in this affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
 [ (Plaintiff)/(Defendant) ]  
 (PLAINTIFF) (DEFENDANT)

[ (c) The waiver permitted by Rule 1920.42(e) shall be in substantially the following form:  
 (Caption)

**Waiver of Notice of Intention to Request Entry of a Divorce Decree under § 3301(c) and § 3301(d) of the Divorce Code**

1. I consent to the entry of a final decree of divorce without notice.

2. I understand that I may lose rights concerning alimony, division of property, lawyer's fees or expenses if I do not claim them before a divorce is granted.

3. I understand that I will not be divorced until a divorce decree is entered by the Court and that a copy of the decree will be sent to me immediately after it is filed with the prothonotary.

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

Date: \_\_\_\_\_  
 (PLAINTIFF) (DEFENDANT) ]

(c) The Affidavit to Establish Presumption of Consent under Section 3301(c)(2) of the Divorce Code and Pa.R.C.P. No. 1920.42(b)(1)(ii)(B) shall be substantially in the following form:

(Caption)

**AFFIDAVIT TO ESTABLISH PRESUMPTION OF CONSENT UNDER SECTION 3301(c)(2) OF THE DIVORCE CODE**

1. I am the victim of a "personal injury crime" as defined in 23 Pa.C.S. § 3103.

2. My spouse was convicted of the crime averred in Paragraph 1 on insert date in the Court of Common Pleas of insert county name County. The docket number(s) is/are insert docket number.

3. The personal injury crime(s) for which my spouse was convicted:

Check all that apply:

- 18 Pa.C.S. Ch. 25 (relating to criminal homicide)
- 18 Pa.C.S. Ch. 27 (relating to assault)
- 18 Pa.C.S. Ch. 29 (relating to kidnapping)
- 18 Pa.C.S. Ch. 30 (relating to human trafficking)
- 18 Pa.C.S. Ch. 31 (relating to sexual offenses)
- 18 Pa.C.S. § 3301 (relating to arson and related offenses)
- 18 Pa.C.S. Ch. 37 (relating to robbery)
- 18 Pa.C.S. Ch. 49 Subch. B (relating to victim and witness intimidation)

75 Pa.C.S. § 3732 (relating to homicide by vehicle)

75 Pa.C.S. § 3742 (relating to accidents involving death or personal injury)

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

Date: \_\_\_\_\_  
 (PLAINTIFF) (DEFENDANT)

(d) The [ affidavit required by § ] Affidavit under Section 3301(d) of the Divorce Code [ and Pa.R.C.P. No. 1920.42(a)(2) ] required by Pa.R.C.P. No. 1920.42(c)(1)(ii) shall be substantially in the following form:

(Caption)

**NOTICE**

If you wish to deny any of the statements outlined in this affidavit, you must file a counter-affidavit within 20 days after this affidavit has been served on you or the statements will be admitted.

**AFFIDAVIT UNDER SECTION 3301(d) OF THE DIVORCE CODE**

1. The parties to this action separated on insert date.

2. Check (a) or (b):

(a) The date of separation was prior to December 5, 2016, and the parties have continued to live separate and apart for a period of at least two years.

(b) The date of separation was on or after December 5, 2016, and the parties have continued to live separate and apart for a period of at least one year.

3. The marriage is irretrievably broken.

4. I understand that I may lose rights concerning alimony, division of property, lawyer's fees or expenses if I do not claim them before a divorce is granted.

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

Date: \_\_\_\_\_  
 (PLAINTIFF) (DEFENDANT)

(e)(1) [ The counter-affidavit prescribed by Pa.R.C.P. No. 1920.42(d)(2) for a divorce under § 3301(c) of the Divorce Code shall be substantially in the following form: ] The Counter-Affidavit under Section 3301(c)(1) of the Divorce Code required by Pa.R.C.P. No. 1920.42(a)(1)(iv) shall be substantially in the following form:

(Caption)

**COUNTER-AFFIDAVIT UNDER [ § 3301(c) ] SECTION 3301(c)(1) OF THE DIVORCE CODE**

I wish to claim economic relief which may include alimony, division of property, lawyer's fees or expenses or other important rights.

[ I understand that I must file my economic claims with the prothonotary in writing and serve them on the other party. If I fail to do so before the date set forth on the Notice of Intention to Request

Divorce Decree, the divorce decree may be entered without further notice to me, and I shall be unable thereafter to file any economic claims. ]

I UNDERSTAND THAT I MUST ALSO FILE ALL OF MY ECONOMIC CLAIMS WITH THE PROTHONOTARY IN WRITING AND SERVE THEM ON THE OTHER PARTY. IF I FAIL TO DO SO BEFORE THE DATE SET FORTH ON THE NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD OR AN ORDER APPROVING GROUNDS FOR DIVORCE, THE DIVORCE DECREE OR ORDER MAY BE ENTERED WITHOUT FURTHER NOTICE TO ME, AND I MAY BE UNABLE THEREAFTER TO FILE ANY ECONOMIC CLAIMS.

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

Date: \_\_\_\_\_  
(PLAINTIFF) (DEFENDANT)

NOTICE: IF YOU DO NOT WISH TO CLAIM ECONOMIC RELIEF, YOU SHOULD NOT FILE THIS COUNTER-AFFIDAVIT.

[ (2) The counter-affidavit prescribed by § 3301(d) of the Divorce Code and Pa.R.C.P. No. 1920.42(d)(2) shall be substantially in the following form: ]

(2) The Counter-Affidavit under Section 3301(c)(2) of the Divorce Code required by Pa.R.C.P. No. 1920.42(b)(1)(iii) shall be substantially in the following form:

(Caption)

**COUNTER-AFFIDAVIT  
UNDER SECTION 3301(c)(2) OF THE DIVORCE  
CODE**

1. Check either (a) or (b):

(a) I do not oppose the entry of a divorce decree.

(b) I oppose the entry of a divorce decree because:

(Check (i), (ii), or both)

(i) I have not been convicted of a "personal injury crime" as defined in 23 Pa.C.S. § 3103.

(ii) My spouse was not the victim of a personal injury crime for which I have been convicted.

2. Check (a), (b), or (c):

(a) I do not wish to make any claims for economic relief. I understand that I may lose rights concerning alimony, division of property, lawyer's fees or expenses if I do not claim them before a divorce is granted.

(b) I wish to claim economic relief, which may include alimony, division of property, lawyer's fees, costs and expenses, or other important rights.

I UNDERSTAND THAT IN ADDITION TO CHECKING 2(b), I MUST ALSO FILE ALL OF MY ECONOMIC CLAIMS WITH THE PROTHONOTARY IN WRITING AND SERVE THEM ON THE OTHER PARTY. IF I FAIL TO DO SO BEFORE THE DATE SET FORTH ON THE NOTICE OF INTENTION TO REQUEST DIVORCE DECREE OR AN ORDER APPROVING GROUNDS FOR DIVORCE, THE DI-

**VORCE DECREE OR ORDER MAY BE ENTERED WITHOUT FURTHER NOTICE TO ME, AND I MAY BE UNABLE THEREAFTER TO FILE ANY ECONOMIC CLAIMS.**

(c) Economic claims have been raised and are not resolved.

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

Date: \_\_\_\_\_  
(PLAINTIFF) (DEFENDANT)

**NOTICE: IF YOU DO NOT WISH TO OPPOSE THE ENTRY OF A DIVORCE DECREE AND YOU DO NOT WISH TO MAKE ANY CLAIM FOR ECONOMIC RELIEF, YOU SHOULD NOT FILE THIS COUNTER-AFFIDAVIT.**

(3) The Counter-Affidavit under Section 3301(d) of the Divorce Code required by Pa.R.C.P. No. 1920.42(c)(1)(iii) shall be substantially in the following form:

(Caption)

**COUNTER-AFFIDAVIT UNDER [ § ] SECTION 3301(d)  
OF THE DIVORCE CODE**

1. Check either (a) or (b):

(a) I do not oppose the entry of a divorce decree.

(b) I oppose the entry of a divorce decree because:  
Check (i), (ii), (iii) or all:

(i) The parties to this action have not lived separate and apart for the required separation period: two years for parties that separated prior to December 5, 2016, and one year for parties that separated on or after December 5, 2016.

(ii) The marriage is not irretrievably broken.

(iii) There are economic claims pending.

(2) Check (a), (b) or (c):

(a) I do not wish to make any claims for economic relief. I understand that I may lose rights concerning alimony, division of property, lawyer's fees or expenses if I do not claim them before a divorce is granted.

(b) I wish to claim economic relief, which may include alimony, division of property, lawyer's fees [ or ], costs and expenses, or other important rights.

I UNDERSTAND THAT IN ADDITION TO CHECKING [ (b) ABOVE ] (2)(b), I MUST ALSO FILE ALL OF MY ECONOMIC CLAIMS WITH THE PROTHONOTARY IN WRITING AND SERVE THEM ON THE OTHER PARTY. IF I FAIL TO DO SO BEFORE THE DATE SET FORTH ON THE NOTICE OF INTENTION TO REQUEST DIVORCE DECREE, THE DIVORCE DECREE MAY BE ENTERED WITHOUT FURTHER NOTICE TO ME, AND I SHALL BE UNABLE THEREAFTER TO FILE ANY ECONOMIC CLAIMS.

(c) Economic claims have been raised and are not resolved.

I verify that the statements made in this counter-affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.



Date: \_\_\_\_\_  
(PLAINTIFF) (DEFENDANT)

NOTICE: IF YOU DO NOT WISH TO OPPOSE THE ENTRY OF A DIVORCE DECREE AND YOU DO NOT WISH TO MAKE ANY CLAIM FOR ECONOMIC RELIEF, YOU SHOULD NOT FILE THIS COUNTER-AFFIDAVIT.

Rule 1920.73. Notice of Intention to [ Request Entry of Divorce Decree ] File Praecipe to Transmit Record. Waiver of Notice of Intention to File Praecipe to Transmit Record. Praecipe to Transmit Record. [ Forms. ]

(a)(1) The [ notice of the intention to request entry of divorce decree prescribed by Rule 1920.42(d) ] Notice of Intention to File the Praecipe to Transmit Record required by Pa.R.C.P. No. 1920.42(a)(1)(iv), (b)(1)(v), and (c)(1)(v), shall be substantially in the following form if there is an attorney of record:

(Caption)

[ NOTICE OF INTENTION TO REQUEST ENTRY OF DIVORCE DECREE ]

NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD

TO: \_\_\_\_\_  
(PLAINTIFF/DEFENDANT)

\_\_\_\_\_ (PLAINTIFF/DEFENDANT) intends to file with the court the attached Praecipe to Transmit Record on or after \_\_\_\_\_, 20\_\_ requesting [ that a final decree in divorce be entered ] the court enter a final decree in divorce or an order approving grounds for divorce as indicated on the proposed Praecipe to Transmit Record, which is attached.

\_\_\_\_\_  
Attorney for (PLAINTIFF/DEFENDANT)

(2)(i) The [ notice of the intention to request entry of a § 3301(c) divorce decree prescribed by Rule 1920.42(d) ] Notice of Intention to File the Praecipe to Transmit Record required by Pa.R.C.P. No. 1920.42(a)(1)(iv) or (b)(1)(v) shall be substantially in the following form if there is no attorney of record:

(Caption)

[ NOTICE OF INTENTION TO REQUEST ENTRY OF § 3301(c) DIVORCE DECREE ]

NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD SECTION 3301(c) OF THE DIVORCE CODE

TO: \_\_\_\_\_  
(PLAINTIFF/DEFENDANT)

You have signed [ a § 3301(c) affidavit ] an Affidavit of Consent under Section 3301(c) of the Divorce Code consenting to the entry of a divorce decree. Therefore, on or after \_\_\_\_\_, 20\_\_, the other party can request the court to enter a final decree in divorce or an order approving grounds for divorce as indicated on the proposed Praecipe to Transmit Record, which is attached.

Unless you have already filed with the court a written claim for economic relief, you must do so by the date in the paragraph above, or the court may grant the divorce

or an order approving grounds for divorce and you [ will ] may lose forever the right to ask for economic relief. The filing of the form counter-affidavit alone does not protect your economic claims.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Telephone Number)

**Official Note:** The above lines are to be completed with the name, address and telephone number of the officer, organization, agency or person designated by the court in accordance with Rule 1018.1(c).

The date to be inserted in the first paragraph of the notice must be at least twenty days after the date on which the notice was mailed or delivered.

(ii) The [ notice of the intention to request entry of § 3301(d) divorce decree prescribed by Rule 1920.42(d) ] Notice of Intention to File the Praecipe to Transmit Record required by Pa.R.C.P. No. 1920.42(c)(1)(v) shall be substantially in the following form if there is no attorney of record:

(Caption)

[ NOTICE OF INTENTION TO REQUEST ENTRY OF § 3301(d) DIVORCE DECREE ]

NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD UNDER SECTION 3301(d) OF THE DIVORCE CODE

TO: \_\_\_\_\_  
(PLAINTIFF/DEFENDANT)

You have been sued in an action for divorce. You have failed to answer the complaint or file a counter-affidavit to the [ § 3301(d) affidavit ] Affidavit under Section 3301(d) of the Divorce Code. Therefore, on or after \_\_\_\_\_, 20\_\_, the other party can request the court to enter a final decree in divorce or an order approving grounds for divorce as indicated on the proposed Praecipe to Transmit Record, which is attached.

If you do not file with the prothonotary of the court an answer with your signature notarized or verified or a counter-affidavit by the above date, the court can enter a final decree in divorce or an order approving grounds for divorce. A counter-affidavit [ which ] that you may file with the prothonotary of the court is attached to this notice.

Unless you have already filed with the court a written claim for economic relief, you must do so by the above date, or the court may grant the divorce or an order approving grounds for divorce and you [ will ] may

lose forever the right to ask for economic relief. The filing of the form counter-affidavit alone does not protect your economic claims.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Telephone Number)

**Official Note:** The above lines are to be completed with the name, address and telephone number of the officer, organization, agency or person designated by the court in accordance with Rule 1018.1(c).

The date to be inserted in the first paragraph of the notice must be at least twenty days after the date on which the notice was mailed or delivered.

[ (b) The praecipe to transmit the record prescribed by Rule 1920.42 shall be in substantially the following form:

(Caption)

**PRAECIPE TO TRANSMIT RECORD**

To the Prothonotary:

Transmit the record, together with the following information, to the court for entry of a divorce decree:

1. Ground for divorce: irretrievable breakdown under § (3301(c)) and (3301(d)(1)) of the Divorce Code. (Strike out inapplicable section).

2. Date and manner of service of the complaint:

3. Complete either paragraph (a) or (b).

(a) Date of execution of the affidavit of consent required by § 3301(c) of the Divorce Code: by plaintiff: \_\_\_\_\_; by defendant \_\_\_\_\_.

(b)(1) Date of execution of the affidavit required by § 3301(d) of the Divorce Code: \_\_\_\_\_;

(2) Date of filing and service of the § 3301(d) affidavit upon the opposing party: \_\_\_\_\_.

4. Related claims pending: \_\_\_\_\_.

5. Complete either (a) or (b).

(a) Date and manner of service of the notice of intention to file praecipe to transmit record, a copy of which is attached: \_\_\_\_\_

(b) Date plaintiff's Waiver of Notice was filed with the prothonotary: \_\_\_\_\_

Date defendant's Waiver of Notice was filed with the prothonotary: \_\_\_\_\_

\_\_\_\_\_  
(Attorney for) (PLAINTIFF) (DEFENDANT) ]

(b) The waiver permitted by Pa.R.C.P. No. 1920.42(a)(2)(i), (b)(2)(i), and (c)(2)(i) shall be substantially in the following form:

(Caption)

**WAIVER OF NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD**

1. Without further notice, I consent to the entry of:

- a final decree of divorce; or
- an order approving grounds for divorce.

2. I understand that I may lose rights concerning alimony, division of property, lawyer's fees, or expenses if I do not claim them before a divorce is granted.

3. I understand that I will not be divorced until a divorce decree is entered by the Court and that a copy of the decree will be sent to me immediately after it is filed with the prothonotary.

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

Date: \_\_\_\_\_  
(PLAINTIFF) (DEFENDANT)

(c) The Praecipe to Transmit Record required by Pa.R.C.P. No. 1920.42(a)(1)(v), (b)(1)(vi), and (c)(1)(vi) shall be substantially in the following form:

(Caption)

**PRAECIPE TO TRANSMIT RECORD**

To the Prothonotary:

Transmit the record, together with the following information, to the court for:

Check one of the following:

- entry of a divorce decree;
- entry of a divorce decree with marital settlement agreement attached;
- entry of a bifurcated divorce decree with the Court retaining jurisdiction over unresolved ancillary claims; or
- an order approving grounds for divorce with the Court retaining jurisdiction over unresolved ancillary claims.

1. Check the applicable section of the Divorce Code.

Grounds for divorce: irretrievable breakdown under:

- Section 3301(c)(1)
- Section 3301(c)(2)
- Section 3301(d)

2. Service of the Complaint:

- (a) Date served: \_\_\_\_\_.
- (b) Manner of service: \_\_\_\_\_.

3. Complete either paragraph (a) or (b).

(a) Section 3301(c)(1) or (2) of the Divorce Code— Insert the date each party signed their Affidavit of Consent, or if the ground for divorce is under Section 3301(c)(2) of the Divorce Code, next to the

appropriate party insert the date the spouse was convicted of the personal injury crime identified in 23 Pa.C.S. Section 3103 and complete (1) and (2).

Plaintiff: \_\_\_\_\_;

Defendant: \_\_\_\_\_.

(1) The date the party signed the Affidavit to Establish Presumption of Consent under Section 3301(c)(2) of the Divorce Code: \_\_\_\_\_;

(2) The date of filing and service of the Affidavit to Establish Presumption of Consent under Section 3301(c)(2) of the Divorce Code upon the other party: \_\_\_\_\_.

(b) *Section 3301(d) of the Divorce Code:*

(1) The date the Affidavit under Section 3301(d) of the Divorce Code was signed: \_\_\_\_\_;

(2) Date of filing and service of the affidavit upon the other party: \_\_\_\_\_.

4. Related claims pending: \_\_\_\_\_.

5. Complete either (a) or (b).

(a) Notice of Intention to File the Praecepto to Transmit Record:

(1) Date served: \_\_\_\_\_.

(2) Manner of service: \_\_\_\_\_.

(b) The date of filing of the party's Waiver of Notice of Intention to File the Praecepto to Transmit Record with the Prothonotary:

(1) Plaintiff's Waiver: \_\_\_\_\_.

(2) Defendant's Waiver: \_\_\_\_\_.

\_\_\_\_\_  
(Attorney for)(PLAINTIFF)(DEFENDANT)

#### REPUBLICATION REPORT

##### Recommendation 158

The Domestic Relations Procedural Rules Committee (Committee) is proposing amendments to Pa.R.C.P. Nos. 1920.14, 1920.42, 1920.46, 1920.51, 1920.72 and 1920.73. The impetus for the amendments was Act 24 of 2016 that amended the Divorce Code by adding 23 Pa.C.S. § 3301(c)(2), which provides for a presumption of consent to a divorce if there is an allegation that a party is the victim of a personal injury crime committed by his or her spouse, as outlined in 23 Pa.C.S. § 3103. The Act amended other correlative statutes in the Divorce Code, as well. The Committee previously published this Recommendation in the *Pennsylvania Bulletin*, 46 Pa.B. 6113 (October 1, 2016); however, after additional deliberations on the related divorce procedural issues, the Committee has comprehensively revised the Recommendation.

In implementing § 3301(c)(2), the Committee borrowed from the familiar process for obtaining a § 3301(d) divorce by incorporating an affidavit/counter-affidavit procedure. The process for establishing the presumption of consent in § 3301(c)(2) using an affidavit requires the party to aver that he or she had been the victim of a personal injury crime and that his or her spouse had been convicted of that personal injury crime. In response, the convicted spouse may oppose the establishment of the presumption by completing and filing a counter-affidavit. If the convicted spouse opposes the establishment of the presumption, the court may either schedule a hearing on the establishment of the presumption or appoint a master to do so. Currently, Pa.R.C.P. No. 1920.51 does not permit the appointment of a master to determine grounds for

divorce under § 3301(c); however, as part of the Recommendation, the Committee proposes an amendment to Pa.R.C.P. No. 1920.51(a)(2) permitting the appointment of a master for a determination of the presumption under § 3301(c)(2).

To effectuate the new procedures for § 3301(c)(2) divorces, the Committee proposes several additional forms, including an Affidavit to Establish Presumption of Consent and a Counter-Affidavit under § 3301(c)(2). The Committee also proposes additional amendments to several other forms, including the Notice of Intention to Request Entry of a Divorce Decree, Waiver of Notice of Intention to Request Entry of a Divorce Decree, and the Praecepto to Transmit Record.

Also, after researching the divorce procedures from various counties across the Commonwealth, the Committee concluded that in many counties, a party or counsel could simply request the court hear the economic claims or appoint a divorce master without definitively asserting or establishing that the case was ripe for resolution. Conversely, the Committee reviewed local rules and procedures from several counties that require the parties obtain an order approving grounds for divorce before seeking resolution of the economic claims. As the court cannot resolve the ancillary claims until grounds for divorce have been established, the Committee has incorporated procedures into Pa.R.C.P. No. 1920.42 for obtaining approval of grounds for divorce in cases in which the parties have unresolved ancillary claims. This process requires the parties obtain a court order approving grounds for divorce before seeking the appointment of a divorce master or requesting the court hear the ancillary economic claims raised in the pleadings. The process ensures a uniform practice across the Commonwealth by providing a definitive point when the parties can move the court for resolution of the ancillary claims.

In this Recommendation, the Committee has completely rewritten Pa.R.C.P. No. 1920.42. The current rule is difficult to follow and comprehend, and including additional procedures for § 3301(c)(2) divorces into the current rule would have furthered the problem. The proposed revision to Pa.R.C.P. No. 1920.42 outlines in detail the process for obtaining a decree for Section 3301(c)(1), Section 3301(c)(2), and Section 3301(d) divorces. Although the Committee has expanded the rule extensively, it believes the detailed procedure will alleviate confusion in obtaining a divorce decree and further assist unrepresented parties to maneuver through a complicated procedure.

[Pa.B. Doc. No. 17-2011. Filed for public inspection December 8, 2017, 9:00 a.m.]

## Title 246—MINOR COURT CIVIL RULES

### PART I. GENERAL

[ 246 PA. CODE CHS. 500 AND 1000 ]

Proposed Amendment of Pa.R.C.P.M.D.J. Nos. 515-516 and 1007-1008

The Minor Court Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P.M.D.J. Nos. 515-516 and 1007-



1008, regarding requests for orders of possession and making stylistic changes, for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being republished in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

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

All communications in reference to the proposal should be received by January 29, 2018. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the *Minor Court Rules Committee*

ANTHONY W. SAVEIKIS,  
*Chair*

### Annex A

## TITLE 246. MINOR COURT CIVIL RULES

### PART I. GENERAL

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

##### Rule 515. Request for Order for Possession.

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

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

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

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

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

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

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

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

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

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

**In many judicial districts, an appeal of a magisterial district court judgment must be submitted to compulsory arbitration pursuant to Pa.R.C.P. Nos. 1301—1314. If the board of arbitrators enters an arbitration award for possession in favor of the plaintiff, and the defendant fails to maintain the *supersedeas* required by Rule 1008, then the plaintiff may terminate the *supersedeas* pursuant to Rule 1008 and request an order of possession from the magisterial district judge pursuant to Rule 515. If the board of arbitrators enters an arbitration award in favor of the defendant, and the plaintiff does not appeal within 30 days after the entry of the arbitration award, the plaintiff may not obtain an order of possession.**

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

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

##### Rule 516. Issuance and Reissuance of Order for Possession.

A. Upon the timely filing of the request form, the magisterial district judge shall issue the order for possession and shall deliver it for service and execution to the

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

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

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

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

(b) the bankruptcy stay is lifted; and

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

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

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

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

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

[ **Subdivision** ] **Paragraph B** provides for reissuance of the order for possession for one additional [ **60 day** ] **60-day** period. However, pursuant to [ **subdivision** ] **paragraph C**, in cases arising out of a residential lease, the request for reissuance of the order for possession must be filed within 120 days of the date of the entry of the judgment or, in a case in which the order for possession is issued and subsequently superseded by an appeal, writ of *certiorari*, *supersedeas* or a stay pursuant to a bankruptcy [ **Proceeding** ] **proceeding**, only within 120 days of the date the appeal, writ of *certiorari*, or *supersedeas* is stricken, dismissed, or otherwise termi-

nated, or the bankruptcy stay is lifted. The additional [ **60 day** ] **60-day** period need not necessarily immediately follow the original [ **60 day** ] **60-day** period of issuance. The written request for reissuance may be in any form and may consist of a notation on the permanent copy of the request for order for possession form, "Reissuance of order for possession requested," subscribed by the plaintiff. The magisterial district judge shall mark all copies of the reissued order for possession, "Reissued. Request for reissuance filed \_\_\_\_\_ (time and date)." A new form may be used upon reissuance, those portions retained from the original being exact copies although signatures may be typed or printed with the mark "/s/." There are no filing costs for reissuing an order for possession, for the reissuance is merely a continuation of the original proceeding. However, there may be additional server costs for service of the reissued order for possession.

**In many judicial districts, an appeal of a magisterial district court judgment must be submitted to compulsory arbitration pursuant to Pa.R.C.P. Nos. 1301—1314. If the board of arbitrators enters an arbitration award for possession in favor of the plaintiff, and the defendant fails to maintain the *supersedeas* required by Rule 1008, then the plaintiff may terminate the *supersedeas* pursuant to Rule 1008 and request an order of possession from the magisterial district judge pursuant to Rule 515. If the board of arbitrators enters an arbitration award in favor of the defendant, and the plaintiff does not appeal within 30 days after the entry of the arbitration award, the plaintiff may not obtain an order of possession.**

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

## CHAPTER 1000. APPEALS

### APPEAL

#### Rule 1007. Procedure on Appeal.

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

B. Except as otherwise provided in [ **subdivision** ] **paragraph C**, the action upon appeal may not be limited with respect to amount in controversy, joinder of causes of action or parties, counterclaims, added or changed averments or otherwise because of the particulars of the action before the magisterial district judge.

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

**Official Note:** As under earlier law, the proceeding on appeal is conducted *de novo*, but the former rule that the proceeding would be limited both as to jurisdiction and subject matter to the action before the magisterial district judge (*see Crowell Office Equipment v. Krug*, [ **213 Pa. Super. 261**, ] 247 A.2d 657 (Pa. Super. 1968)) has not been retained. Under [ **subdivision** ] **paragraph B**, the court of common pleas on appeal can exercise its full



jurisdiction and all parties will be free to treat the case as though it had never been before the magisterial district judge, subject of course to the Rules of Civil Procedure. The only limitation on this is contained in [ **subdivision** ] **paragraph C**, which makes clear that an appeal from a supplementary action filed pursuant to Rule 342 is not intended to reopen other issues from the underlying action that were not properly preserved for appeal.

**In many judicial districts, an appeal of a magisterial district court judgment must be submitted to compulsory arbitration pursuant to Pa.R.C.P. Nos. 1301—1314. If the board of arbitrators enters an arbitration award for possession in favor of the plaintiff, and the defendant fails to maintain the *supersedeas* required by Rule 1008, then the plaintiff may terminate the *supersedeas* pursuant to Rule 1008 and request an order of possession from the magisterial district judge pursuant to Rule 515. If the board of arbitrators enters an arbitration award in favor of the defendant, and the plaintiff does not appeal within 30 days after the entry of the arbitration award, the plaintiff may not obtain an order of possession.**

**Rule 1008. Appeal as *Supersedeas*.**

A. Receipt by the magisterial district judge of the copy of the notice of appeal from the judgment shall operate as a *supersedeas*, except as provided in [ **subdivisions** ] **paragraphs B and C** of this rule.

B. When an appeal is from a judgment for the possession of real property, receipt by the magisterial district judge of the copy of the notice of appeal shall operate as a *supersedeas* only if the appellant at the time of filing the notice of appeal, deposits with the prothonotary a sum of money (or a bond, with surety approved by the prothonotary) equal to the lesser of three [ **(3)** ] months' rent or the rent actually in arrears on the date of the filing of the notice of appeal, based upon the magisterial district judge's order of judgment, and, thereafter, deposits cash or bond with the prothonotary in a sum equal to the monthly rent which becomes due during the period of time the proceedings upon appeal are pending in the court of common pleas, such additional deposits to be made within [ **thirty (30)** ] **30** days following the date of the appeal, and each successive [ **thirty (30) day** ] **30-day** period thereafter.

Upon application by the landlord, the court shall release appropriate sums from the escrow account on a continuing basis while the appeal is pending to compensate the landlord for the tenant's actual possession and use of the premises during the pendency of the appeal.

In the event the appellant fails to deposit the sums of money, or bond, required by this rule when such deposits are due, the prothonotary, upon *praecipe* filed by the appellee, shall terminate the *supersedeas*. Notice of the termination of the *supersedeas* shall be forwarded by first class mail to attorneys of record, or, if a party is unrepresented, to the party's last known address of record.

When the deposit of money or bond is made pursuant to the rule at the time of filing the appeal, the prothonotary shall make upon the notice of appeal and its copies a notation that it will operate as a *supersedeas* when received by the magisterial district judge.

*C. Indigent Tenants*

(1) Residential tenants who seek to appeal from a magisterial district court judgment for possession and who do not have the ability to pay the lesser of three months' rent or the full amount of the magisterial district court judgment for rent shall file with the office of the prothonotary a tenant's affidavit, as set forth in [ **subdivision (2)** ] **subparagraph C(2)**.

(2) The tenant's affidavit shall be substantially in one of the following two forms:

[Caption]

TENANT'S *SUPERSEDEAS* AFFIDAVIT  
(NON-SECTION 8)

I, \_\_\_\_\_ (print name and address here), have filed a notice of appeal from a magisterial district court judgment awarding to my landlord possession of real property that I occupy, and I do not have the financial ability to pay the lesser of three [ **(3)** ] times my monthly rent or the judgment for rent awarded by the magisterial district court. My total household income does not exceed the income limits set forth in the supplemental instructions for obtaining a stay pending appeal and I have completed an *in forma pauperis* (IFP) affidavit to verify this. I have/have not (cross out the one that does not apply) paid the rent this month.

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

Date \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF TENANT

OR

[Caption]

SECTION 8 TENANT'S *SUPERSEDEAS* AFFIDAVIT

I, \_\_\_\_\_ (print name and address here), have filed a notice of appeal from a magisterial district court judgment awarding my landlord possession of real property that I occupy, and I do not have the financial ability to pay the lesser of three [ **(3)** ] times my monthly rent or the actual rent in arrears. My total household income does not exceed the income limits set forth in the supplemental instructions for obtaining a stay pending appeal and I have completed an *in forma pauperis* (IFP) affidavit to verify this. I have/have not (cross out the one that does not apply) paid the rent this month.

The total amount of monthly rent that I personally pay to the landlord is \$\_\_\_\_\_. I hereby certify that I am a participant in the Section 8 program and I am not subject to a final (*i.e.*, non-appealable) decision of a court or government agency which terminates my right to receive Section 8 assistance based on my failure to comply with program rules.

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

Date \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF TENANT

(3)(a) If the rent has already been paid to the landlord in the month in which the notice of appeal is filed, the tenant shall pay into an escrow account with the prothonotary the monthly rent in [ **thirty (30) day** ] **30-day** intervals from the date the notice of appeal was filed; or

(b) If the rent has not been paid at the time of filing the notice of appeal, the tenant shall pay:

(i) at the time of filing the notice of appeal, a sum of money equal to one third (1/3) of the monthly rent;

(ii) an additional deposit of two thirds (2/3) of the monthly rent within [ **twenty (20)** ] **20** days of filing the notice of appeal; and

(iii) additional deposits of one month's rent in full each [ **thirty (30)** ] **30** days after filing the notice of appeal. The amount of the monthly rent is the sum of money found by the magisterial district judge to constitute the monthly rental for the leasehold premises pursuant to Rule 514A. However, when the tenant is a participant in the Section 8 program, the tenant shall pay the tenant share of the rent as set forth in the "Section 8 Tenant's *Supersedeas* Affidavit" filed by the tenant.

(4) The prothonotary's office of the [ **Court of Common Pleas** ] **court of common pleas** in which the appeal is taken shall provide residential tenants who have suffered a judgment for possession with a "Supplemental Instructions for Obtaining a Stay of Eviction" as it appears on the [ **website of the Minor Court Rules Committee** ] **Forms page of the website of the Unified Judicial System Of Pennsylvania at [www.pacourts.us](http://www.pacourts.us)**.

**Official Note:** The [ **website of the Minor Court Rules Committee is part of the home page of the Administrative Office of Pennsylvania Courts** ] **Forms page is found on the home page of the Unified Judicial System of Pennsylvania at [www.pacourts.us](http://www.pacourts.us)**. The Supplemental Instructions include both instructions and income limits.

The income limits are stated in monthly amounts and are based upon the most recent poverty income guidelines issued by the Federal Department of Health and Human Services.

(5) When the requirements of [ **paragraphs (2) and (3)** ] **subparagraphs C(2)-(3)** have been met, the prothonotary shall issue a *supersedeas*.

(6) Upon application by the landlord, the court shall release appropriate sums from the escrow account on a continuing basis while the appeal is pending to compensate the landlord for the tenant's actual possession and use of the premises during the pendency of the appeal.

(7) If the tenant fails to make monthly rent payments to the prothonotary as described in [ **paragraph (3)** ] **subparagraph C(3)**, the *supersedeas* may be terminated by the prothonotary upon *praecipe* by the landlord or other party to the action. Notice of the termination of the *supersedeas* shall be forwarded by first class mail to the attorneys of record, or, if a party is unrepresented, to the party's last known address of record.

(8) If the [ **Court of Common Pleas** ] **court of common pleas** determines, upon written motion or its own motion, that the averments within any of the tenant's affidavits do not establish that the tenant meets

the terms and conditions of [ **paragraph (1)** ] **subparagraph C(1)**, *supra*, the [ **Court** ] **court** may terminate the *supersedeas*. Notice of the termination of the *supersedeas* shall be forwarded by first class mail to the attorneys of record, or, if a party is unrepresented, to the party's last known address of record.

D. If an appeal is stricken or voluntarily terminated, any *supersedeas* based on it shall terminate. The prothonotary shall pay the deposits of rental to the party who sought possession of the real property.

**Official Note:** [ **Subdivision** ] **Paragraph A** provides for an automatic *supersedeas* in appeals from civil actions upon receipt by the magisterial district judge of a copy of the notice of appeal.

[ **Subdivision** ] **Paragraph B**, however, does require the deposit of money or approved bond as a condition for *supersedeas* when the appeal is from a judgment for the possession of real property. A new [ **subdivision** ] **paragraph (C)** was created in 2008 to provide for appeals by indigent residential tenants who are unable to meet the bond requirements of [ **subdivision** ] **paragraph (B)**.

The request for termination of the *supersedeas*, upon the *praecipe* filed with the prothonotary, may simply state: "Please terminate the *supersedeas* in the within action for failure of the appellant to pay monthly rental as required by Pa.R.C.P.M.D.J. No. 1008 when it became due" and will be signed by appellee. The prothonotary will then note upon the *praecipe*: "Upon confirmation of failure of the appellant to deposit the monthly rent when it became due, the *supersedeas* is terminated," and the prothonotary will sign and clock the *praecipe*. A copy of the *praecipe* may thereupon be displayed to the magisterial district judge who rendered the judgment, and a request for issuance of an order for possession under [ **Pa.R.A.P.M.D.J.** ] **Pa.R.C.P.M.D.J.** No. 515 may be made.

The deposit of rent required hereunder is intended to apply in all cases, irrespective of the reasons [ **which** ] **that** caused the filing of the complaint before the magisterial district judge in the first instance. Disposition of the monthly rental deposits will be made by the court of common pleas following its *de novo* hearing of the matter on appeal.

**In many judicial districts, an appeal of a magisterial district court judgment must be submitted to compulsory arbitration pursuant to Pa.R.C.P. Nos. 1301—1314. If the board of arbitrators enters an arbitration award for possession in favor of the plaintiff, and the defendant fails to maintain the *supersedeas* required by Rule 1008, then the plaintiff may terminate the *supersedeas* pursuant to Rule 1008 and request an order of possession from the magisterial district judge pursuant to Rule 515. If the board of arbitrators enters an arbitration award in favor of the defendant, and the plaintiff does not appeal within 30 days after the entry of the arbitration award, the plaintiff may not obtain an order of possession.**

The money judgment portion of a landlord and tenant judgment (*see* Pa.R.C.P.M.D.J. Nos. 514 and 521) would be governed by [ **subdivision** ] **paragraph A**.

## REPORT

**Proposed Amendment of Pa.R.C.P.M.D.J.  
Nos. 515-516 and 1007-1008****Request for Order of Possession**I. *Introduction*

The Minor Court Rules Committee (“Committee”) is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P.M.D.J. Nos. 515-516 and 1007-1008. These amendments address a request for an order of possession following the entry of an award by an arbitration panel, and make stylistic changes.

II. *Discussion*

Rules 515 and 516 address a request for an order for possession, as well as issuance and reissuance of the order. In a residential landlord tenant case, when a judgment for possession has been rendered by a magisterial district judge, the plaintiff may request an order for possession after the 10th day and within 120 days following the date of entry of the judgment. *See* Rule 515B. Rule 1007 sets forth the procedures for the appeal in the court of common pleas, while Rule 1008B—D provides the procedure for obtaining a *supersedeas* when an appeal is from a judgment for the possession of real property.

The Committee received correspondence suggesting that it review the rules governing the filing of a request for an order for possession when an appeal has been filed. Specifically, the Committee was asked to review the following hypothetical situation: a magisterial district judge enters judgment in a residential landlord tenant case, the tenant appeals and obtains a *supersedeas*, the appeal goes before a board of arbitrators pursuant to Pa.R.C.P. Nos. 1301—1314, an arbitration award is entered, and the *supersedeas* is terminated for nonpayment of rent into escrow prior to expiration of the 30-day period for entry of the award in the court of common pleas. In this scenario, it was suggested that there is ambiguity about if and where the plaintiff should file a request for an order for possession if the *supersedeas* is terminated prior to the entry of the award in the court of common pleas.

The Committee discussed the scenario described above, and the Committee twice published proposals for public comment that attempted to clarify the suggested ambiguity, as well as update a statutory reference to constable fees. *See* 46 Pa.B. 984 (February 27, 2016); 45 Pa.B. 1111 (March 7, 2015).

The Committee received comments in response to both publications that led it to modify the proposal. With this republication, the Committee again considers the impact of an arbitration award (prior to entry of judgment) on the requirement of the tenant to maintain the *supersedeas* and the ability of a landlord to request an order for possession. The Committee now proposes a two-pronged approach. If the board of arbitrators enters the arbitration award for possession in favor of the plaintiff and the defendant fails to maintain the *supersedeas* during the 30-day period for entry of the award in the court of common pleas, then the plaintiff may terminate the *supersedeas* pursuant to Rule 1008 and request an order for possession pursuant to Rule 515. Requiring the defendant in this scenario to maintain the *supersedeas* during the 30-day period for the entry of judgment preserves the status quo. In contrast, if the board of arbitrators enters an arbitration award in favor of the defendant, and the plaintiff does not appeal within

30 days after the entry of the arbitration award, the plaintiff shall not obtain an order of possession. The decision of the arbitration panel is not a legal nullity, and the plaintiff is required to file a timely appeal of the arbitration panel decision in order to move the matter forward.

III. *Proposed Changes*

The Committee plans to propose the amendment of the Official Notes to Rules 515-516 and 1007-1008 by adding the following language:

In many judicial districts, an appeal of a magisterial district court judgment must be submitted to compulsory arbitration pursuant to Pa.R.C.P. Nos. 1301—1314. If the board of arbitrators enters an arbitration award for possession in favor of the plaintiff, and the defendant fails to maintain the *supersedeas* required by Rule 1008, then the plaintiff may request termination of the *supersedeas* from the prothonotary pursuant to Rule 1008 and request an order of possession from the magisterial district court pursuant to Rule 515. If the board of arbitrators enters an arbitration award in favor of the defendant and the plaintiff does not appeal within 30 days after the entry of the arbitration award, the plaintiff shall not obtain an order of possession.

The Committee also plans to propose an amendment of the Official Note to Rule 515 to reflect that constable fees are governed by 44 Pa.C.S. § 7161(d). Stylistic changes are also proposed throughout Rules 515-516 and 1007-1008 to achieve formatting consistency in areas of use of numbers, Latin terms, and internal references.

[Pa.B. Doc. No. 17-2012. Filed for public inspection December 8, 2017, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Philadelphia Rule of Judicial Administration No. \*1900; Administrative Doc. No. 04 of 2017

##### Order

*And Now*, this 22nd day of November, 2017, it is hereby *Ordered* that Philadelphia Rule of Judicial Administration No. \*1900. Protocols to Mark, Inventory, Store and Retain Exhibits, Physical Evidence and Electronic Evidence Offered During Trials and Evidentiary Hearings in the Philadelphia Court of Common Pleas, Trial Division is adopted effective January 6, 2018.

This Administrative Order is issued in accordance with the April 11, 1986 order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration, Docket No. 1. In light of the subject matter of the rule, consistent with Pa.R.J.A. 103(d), the proposed local rule was submitted to the Supreme Court of Pennsylvania Civil and Criminal Rules Committees for review. Written notification has been received from the Rules Committees certifying that the proposed local rule of judicial administration is not inconsistent with any general rule of the Supreme Court. This Administrative Order and the following local rule shall be filed with the Office of Judicial Records (formerly the Prothonotary, Clerk of Courts and Clerk of Quarter Sessions) in a docket maintained for



Administrative Orders issued by the First Judicial District of Pennsylvania. As required by Pa.R.J.A. 103(d)(5)(ii), two certified copies of this Administrative Order and the following local rule, as well as one copy of the Administrative Order and local rule shall be distributed to the Legislative Reference Bureau on a computer diskette for publication in the *Pennsylvania Bulletin*. One certified copy of this Administrative Order and local rule shall be filed with the Administrative Office of Pennsylvania Courts, shall be published on the website of the First Judicial District at <http://www.courts.phila.gov>, and shall be incorporated in the compiled set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*. Copies of the Administrative Order and local rule shall also be published in *The Legal Intelligencer* and will be submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

By the Court

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

**Rule \*1900. Protocols to Mark, Inventory, Store and Retain Exhibits, Physical Evidence and Electronic Evidence Offered During Trials and Evidentiary Hearings in the Philadelphia Court of Common Pleas, Trial Division.**

(a) *General Rule.* Counsel and unrepresented parties shall pre-mark all exhibits, physical evidence and electronic evidence used and offered during trials or evidentiary hearings, which shall be inventoried, filed and retained as provided in this rule.

(b) *Physical evidence.* Physical evidence and oversized exhibits must be photographed by the proponent, converted to letter sized pdf and appropriately marked and produced during the trial or evidentiary hearing. Unless otherwise provided by the presiding judge, at the conclusion of the trial or evidentiary hearing, physical evidence shall be returned to the police in criminal cases and to counsel in civil cases for safekeeping as required by any applicable retention schedule, statute, rule, regulation or policy, or until further order of court.

(c) *Electronic Evidence.* Electronic evidence, including audio or video exhibits, must be produced by the proponent on a USB drive, or other medium specified by the Office of Judicial Records from time to time, together with any associated player.

(d) *Confidential Documents.* Confidential documents offered as Exhibits shall be produced with a Confidential Document form as provided by the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts (UJS Case Records Policy) as provided in Phila.R.J.A. No. \*401. Confidential Documents are not accessible by the public.

(e) *Confidential Information.* Documents offered as Exhibits which contain confidential information listed in the UJS Case Records Policy shall be produced in a Redacted Format and Unredacted Format as provided in Phila.R.J.A. No. \*401. Unredacted Documents which contain confidential information are not accessible by the public.

(f) *Sealed Documents.* Any documents the presiding judge deems necessary to seal will not be accessible by the public.

(g) *Exhibit List.* At the conclusion of the trial or evidentiary hearing, designated court staff shall inventory

all exhibits and evidence, whether documentary, physical, electronic, audio, video or otherwise, and whether admitted or marked for identification. Any oversized exhibit, physical evidence or visual evidence not previously converted to letter size pdf format as provided in subsection (b) shall be photographed and/or converted to pdf letter size and marked. Each Exhibit and piece of evidence shall be clearly marked and placed on the Exhibit List which shall be reviewed and approved by the presiding judge, filed of record and copies provided to all parties.

(h) *Uploading Exhibits and Evidence.* Exhibits and evidence shall be made part of the record as follows:

(1) *Trial Division, Civil:* within five (5) days of the conclusion of the trial or evidentiary hearing, counsel for each proponent of the exhibits and evidence shall upload their documentary exhibits through the Electronic Filing System and, if not already done, provide to the Office of Judicial Records any USB drive with audio or video evidence, as provided in this rule. The Office of Judicial Records shall either upload the contents of any USB drive to a documentary-evidentiary program, or retain any USB drive as required by any applicable retention schedule, statute, rule, regulation or policy, or until further order of court.

(2) *Trial Division, Criminal:* at the conclusion of the trial or evidentiary hearing, the Office of Judicial Records shall take possession of all exhibits and any USB drive, shall upload all documentary exhibits through the Electronic Filing System and shall either upload the contents of any USB drive to a documentary-evidentiary program, or retain any USB drive as required by any applicable retention schedule, statute, rule, regulation or policy, or until further order of court.

(3) *Self-represented Parties:* at the conclusion of the trial or evidentiary hearing, designated court staff shall take possession of all exhibits and USB drive proffered by self-represented Parties and shall deliver them to the Office of Judicial Records which shall either upload the contents of any USB drive to a documentary-evidentiary program, or retain any USB drive as required by any applicable retention schedule, statute, rule, regulation or policy, or until further order of court.

[Pa.B. Doc. No. 17-2013. Filed for public inspection December 8, 2017, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### CLARION COUNTY

#### Adoption of Local Rules Regarding Public Access Policy Case Records of the Trial Court; No. 1194 CD 2017

#### Order of Court

And Now, November 15, 2017 the following rule is hereby *Adopted* as Local Rule of Judicial Administration 101 for the 18th Judicial District of Pennsylvania to be effective on January 6, 2018. The Clarion County District Court Administrator is Ordered and Directed to do the following:

(1) File one (1) copy of the local rules with the Administrative Office of Pennsylvania Courts via email to [adminrules@pacourts.us](mailto:adminrules@pacourts.us)



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

(3) Publish the local rules on the Clarion County website at <http://www.co.clarion.pa.us/government/courts.html>

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

*By the Court*

JAMES G. ARNER,  
*President Judge*

#### LOCAL RULE OF JUDICIAL ADMINISTRATION

##### Rule 101. Public Access Policy: Case Records of the Trial Courts.

Pursuant to Section 7 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 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 section of the Clarion County website at <http://www.co.clarion.pa.us/government/courts.html>.

[Pa.B. Doc. No. 17-2014. Filed for public inspection December 8, 2017, 9:00 a.m.]

#### ERIE COUNTY

##### Custody Hearing Officer Pilot Program, Suspension of 1915.4-4, Amendment of 1915.4-1(a), 1915.4-3, and 1915.27 and Adoption of 1915.4-2 of the Rules of Civil Procedure; Doc. No. 90051-17

#### Order

*And Now*, to wit, this 20th day of November, 2017, it is hereby *Ordered* that Erie County Local Rule of Civil Procedure 1915.4-4 is suspended while the Court operates a pilot program to determine if utilization of a hearing officer is an effective process for custody actions filed in Erie County. For the duration of the pilot program, Local Rule 1915.4-1(a), 1915.4-3, and 1915.27 shall be amended as follows. To further effectuate the pilot program, Local Rule 1915.4-2 shall be adopted.

This Order shall be processed in accordance with Pa.R.J.A. 103(d) and shall be effective January 1, 2018 or 30 days after the date of publication in the *Pennsylvania Bulletin*, whichever occurs later.

JOHN J. TRUCILLA,  
*President Judge*

##### Rule 1915.4-1. Hearing Procedure. Bypass Custody Conciliation Conference.

(a) [ Erie County shall utilize a custody conciliation conference as an initial non-record proceeding as set forth at Local Rule 1915.4-3. ] Complaints for custody or petitions for modification shall initially proceed through the Office of Custody Conciliation of Erie County, Pennsylvania. Except in relocation cases subject to Local Rule 1915.17, partial custody and supervised physical custody cases subject to

##### Local Rule 1915.4-2, and Section (b) of this rule, custody actions shall proceed in accordance with Pa.R.C.P. 1915.4-3.

(b) A party may present a motion to bypass the [ custody conciliation ] office conference to the duty judge during motion court pursuant to Local Rule 1915.13. A motion to bypass the [ custody conciliation ] office conference may be granted in cases wherein:

(1) there are complex questions of law, fact or both; or

(2) there are serious allegations affecting the child's welfare.

##### Rule 1915.4-2. Office Conference. Proceedings.

(a) Except as provided for at Local Rule 1915.4-1, all custody complaints and petitions for modification shall initially be conciliated by a conference officer at an office conference.

(b) The office conference is not a hearing but an opportunity for parties to reach agreement early in the custody process. No evidence or testimony is presented. Ordinarily, conferences shall not last more than one hour. The objectives of the office conference are:

(1) To facilitate immediate agreement and the entry of consent orders where the nature of the parties' dispute is minor and can be resolved quickly without the need for trial;

(2) To identify those cases not appropriate for resolution within the context of the conciliation process; and

(3) To identify the need for referral to outside professionals or agencies and to provide the parties with information and other assistance needed to accomplish such referral.

##### (c) Participation in the office conference:

(1) *Children and Third Parties:* Children and third parties, other than attorneys, shall not be present for or participate in conferences. Exceptions may be made at the discretion of the Court.

(2) Parties must participate in conferences in a cooperative manner and at all times adhere to the directives of the person conducting the conference.

(3) Prior to agreeing to a custody order, a party may consult with her or his attorney, and a reasonable opportunity to do so will be provided by the conference officer.

(d) An attorney who attends an office conference with a client will participate consistent with the following standards:

(1) The manner and scope of participation in conferences shall be determined by the conference officer;

(2) Attorneys shall fully cooperate with the efforts of the conference officer to facilitate the agreement of the parties;

(3) Counsel shall at all times behave in a professional manner and refrain from engaging in hostile or antagonistic conduct directed toward any conference participant;

(4) Attorneys shall advise their clients in a manner not disruptive of the conciliation process which

may require consulting with the client outside the conference room;

(5) Attorneys shall not engage in legal argument, except that counsel may advise of legal issues relevant to the formation of an interim or consent order;

(6) Counsel shall not attempt to question the other party, present evidence or engage in conduct characteristic of any adversarial proceedings;

(e) All agreements reached at an office conference, whether a full or partial agreement, shall be reduced to a Consent Agreement and shall be signed by the parties immediately upon conclusion of the proceeding. If the parties partially agree or agree to reschedule the office conference, an interim order containing the agreed upon terms of the parties may be submitted to the duty judge for approval of the court.

(f) If no agreement is reached at the office conference, the case shall be promptly referred by the Custody Conciliation Office to Family Court Administration for trial; except that actions for partial custody or supervised physical custody shall be assigned to a hearing officer and shall proceed in accordance with Pa.R.C.P. 1915.4-2(b) and Local Rule 1915.4-2(g) below. The conference officer shall prepare a summary report detailing the parties' respective positions, which shall be filed and submitted to the hearing officer and the parties.

*(g) Hearing before the Hearing Officer.*

(1) In accordance with Pa.R.C.P. 1915.4-2, parties, after an unsuccessful office conference, will be scheduled for a custody hearing before a hearing officer.

(2) A pretrial order will be issued which directs parties to submit a pretrial narrative statement and parenting plan. The pretrial narrative statement and parenting plan is due ten (10) days prior to the scheduled hearing date and may be dropped off or mailed to the Custody Conciliation Office at the Erie County Courthouse.

(3) Continuance requests for custody hearings will be considered only if made in writing and containing the written consent of all parties. Such requests shall be presented to the Custody Office for consideration by the hearing officer.

(4) The hearing shall be conducted in accordance with Pa.R.C.P. 1915.4-2.

(5) The Court may issue an interim order consistent with the hearing officer's proposed order. If exceptions are filed, the interim order shall continue in effect.

(6) Exceptions may be filed to the custody hearing officer's report and proposed order pursuant to Pa.R.C.P. 1915.4-2. If filing exceptions, in addition to those requirements contained in Pa.R.C.P. 1915.4-2, Erie County requires the following:

i. A copy of the hearing officer's report and proposed order from which the exceptions are filed must be attached to the exceptions.

ii. When filing exceptions, a transcript must be ordered from the Court Reporter's Office in accordance with Erie County Rules of Judicial Adminis-

tration 4001—4008. A copy of the completed Transcript Request Form, along with a transcript deposit receipt or proof of transcript fee waiver, shall be attached to the original exceptions. The only time a transcript is not necessary is if the exceptions are not based on the testimony contained in the record. If both parties file exceptions to the report and proposed order of the hearing officer, they shall equally bear the cost of the transcript of testimony. If a party fails to pay for the transcript or obtain a waiver of the cost of the transcript, the court reporter shall notify the court, after which the exceptions of the non-paying party may be dismissed by the judge if the transcript was needed for determining the exceptions.

iii. The original exceptions shall be timely filed with the Prothonotary's office at the Erie County Courthouse. Within twenty (20) days of filing the exceptions, a time stamped copy must be delivered to Court Administration.

iv. The party filing exceptions must also serve a time stamped copy on the opposing party or that party's counsel of record.

v. Once exceptions and all related documents are filed with the Prothonotary and a copy is provided to Court Administration, argument on the exceptions will be placed on the next available argument list for an assigned judge. The Court will issue an order and serve notice on all parties of the date and place of argument.

Rule 1915.4-3. [ Custody Conciliation Conference. ]  
Non-Record Proceedings. Trial.

[ (a) Except as provided for at Local Rule 1915.17, all custody complaints and petitions for modification shall be initially referred to the Office of Custody Conciliation of Erie County, Pennsylvania for a custody conciliation conference before a custody conciliation officer.

(b) The Conciliation Conference is not a hearing but an opportunity for parents to reach agreement early in the custody process. No evidence or testimony is presented. Ordinarily, conferences shall not last more than one hour. The objectives of the Conciliation Conference are:

(1) To facilitate immediate agreement and the entry of consent orders where the nature of the parties' dispute is minor and can be resolved quickly without the need for trial;

(2) To identify those cases not appropriate for resolution within the context of the conciliation process; and

(3) To identify the need for referral to outside professionals or agencies and to provide the parties with information and other assistance needed to accomplish such referral.

(c) All agreements reached at a Conciliation Conference, whether a full or partial agreement, shall be reduced to a Consent Agreement and shall be signed by the parties immediately upon conclusion of the proceeding. If the parties partially agree or agree to reschedule the custody conciliation conference, an interim order containing the agreed upon terms of the parties may be submitted to the duty

judge for approval of the court. The parties' consent to an interim order shall not constitute the waiver to a de novo trial for any issue.

(d) If no agreement is reached at the conciliation conference, the case shall be promptly referred by the Custody Conciliation Office to Family Court Administration for trial. The conciliation officer shall prepare a summary report detailing the parties' respective positions, which shall be filed and submitted to the court and the parties.

(e) The Custody Conciliation Officer may refer custody matters directly to the Court if appropriate.

**(f) Participation in Conciliation Process:**

(1) **Children and Third Parties:** Children and third parties, other than attorneys, shall not be present for or participate in custody conferences. Exceptions may be made at the discretion of the Court.

(2) Parties must participate in conferences in a cooperative manner and at all times adhere to the directives of the person conducting the conference.

(3) Prior to agreeing to a custody order, a party may consult with her or his attorney, and a reasonable opportunity to do so will be provided by the conciliator.

(g) An attorney who attends a Conciliation Conference with a client will participate consistent with the following standards:

(1) The manner and scope of participation in conferences shall be determined by the conciliator;

(2) Attorneys shall fully cooperate with the efforts of the custody conciliator to facilitate the agreement of the parties;

(3) Counsel shall at all times behave in a professional manner and refrain from engaging in hostile or antagonistic conduct directed toward any conference participant;

(4) Attorneys shall advise their clients in a manner not disruptive of the conciliation process which may require consulting with the client outside the conference room;

(5) Attorneys shall not engage in legal argument, except that counsel may advise of legal issues relevant to the formation of an interim or consent order;

(6) Counsel shall not attempt to question the other party, present evidence or engage in conduct characteristic of any adversarial proceedings;

(h) At any time during the conciliation process the conciliator may terminate the proceedings and refer the case to court. ]

Non-Record Proceedings governed by Pa.R.C.P. 1915.4-3 shall follow the office conference process detailed in Local Rule 1915.4-2, paragraphs (a)—(f).

**Rule 1915.27. Cancellation of Custody Proceedings.**

(a) A scheduled [ custody conciliation ] office conference and/or hearing before a hearing officer may not be cancelled without the written consent of the parties, or leave of court. If a responding party does not

consent to cancel [ a conciliation ] an office conference or hearing, a motion to cancel may be presented in motion court by the requesting party with proper notice pursuant to Local Rule 440.

(b) If none of the parties appear for a scheduled [ custody conciliation ] office conference, the [ conciliation ] conference officer will prepare and send a proposed Order to the duty judge that indicates the [ custody conciliation ] office conference is cancelled, and that the pleading is dismissed without prejudice.

(c) If any one party fails to appear for a scheduled [ custody conciliation ] office conference and all parties have been served, the appearing party or parties may:

(1) reschedule the [ custody conciliation ] office conference; [ or ]

(2) in the case of an initial complaint or petition for modification of an existing order seeking sole custody or primary physical custody, request an immediate referral for trial;

(3) in the case of an initial complaint or petition for modification of an existing order seeking partial custody and/or supervised physical custody, request an immediate referral for a hearing before a hearing officer; or

(4) request dismissal of the pleading without prejudice.

If the appearing party or parties request to reschedule the [ custody conciliation ] office conference, the appearing party or parties are responsible for serving notice of the rescheduled conference. If the appearing party requests an immediate referral for a trial, the case shall be promptly referred by the Custody Conciliation Office to Family Court Administration for scheduling of a trial. **If the appearing party requests an immediate referral for a hearing before a hearing officer, the case shall be promptly referred by the Custody Conciliation Office to the hearing officer for scheduling of a hearing.**

(d) If the complaint or petition has not been served, the [ conciliation ] office conference may be rescheduled at the request of the appearing party or parties. The [ custody conciliation office ] Custody Conciliation Office will prepare a new notice and order to be filed and served by the appearing party or parties, along with the petition and complaint and other documents required to be filed with the complaint.

(e) A scheduled [ de novo ] trial shall not be cancelled without leave of court. A motion to cancel the [ de novo ] trial shall be presented to the judge assigned to the custody trial. **A scheduled hearing before a hearing officer shall not be cancelled without leave of court. A motion to cancel the hearing before a hearing officer shall be presented to the family motion court judge.** If all parties agree to the [ trial's ] cancellation, signed consent of the parties shall be attached to the motion.

[Pa.B. Doc. No. 17-2015. Filed for public inspection December 8, 2017, 9:00 a.m.]



## FRANKLIN COUNTY

**Adoption of Local Rule of Judicial Administration  
200; Misc. Doc. No. 2017-4415**

*And Now This* 21st day of November, 2017,

*It Is Hereby Ordered* that 39th Judicial District Local Rule of Judicial Administration 200 is adopted, effective January 6, 2018.

The Franklin County Court Administration Office 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 Franklin County Law Library and the Editor of the *Franklin County Legal Journal*.

(4) Publish a copy of this rule on the website of the Franklin County Court Administration Office at [www.co.fulton.pa.us](http://www.co.fulton.pa.us) and [www.franklincountypa.gov](http://www.franklincountypa.gov).

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

*By the Court*

CAROL L. VAN HORN,  
*President Judge*

**Rule 200. Confidential Information and Documents.**

Pursuant to Section 7 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 Policy shall use and file a Confidential Information Form (CIF) or a Confidential Document Form (CDF), as applicable, in order to comply with the Policy. Parties are expressly prohibited from filing two versions of any document, i.e., a redacted version and an unredacted version.

The forms shall be available in each filing office as well as on the Public Records page of the UJS website at <http://www.pacourts.us/public-records/public-records-policies>.

Litigants and counsel can consult the following sources for guidance on how to complete these forms:

(a) Public Records page of the UJS website at <http://www.pacourts.us/public-records/public-records-policies>.

(b) Franklin County website: [http://www.franklincounty.pa.gov/index.php?section=departments\\_local-rules-court](http://www.franklincounty.pa.gov/index.php?section=departments_local-rules-court).

(c) Fulton County website: <https://www.co.fulton.pa.us/court-common-pleas.php> (select link to "Local Rules of Court for the 39th Judicial District, Franklin and Fulton County Branches")

[Pa.B. Doc. No. 17-2016. Filed for public inspection December 8, 2017, 9:00 a.m.]

## FULTON COUNTY

**Adoption of Local Rule of Judicial Administration  
200; Misc. Doc. No. 27-2017**

*And Now This* 21st day of November, 2017,

*It Is Hereby Ordered* that 39th Judicial District Local Rule of Judicial Administration 200 is adopted, effective January 6, 2018.

The Franklin County Court Administration Office 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 Franklin County Law Library and the Editor of the *Franklin County Legal Journal*.

(4) Publish a copy of this rule on the website of the Franklin County Court Administration Office at [www.co.fulton.pa.us](http://www.co.fulton.pa.us) and [www.franklincountypa.gov](http://www.franklincountypa.gov).

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

*By the Court*

CAROL L. VAN HORN,  
*President Judge*

**Rule 200. Confidential Information and Documents.**

Pursuant to Section 7 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 Policy shall use and file a Confidential Information Form (CIF) or a Confidential Document Form (CDF), as applicable, in order to comply with the Policy. Parties are expressly prohibited from filing two versions of any document, i.e., a redacted version and an unredacted version.

The forms shall be available in each filing office as well as on the Public Records page of the UJS website at <http://www.pacourts.us/public-records/public-records-policies>.

Litigants and counsel can consult the following sources for guidance on how to complete these forms:

(a) Public Records page of the UJS website at <http://www.pacourts.us/public-records/public-records-policies>.

(b) Franklin County website: [http://www.franklincounty.pa.gov/index.php?section=departments\\_local-rules-court](http://www.franklincounty.pa.gov/index.php?section=departments_local-rules-court).

(c) Fulton County website: <https://www.co.fulton.pa.us/court-common-pleas.php> (select link to "Local Rules of Court for the 39th Judicial District, Franklin and Fulton County Branches")

[Pa.B. Doc. No. 17-2017. Filed for public inspection December 8, 2017, 9:00 a.m.]



**LAWRENCE COUNTY**  
**Register of Wills; O.C. No. 90193/17 ADM**

**Administrative Order**

*And Now*, this 16th day of November, 2017, pursuant to Acts 40 and 47 of 2017, the fee bill of the Register of Wills of Lawrence County, Pennsylvania is amended as indicated on the fee bill of the following Petition.

The JCS/ATJ/CJEA fees will become effective as of November 30, 2017 at 4:00 PM.

*It Is Further Ordered* that the Court shall:

- (a) File seven (7) certified copies of this Administrative Order with the AOPC;
- (b) File two (2) certified copies of this Administrative Order and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;
- (c) File one (1) certified copy of this Administrative Order with the PA Supreme Court Orphans' Court Rules Committee;
- (d) Forward one (1) copy of this Administrative Order to be published in the *Lawrence County Law Journal*;
- (e) Forward one (1) copy of this Administrative Order to the Lawrence County Law Library; and
- (f) Keep continuously available for public inspection copies of this Administrative Order in the Lawrence County Register of Wills Office and the office of the Court Administrator.

*By the Court*

HONORABLE DOMINICK MOTTO,  
*President Judge*

**Petition**

**to Increase Fees for Register of Wills Office**  
**(Pursuant to Acts 40 and 44 of 2017)**

To the Honorable Dominick Motto, President Judge of the Said Court:

The petition of Janet L. Kalajainen, Register of Wills of Lawrence County respectfully represents that:

- 1. Governor Tom Wolf recently signed into law Acts 40 and 44 of 2017 that will make immediate changes to the Judicial Computer Project/Access to Justice/Criminal Justice Enhancement Account (JCS/ATJ/CJEA).
- 2. The JCS/ATJ/CJEA surcharge is increased from \$35.50 to \$40.25. The surcharge will remain at \$40.25 through December 2020.
- 3. These changes took effect immediately on October 30, 2017, but pursuant to the authority under 42 Pa.C.S. § 3502(a) to promulgate regulations specifying the time and manner of remittance of this fee by the county staff, all collectors of the fee must be in compliance with these regulations on or before November 30, 2017. This implementation period is necessary to allow all collectors of the fee sufficient time to make the necessary adjustments to existing automated systems and protocols.
- 4. Effective November 30, 2017 at 4:00 PM, Acts 40 and 44 will increase the JCS/ATJ/CJEA fee by an additional \$4.75 bringing the total to \$40.25.
- 5. Therefore, the fee of \$40.25 will be implemented as of November 30, 2017 at 4:00 PM on all Petitions for Probate in the Register of Wills Office.

*Wherefore*, your Petitioner, Janet L. Kalajainen, Register of Wills of Lawrence County, Pennsylvania, respectfully requests the Court to authorize the following schedules of fees with mandated fee increases for the office of Register of Wills of Lawrence County for adoption by this Court.

JANET L. KALAJAINEN,  
*Register of Wills*

**Lawrence County Register of Wills**  
**Fee Schedule**  
**Effective November 30, 2017 at 4:00 PM**

*Note:* All Probate and first filings must be accompanied by a Death Certificate

PROBATE OF WILL (Without Letters)	
Judicial Computer System/Access to Justice/Criminal Justice Enhancement Account fee	\$40.25
Automation Fee	\$10.00
Last Will and Testament	\$40.00
GRANTING LETTERS TESTAMENTARY and LETTERS OF ADMINISTRATION	
Judicial Computer System/Access to Justice/Criminal Justice Enhancement Account fee	\$40.25
Automation Fee	\$10.00
Will/Codicil	\$20.00
FOR ESTATE VALUES:	
NOT EXCEEDING \$5,000.00	\$40.00
From \$5,001.00 to \$10,000.00	\$60.00
From \$10,001.00 to \$20,000.00	\$70.00
From \$20,001.00 to \$30,000.00	\$80.00
From \$30,001.00 to \$40,000.00	\$90.00
From \$40,001.00 to \$50,000.00	\$100.00
From \$50,001.00 to \$75,000.00	\$120.00
From \$75,001.00 to \$100,000.00	\$150.00
Each additional \$100,000.00 or fraction thereof	\$100.00
First \$1 million	\$1000.00
Each additional \$100,000.00 or fraction thereof	\$100.00

- Where the gross value of an estate has been underestimated on the Petition for Letters, a bill for Addition Probate Fees will be rendered for the balance due.
- Additional Probate Fees will be due and payable within thirty (30) days from the date of the billing statement. Any balances more than thirty (30) days in arrears will be charged interest at the rate of 1% per month.
- All fees must be paid in full before any finalization/estate settlement will be accepted for filing.

RENUNCIATIONS—per signature	\$5.00
SHORT CERTIFICATES—each	\$5.00
CODICIL	\$20.00
LETTERS (Administration DBN & DBN CTA)	\$40.00
PETITIONS (ie. Petition to Compel Administration)	\$25.00
Citations—each	\$20.00
Certified Mail—each	\$10.00
ANCILLARY LETTERS (Follow regular estate fee schedule based on PA assets only.)	
AFFIDAVIT OF DEATH	\$10.00
AMENDMENT TO PROBATE	
Within 3 months from date of probate (Petition to the Register of Wills)	\$30.00
After 3 months from date of probate (Petition to Orphans' Court)	
APPEAL FROM REGISTER (Filed in Orphans' Court)	
AUTOMATION FEE	\$10.00
To be charged on all first filings requiring JCS/ATJ fee	
BOND	\$20.00
CAVEAT (filing and entering) + Bond	\$25.00
CERTIFICATION OF RECORD (w/cover sheet & gold seal)	\$10.00
+ per page certified	\$3.00
CERTIFICATION OF INHERITANCE TAX PAID	
Issuing Certificate to another county	\$20.00
Filing from another county	\$10.00
CITATIONS—each	\$20.00
Certified Mail—each	\$10.00
CLAIMS AGAINST ESTATE (filed in Orphans' Court)	
Copy filed with Register of Wills	\$10.00
COMMISSION TO ADMINISTER OATH	\$25.00
COPIES (per page)	\$.50
By mail ~ postage and handling	\$2.00
DISCLAIMER OF BENEFICIAL INTEREST (filed in Orphans' Court)	
ELECTION TO TAKE AGAINST WILL (filed in Orphans' Court)	
EXEMPLIFICATION—ISSUING & FILING	\$30.00
+ per page	\$3.00
FAMILY SETTLEMENT AGREEMENT	\$50.00
FINAL ACCOUNT (filed in Orphans' Court)	
INVENTORY	\$20.00
INHERITANCE TAX RETURN	\$20.00
MISCELLANEOUS FILINGS	\$10.00
PRAECIPE OF APPEARANCE	\$10.00
PRAECIPE OF WITHDRAWAL	\$10.00
RECEIPT AND RELEASE per legatee	\$10.00
REGISTER'S HEARINGS	\$50.00
(If Court Reporter is requested, it's at Attorney's expense.)	
Citations—each	\$20.00
Certified Mail—each	\$10.00
RESEARCH FEE	
Per name—per record searched	\$5.00
+ per page copied	\$.50
Screen shots & docket entries—per page	\$1.00
By mail—postage & handling	\$2.00

RETURNED CHECKS	
Re-processing fee	\$30.00
+ original amount (Cashier's checks only)	
SMALL ESTATES AFFIDAVIT	\$25.00
STIPULATION	\$25.00
SUPOENA	\$10.00
WAIVER	\$10.00

*Note:* If a fee is not specifically listed, the Register of Wills shall make the same charge as that imposed for other services of a similar nature.

*Fee Schedule History*

Act 57 of 1981	Register of Wills Fees set by General Assembly of PA
Act 82 of 1990	Allows Register of Wills to establish fees with approval of President Judge—60 day window—thereafter increased only by Act of General Assembly Approved by President Judge Glenn McCracken—September 1990
Act 69 of 1993	Amended to allow increase of Register of Wills fees as determined by Register of Wills and the President Judge
Act 122 of 2002	Imposed by Supreme Court—Judicial Computer Program \$10.00
Act 49 of 2009	Imposed by Supreme Court—Judicial Computer System/Access to Justice/Criminal Justice Enhancement Account ~ additional \$13.50
Jan. 2, 2010	Fee Schedule increase approved by President Judge Dominick Motto December 4, 2009
Act 113 of 2014	Imposed by Supreme Court—Judicial Computer System/Access to Justice/Criminal Justice Enhancement Account ~ additional \$2.00
Act 126 of 2014	Imposed by Supreme Court—Judicial Computer System/Access to Justice/Criminal Justice Enhancement Account ~ additional \$10.00
Acts 40 & 44 of 2017	Imposed by Supreme Court—Judicial Computer System/Access to Justice/Criminal Justice Enhancement Account ~ additional \$4.75

[Pa.B. Doc. No. 17-2018. Filed for public inspection December 8, 2017, 9:00 a.m.]

**MIFFLIN COUNTY**

**Local Rule 101 of Judicial Administration; CP-44-CV-2-2017**

**Order of Court**

*And Now*, this day of November 22nd, 2017, the Court hereby adopts the following new Local Rule of Judicial Administration:

Pursuant to Section 7 of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts, any party filing documents that contain confidential information, as defined by the 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 <http://www.co.mifflin.pa.us/dept/courts>.

Said Local Rules of Judicial Administration shall be effective in the 58th Judicial District of the Commonwealth of Pennsylvania thirty (30) days after publication in the *Pennsylvania Bulletin* and upon publication on the Mifflin County website.

*By the Court*

DAVID W. BARRON,  
*President Judge*

[Pa.B. Doc. No. 17-2019. Filed for public inspection December 8, 2017, 9:00 a.m.]

**MONROE COUNTY**

**Pennsylvania Supreme Court Public Access Policy  
Local Procedure; 5 AD 2017; 51 ADM**

**Order**

And Now, this 15th day of November, 2017, pursuant to Pennsylvania Supreme Court Administrative Order 477 dated January 6, 2017 effectuating the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts, it is Ordered that Monroe County Rule of Judicial Administration 477, Mon.R.J.A. 477 is adopted, effective January 6, 2018 after a minimum of 30 days publication in the *Pennsylvania Bulletin*.

It Is Further Ordered that the District Court Administrator shall:

1. File one copy of this Rule with the Administrative Office of Pennsylvania Courts via email to [adminrules@pacourts.us](mailto:adminrules@pacourts.us).
2. File two paper copies and one electronic copy of this Rule in a Microsoft Word format only on a CD-ROM to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Provide one copy of this Rule to the Monroe County Law Library.
4. Keep such Administrative Local Rules, as well as all local rules of this Court, continuously available for public inspection and copying in the Monroe County Offices of:

- a. the Prothonotary
  - b. the Clerk of Courts
  - c. the Clerk of Orphans' Court
  - d. Upon request and payment of reasonable cost of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule.
5. Arrange to have this Administrative Rule published on the Monroe County Bar Association website at [www.monroebar.org](http://www.monroebar.org).
6. Arrange to have this Administrative Rule, as well as all local rules, published on the 43rd Judicial District website at [www.monroepacourts.us](http://www.monroepacourts.us).

*By the Court*

MARGHERITA PATTI-WORTHINGTON,  
*President Judge*

**Local Rule of Judicial Administration 477. Confidential Information Form.**

Pursuant to Section 7 of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts, 204 Pa. Code § 213.7, persons who file documents that contain confidential information as defined by the Policy shall use and file a Confidential Information Form (CIF) or a Confidential Document Form (CDF), as applicable, in order to comply with the Policy. Parties are expressly prohibited from filing two versions of any document, i.e., a redacted version and an unredacted version. A copy of the Policy and forms shall be available in each filing office, on this Court's website at [www.monroepacourts.us](http://www.monroepacourts.us) and on the Public Records page of the UJS website at <http://www.pacourts.us/public-records>.

[Pa.B. Doc. No. 17-2020. Filed for public inspection December 8, 2017, 9:00 a.m.]

**MONTGOMERY COUNTY**

**Adoption of Local Rule of Criminal Procedure 113.1\*—Confidential Information and Confidential Documents. Certification; No. AD-388-17**

**Order**

*And Now*, this 21st day of November, 2017, the Court hereby Adopts Montgomery County Local Rule of Criminal Procedure 113.1\*. Confidential Information and Confidential Documents. Certification. This Rule shall become effective on January 6, 2018.

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

*By the Court*

THOMAS M. DELRICCI,  
*President Judge*

**Rule 113.1\*. Confidential Information and Confidential Documents. Certification.**

Pursuant to the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts (herein referred to as "Policy"), the following rules shall apply to all filings made in the Criminal Division of this Court:

(A) *Confidential Information*

(1) Any filing that includes any Confidential Information, as defined in Section 7.0(A) of the Policy, shall be filed with two (2) versions of the document. One shall be a "Redacted Version" in which any Confidential Information is redacted in a manner that is visibly evident to the reader. The other "Unredacted Version" may include the Confidential Information and shall be sealed, accessible only to the parties, their attorneys, and the Court except as Ordered by the Court. Any filing that includes no Confidential Information may be filed as only one document that shall not be sealed. Confidential information is defined in Section 7.0(A) of the Policy as:

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 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.

(2) Any filer is responsible for compliance with the Policy and this Rule. A certificate of compliance shall be attached as a separate page attached at the end of the filing and signed by the filer, or as a required check box in an e-filing system, 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."

(B) *Confidential Documents*

(1) Any Confidential Document pursuant to Section 8.0(A) of the Policy shall be sealed from public view. Any exhibit, document or attachment filed or offered in any proceeding before the Criminal Division that is a Confidential Document as defined under the Policy shall be filed separately from the pleading, motion, memorandum or other filing to which it relates, and shall be filed with a "Confidential Document Form." The Confidential Document Form, but not the document, shall be accessible to the public, except as ordered by the Court. Confidential Documents, as defined by Section 8.0(A) of the Policy (and as further defined in Section 1.0 of the Policy, provided that certain documents that are typically filed within the Family Division are not listed here, but must nevertheless be treated as confidential pursuant to the Policy) are:

1. Financial source documents;
2. Minors' educational records;



3. Medical/Psychological records; and
4. Children and Youth Services' records.

(2) Any filer is responsible for compliance with the Policy and this Rule. A certificate of compliance shall be attached as a separate page at the end of every filing, and signed by the filer, or as a required check box in e-filing, 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."

(C) *Sanctions*

If, after notice and a reasonable opportunity to respond, the Court determines that this Rule has been violated, the Court may impose a sanction on any filer who has violated this Rule or is responsible for a violation.

*Comment:* Filers are encouraged to omit confidential information and confidential documents not essential to the matters to be decided to minimize the need for redaction, and where possible to file documents that contain no confidential information.

[Pa.B. Doc. No. 17-2021. Filed for public inspection December 8, 2017, 9:00 a.m.]

## MONTGOMERY COUNTY

### Adoption of Local Rule of Judicial Administration 520\*—Public Access Policy; No. 2017-00001

#### Order

*And Now*, this 21st day of November, 2017, the Court hereby adopts Montgomery County Local Rule of Judicial Administration 520\*—Public Access Policy. This Local Rule shall become effective on January 6, 2018.

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

*By the Court*

THOMAS M. DELRICCI,  
*President Judge*

### Local Rule of Judicial Administration 520\*. Public Access Policy.

Pursuant to Section 7 of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts, any filer who files a document that contains confidential information as defined by the Policy shall file in all filing offices two versions of said document, a "Redacted Version" and an "Unredacted Version."

[Pa.B. Doc. No. 17-2022. Filed for public inspection December 8, 2017, 9:00 a.m.]

## MONTGOMERY COUNTY

### Adoption of Local Rule of Orphans' Court 1.99A—Confidential Information and Confidential Documents. Certification; Rescission of Local Rule of Orphans' Court 4.7A(g)—Electronic Filing of Legal Papers

#### Order

*And Now*, this 21st day of November, 2017, the Court hereby Rescinds Montgomery County Local Rules of Orphans' Court 4.7A(g) and Adopts Montgomery County Local Rule of Orphans' Court 1.99A. Confidential Information and Confidential Documents. Certification. These Rule changes shall become effective on January 6, 2018.

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

*By the Court*

THOMAS M. DELRICCI,  
*President Judge*

### Rule 1.99A. Confidential Information and Confidential Documents. Certification.

Pursuant to the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts (herein referred to as "Policy"), the following rules shall apply to all filings made in the Orphans' Court Division of this Court:

#### (A) *Confidential Information*

(1) Any filing that includes any Confidential Information, as defined in Section 7.0(A) of the Policy, shall be filed with two (2) versions of the document. One shall be a "Redacted Version" in which any Confidential Information is redacted in a manner that is visibly evident to the reader. The other "Unredacted Version" may include the Confidential Information and shall be sealed, accessible only to the parties, their attorneys, and the Court except as Ordered by the Court. Any filing that includes no Confidential Information may be filed as only one document that shall not be sealed. Confidential information is defined in Section 7.0(A) of the Policy as:

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 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.

(2) Any filer is responsible for compliance with the Policy and this Rule. A certificate of compliance shall be attached as a separate page attached at the end of the filing and signed by the filer, or as a required check box in an e-filing system, 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.”

(B) *Confidential Documents*

(1) Any Confidential Document pursuant to Section 8.0(A) of the Policy shall be sealed from public view. Any exhibit, document or attachment filed or offered in any proceeding before the Orphans’ Court Division that is a Confidential Document as defined under the Policy shall be filed separately from the pleading, motion, memorandum or other filing to which it relates, and shall be filed with a “Confidential Document Form.” The Confidential Document Form, but not the document, shall be accessible to the public, except as ordered by the Court. Confidential Documents, as defined by Section 8.0(A) of the Policy (and as further defined in Section 1.0 of the Policy, provided that certain documents that are typically filed within the Family Division are not listed here, but must nevertheless be treated as confidential pursuant to the Policy) are:

1. Financial source documents;
2. Minors’ educational records;
3. Medical/Psychological records; and
4. Children and Youth Services’ records.

(2) Any filer is responsible for compliance with the Policy and this Rule. A certificate of compliance shall be attached as a separate page at the end of every filing, and signed by the filer, or as a required check box in e-filing, 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.”

(C) *Sanctions*

If, after notice and a reasonable opportunity to respond, the Court determines that this Rule has been violated, the Court may impose a sanction on any filer who has violated this Rule or is responsible for a violation.

*Comment:* Filers are encouraged to omit confidential information and confidential documents not essential to the matters to be decided to minimize the need for redaction, and where possible to file documents that contain no confidential information.

**Rule 4.7A. Electronic Filing of Legal Papers.**

- (a) \* \* \*
- (b) \* \* \*
- (c) \* \* \*
- (d) \* \* \*
- (e) \* \* \*

(f) \* \* \*

(g) (Rescinded.)

[Pa.B. Doc. No. 17-2023. Filed for public inspection December 8, 2017, 9:00 a.m.]

**MONTGOMERY COUNTY**

**Rescission of Local Rule of Civil Procedure \*205.2(a)—Required Redaction of Pleadings and Other Papers Filed with the Court; Adoption of Local Rule of Civil Procedure 205.6\*—Confidential Information and Confidential Documents. Certification; Rescission of Local Rule of Civil Procedure 1920.51\*(f)(5)—All Divorce Papers under Seal; No. 2017-00001**

**Order**

And Now, this 27th day of November, 2017, the Court hereby Rescinds Montgomery County Local Rules of Civil Procedure \*205.2(a) and 1920.51\*(f)(5) and Adopts Montgomery County Local Rule of Civil Procedure 205.6\*. Confidential Information and Confidential Documents. Certification. These Rule changes shall become effective on January 6, 2018.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In conformity with Pa.R.J.A. 103, one (1) certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) copy shall be filed with the Law Library of Montgomery County, and one (1) copy with each Judge of this Court. This Order shall also be published on the Court’s website and incorporated into the complete set of the Court’s Local Rules.

By the Court

THOMAS M. DELRICCI,  
*President Judge*

**Rule \*205.2(a). Required Redaction of Pleadings and Other Papers Filed with the Court.**

(Rescinded.)

**Rule 205.6\*. Confidential Information and Confidential Documents. Certification.**

Pursuant to the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts (herein referred to as “Policy”), the following rules shall apply to all filings made in the Civil and Family Divisions of this Court:

(A) *Confidential Information*

(1) Any filing that includes any Confidential Information, as defined in Section 7.0(A) of the Policy, shall be filed with two (2) versions of the document. One shall be a “Redacted Version” in which any Confidential Information is redacted in a manner that is visibly evident to the reader. The other “Unredacted Version” may include the Confidential Information and shall be sealed, accessible only to the parties, their attorneys, and the Court except as Ordered by the Court. Any filing that includes no Confidential Information may be filed as only one docu-

ment that shall not be sealed. Confidential information is defined in Section 7.0(A) of the Policy as:

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 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.

(2) Any filer is responsible for compliance with the Policy and this Rule. A certificate of compliance shall be attached as a separate page attached at the end of the filing and signed by the filer, or as a required check box in an e-filing system, 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."

(B) *Confidential Documents*

(1) Any Confidential Document pursuant to Section 8.0(A) of the Policy shall be sealed from public view. Any exhibit, document or attachment filed or offered in any proceeding before the Civil Division or Family Division that is a Confidential Document as defined under the Policy shall be filed separately from the pleading, motion, memorandum or other filing to which it relates, and shall be filed with a "Confidential Document Form." The Confidential Document Form, but not the document, shall be accessible to the public, except as ordered by the Court. Confidential Documents, as defined by Section 8.0(A) of the Policy (and as further defined in Section 1.0 of the Policy) are:

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. 1930.33;
6. Income and Expense Statement as provided in Pa.R.C.P. 1910.27(c); and
7. Agreements between the parties as used in 23 Pa.C.S. § 3105.

(2) Any filer is responsible for compliance with the Policy and this Rule. A certificate of compliance shall be attached as a separate page at the end of every filing, and signed by the filer, or as a required check box in e-filing, 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."

(C) *Sanctions*

If, after notice and a reasonable opportunity to respond, the Court determines that this Rule has been violated, the Court may impose a sanction on any filer who has violated this Rule or is responsible for a violation.

*Comment:* Filers are encouraged to omit confidential information and confidential documents not essential to the matters to be decided to minimize the need for redaction, and where possible to file documents that contain no confidential information.

**Rule 1920.51\*(f). Dissolution of Marital Status, Appointment of Master, Notice of Hearing. All Divorce Papers Under Seal.**

- (1) \* \* \*
- (2) \* \* \*
- (3) \* \* \*
- (4) \* \* \*
- (5) (Rescinded.)
- (6) \* \* \*
- (7) \* \* \*

[Pa.B. Doc. No. 17-2024. Filed for public inspection December 8, 2017, 9:00 a.m.]

**TIOGA COUNTY**

**Judicial Administration Public Access Policy Local Rule 102; No. 213 MS 2017**

**Final Order**

*And Now*, this 21st day of November, 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 for use in the Court of Common Pleas of the 4th Judicial District, Tioga County, Pennsylvania.

This Order shall become effective on January 6, 2018.  
*By the Court*

GEORGE W. WHEELER,  
*President Judge*

**Local Rule No. 102. Public Access Policy: Case Records of the Trial Courts.**

Pursuant to Section 7 of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts, any person who files documents that contain certain confidential information as defined by the Policy shall use and file a Confidential Information Form in order to comply with the Policy. All filings in the Court of Common Pleas of Tioga 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 Tioga 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 the Pennsylvania Courts. The form shall be available in each filing office as well as on the Court's website at: [www.tiogacounty.pa.us](http://www.tiogacounty.pa.us).



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

a. Social Security Numbers;

b. 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;

c. Driver's License Numbers;

d. State Identification (SID) Numbers;

e. 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

f. Abuse victim's address and other contact information, including employer's names, address and work schedule, in family court actions as defined by Pa.R.C.P. No 1931(a), except for victim's name.

B. Attorney's and self-represented parties shall file the Confidential Information Form in the appropriate office (Prothonotary/Clerk of Courts, or Clerk of Orphans' Court).

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. Attorney's 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 Appellant 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 Appellant and Trial Courts that require filing confidential information differently than non-confidential information and documents."

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

[Pa.B. Doc. No. 17-2025. Filed for public inspection December 8, 2017, 9:00 a.m.]

## VENANGO COUNTY

Adoption of Local Rules Re Public Access; CIV No. 1259-2017

### Order of Court

And Now, November 14, 2017, the following rule is hereby *Adopted* as Local Rule of Judicial Administration LRJA 101, governing access to official paper case records and images of scanned or e-filed documents, of all case records filed and maintained in the filing offices of the Venango County Court of Common Pleas, 28th Judicial

District, to include criminal, civil and family matters, to be effective January 6, 2018. The Venango County District Court Administrator is Ordered and Directed to do the following:

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

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

(3) Publish the local rules on the Venango County website at [www.co.venango.pa.us](http://www.co.venango.pa.us).

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

*By the Court*

OLIVER J. LOBAUGH,  
*President Judge*

### LOCAL RULE OF JUDICIAL ADMINISTRATION RE: PUBLIC ACCESS POLICY FOR THE COURT OF COMMON PLEAS

#### Rule 101.

Pursuant to Section 7 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 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 Venango County website at: [www.co.venango.pa.us](http://www.co.venango.pa.us) or on the website of the Unified Judicial System at: <http://www.pacourts.us/public-records>.

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 requires filing confidential information and documents differently than non-confidential information and documents."

Fee Schedule:

Photocopying/printing of scanned document: \$0.25 per page  
[Pa.B. Doc. No. 17-2026. Filed for public inspection December 8, 2017, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that Gregg Douglas Trautmann having been suspended from the practice of law in the State of New Jersey by Order dated July 13, 2017; the Supreme Court of Pennsylvania issued an Order dated November 16, 2017 suspending Gregg Douglas Trautmann from the practice of law in this Commonwealth for



a period of six months, effective December 16, 2017. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,  
*Board Prothonotary*  
*The Disciplinary Board of the*  
*Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 17-2027. Filed for public inspection December 8, 2017, 9:00 a.m.]

---

## SUPREME COURT

**Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts; No. 490 Judicial Administration Doc.**

### Order

*Per Curiam*

*And Now*, this 28th day of November, 2017, in accordance with Section 7(C) of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts*, it is Ordered that all documents filed with the Supreme Court of Pennsylvania that contain confidential information shall be filed in two versions, a redacted version and an unredacted version.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective January 6, 2018.

[Pa.B. Doc. No. 17-2028. Filed for public inspection December 8, 2017, 9:00 a.m.]

---

# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS

[ 49 PA. CODE CH. 36 ]

#### Appraisal Management Companies

The State Board of Certified Real Estate Appraisers (Board) adds Subchapter E (relating to appraisal management companies) to effectuate the Appraisal Management Company Registration Act (AMCRA) (63 P.S. §§ 457.21—457.31). This final-form rulemaking amends Chapter 36 by deleting Subchapter D and adding Subchapter E to read as set forth in Annex A.

#### *Effective Date*

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

#### *Statutory Authority*

Section 4(a) of AMCRA (63 P.S. § 457.24(a)) authorizes the Board to implement, administer and enforce AMCRA, including the power to adopt rules and regulations consistent with AMCRA. Previously, the Board adopted temporary regulations in Subchapter D, which under section 4(b) of AMCRA were not subject to sections 201—203 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201—1203), known as the Commonwealth Documents Law, or the Regulatory Review Act (71 P.S. §§ 745.1—745.14). See 43 Pa.B. 3098 (June 8, 2013).

The Board is also authorized by 2 Pa.C.S. § 102 (relating to implementing regulations) to promulgate, amend and repeal reasonable regulations implementing 2 Pa.C.S. (relating to administrative law and procedure). Therefore, as it relates to procedures for processing applications, registering appraisal management companies (AMC), and obtaining security or satisfying claims, the Board also relies upon 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) for authority to promulgate regulations.

AMCRA is the third professional licensing statute under the Board's jurisdiction, following the Real Estate Appraisers Certification Act (REACA) (63 P.S. §§ 457.1—457.19) and the Assessors Certification Act (ACA) (63 P.S. §§ 458.1—458.16). All three statutes relate to the valuation of real property in this Commonwealth. Therefore, the Board promulgates Subchapter E to be consistent with the statutes and regulations regarding the other laws under the Board's jurisdiction.

#### *Summary of Comments and the Board's Response*

Notice of proposed rulemaking was published at 45 Pa.B. 4385 (August 8, 2015), with a 30-day public comment period. The Board received comments from the Appraisal Subcommittee (ASC) of the Federal Financial Institutions Examination Council, The Surety & Fidelity Association of America (SFAA), the Real Estate Valuation Advocacy Association (REVA), ServiceLink Valuation Solutions, LLC (ServiceLink) and the Pennsylvania Association of Realtors (PAR). The Board also received comments from the Independent Regulatory Review Commis-

sion (IRRC) as part of its review of proposed rulemaking under the Regulatory Review Act. The Board did not receive comments from the House Professional Licensure Committee (HPLC) or the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC).

#### *Federal Requirements*

ASC is a subcommittee within the Federal Financial Institutions Examination Council that oversees the real estate appraisal regulatory framework as it relates to Federally-related transactions. ASC commented that the proposed regulations do not meet the Final Rule for Minimum Requirements for Appraisal Management Companies (AMC Final Rule) published at 80 FR 32658 (June 9, 2015). ASC commented that under the AMC Final Rule, states must have the legal authority to: 1) examine the books and records of an AMC operating in the state; 2) require AMCs to submit information to the state for inclusion on the National Registry of AMCs (AMC National Registry); 3) collect and remit AMC National Registry fees to ASC; and 4) report disciplinary action and violations of applicable appraisal-related laws, regulations or orders.

Additionally, ASC commented that the Board's definition of "appraiser panel" is more restrictive than the AMC Final Rule. IRRC reiterated ASC's comments and stated the Board should address ASC's comments in the final-form rulemaking or explain why it is unnecessary to do so.

The Board agrees with all of ASC's comments and, in response to ASC's comments, the Board revised this final-form rulemaking to address ASC's concerns. Specifically, in § 36.401 (relating to definitions) the Board revised the definition of "AMC National Registry" to describe the function of the AMC National Registry more accurately and completely. The Board also revised the definition of "appraisal panel" to address ASC's comment that the Board's definition was more restrictive than the AMC Final Rule. The Board added a definition of "ASC" for clarity. Additionally, the Board revised §§ 36.403, 36.405, and 36.424(b) (relating to application procedures; fees; and renewal of registration) and added § 36.438 (relating to AMC National Registry; reports) to address ASC's comment that the Board must have legal authority to require AMCs to submit information to the Board for inclusion on the AMC Registry, collect and remit AMC National Registry fees, and report disciplinary actions and other violations to ASC. At this time, discussed as follows, the information required for the AMC Registry has not been determined by ASC. The Board also added language to § 36.435(c) (relating to recordkeeping) to specifically require an AMC to produce its "books and records" for inspection and copying by the Board. The Board's revisions are consistent with the AMC Final Rule and REACA.

After this final-form rulemaking package was delivered to IRRC, the Final Rule for the Collection and Transmission of Annual AMC Registry Fees (AMC Registry Fee Final Rule) was published at 82 FR 44493 (September 25, 2017). ASC notified the Board that on or before November 24, 2017, it will issue a "Bulletin to States" that will address when the AMC Registry will be open for states and the reporting requirements (information required to be submitted by states to register AMCs on the AMC Registry) along with an effective date for compliance. Additionally, after this final-form rulemaking package

was delivered to IRRC, ASC published a second proposed revised policy statement at 82 FR 43966 (September 20, 2017), with a comment period ending on November 20, 2017. Therefore, after ASC issues the "Bulletin to States" and the proposed revised policy statement becomes final, the Board will receive the reporting requirements from ASC regarding the specific information required for registration on the AMC Registry.

#### *Surety Bond or Letter of Credit*

SFAA stated that it was submitting comments and making recommendations to ensure that the required surety bond is reasonably available in the market. Section 36.451(b) (relating to requirements for surety bond or letter of credit) requires that the surety bond be issued by a company authorized to transact surety business in this Commonwealth by the Insurance Department and requires the company to have a certain rating by a Nationally-recognized statistical rating organization (NRSRO). SFAA asserted that authorization by the Insurance Department is sufficient criteria and that the Board should consider eliminating the NRSRO rating requirement. The Board considered the Insurance Department's extensive role in regulating companies that issue surety bonds and determined that an NRSRO rating requirement is unnecessary. Thus, in consideration of SFAA's comment, the Board deleted the NRSRO rating requirement for surety bonds. The Board revised §§ 36.452 and 36.455 (relating to amount of surety bond or letter of credit; and maintenance of surety bond or letter of credit) to reflect the deletion of the NRSRO rating requirement for surety bonds.

SFAA stated that § 36.451 defines "faithful performance of the registrant's obligations under AMCRA" only as unpaid civil penalties, restitution or investigation costs. However, SFAA inaccurately stated the Board's definition. The Board's proposed definition of "faithful performance of the registrant's obligations under AMCRA" was as follows: "The payment of a civil penalty, restitution or costs of investigation under AMCRA or the act of July 2, 1993 (P.L. 345, No. 48) (63 P.S. §§ 2201—2207), performance of a contractual obligation, or satisfaction of a duty owed for conduct subject to AMCRA." SFAA's concern was that the Board intended "to change the scope of the obligation of the bond and the surety's available rights and defenses." In drafting the definition of "faithful performance of the registrant's obligations under AMCRA," the Board did not intend to change the scope of the obligation of the bond or the surety's available rights and defenses. IRRC also commented on this section, questioning why the Board defined "faithful performance of the registrant's obligations under AMCRA" when it did not use the term in the text of the proposed regulations. In consideration of both comments, the Board determined that the definition is unnecessary and deleted it from this final-form rulemaking. IRRC also recommended deleting the definition of "claimant" in § 36.451 because this term was not used in the proposed regulations. The Board agrees that this definition is unnecessary and deleted it from this final-form rulemaking.

SFAA also questioned whether proposed § 36.453(a)(5) (relating to form of surety bond) requires a separate \$40,000 bond for each licensure period rather than a single bond amount available to all periods. The Board did not intend to require a separate \$40,000 for each licensure period and made appropriate revisions to § 36.453. The Board adds § 36.453(b) to reflect language in section 6(b)(2)(iv) of AMCRA (63 P.S. § 457.26(b)(2)(iv)) that the "aggregate liability of the surety shall not exceed

the principal sum of the bond." The Board also adds § 36.453(c) to clarify that the surety bond shall be continuous and remain in full force and effect until the license is terminated or not renewed or the bond is cancelled by the surety.

SFAA also commented about the Board's bond form. The bond form is not incorporated into the regulations. However, the Board made the following changes to the bond form in consideration of the comments submitted by SFAA. SFAA commented that the bond empowers any attorney to confess judgment against the surety and principal. SFAA indicated that typically a surety bond is a conditional obligation whereby the surety's obligations are triggered upon the default of the bond principal, which shall be demonstrated by the obligee. AMCRA does not contain a statutory provision requiring confession of judgment. Additionally, the Board did not include a provision such as this in the proposed regulations. Therefore, and in consideration of the comments by SFAA, the Board deleted the confession of judgment provision from the bond form. SFAA also commented that the bond form erroneously referred to section 13(c) of AMCRA. As indicated by SFAA, AMCRA does not contain a section 13(c); therefore, the reference to section 13(c) has been deleted.

Proposed § 36.455(c) required registrants to obtain additional security within 45 days when a surety or a bank makes a payment upon a bond or a letter of credit. However, section 6(b) of AMCRA requires the amount of the surety bond to be restored to the full amount within 15 days after the payment of any claim on the bond. Therefore, the Board revised subsection (c) and added subsection (d) to reflect the 15-day requirement for surety bonds.

#### *Broker Price Opinions and Evaluations*

REVAA, PAR and ServiceLink submitted comments and recommended that the Board reconsider the prohibition on broker price opinions (BPO) under § 36.434(a) and (b) (relating to broker price opinions and evaluations). IRRC reiterated the commentators' concerns in its comment and asked the Board to clarify the reasonableness of and need for § 36.434 as it relates to State and Federal laws.

BPO has been defined by the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank) (Pub.L. No. 111-203, 124 Stat. 1376). See section 1126(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) (12 U.S.C.A. § 3355(b)). The Board adopts the Dodd-Frank definition and defined a BPO as "an estimate prepared by a real estate broker, agent or sales person that details the probable selling price of a particular piece of real estate property and provides a varying level of detail about the property's condition, market and neighborhood, and information on comparable sales, but does not include an [automated valuation model]," as defined in section 1125(d) of FIRREA (12 U.S.C.A. § 3354(d)). Significantly, Dodd-Frank prohibits the use of BPOs as the primary basis to determine the value of a piece of property for the purpose of a loan origination of a residential mortgage loan secured by the piece of property. See section 1126(a) of FIRREA (12 U.S.C.A. § 3355(a)).

The Board considered the comments regarding BPOs and concluded that the proposed regulation prohibiting an AMC from soliciting or ordering, offering to solicit or order a BPO in non-Federal and Federally-related transactions is necessary and appropriate. BPOs are a type of service that would be rendered by individuals licensed by the State Real Estate Commission (real estate brokers and salespersons). Under the Real Estate Licensing and



Registration Act (RELRA) (63 P.S. §§ 455.101—455.902), BPOs are not recognized by and are not within the permissible scope of practice authorized by RELRA. Instead, RELRA authorizes a similar, but distinct, type of service which is termed comparative market analysis (CMA). A CMA is defined in section 201 of RELRA (63 P.S. § 455.201) as follows:

A written analysis, opinion or conclusion by a contracted buyer's agent, transactional licensee, or an actual or potential seller's agent relating to the probable sale price of a specified piece of real estate in an identified real estate market at a specified time, offered either for the purpose of determining the asking/offering price for the property by a specific actual or potential consumer or for the purpose of securing a listing agreement with a seller.

The significant distinction between a BPO and a CMA is that a CMA may only be performed to determine an offering price by an actual or potential buyer, or to secure a listing with a seller.

Under section 2 of REACA (63 P.S. § 457.2), an appraisal is a "written analysis, opinion or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real property, for or in expectation of compensation." Therefore, in this Commonwealth, a BPO, as defined by Dodd-Frank and as adopted by the Board, for all intents and purposes, is an appraisal under REACA. Thus, individuals who perform a BPO in this Commonwealth would not only be engaging in practice not authorized by RELRA, but would be engaging in unlicensed practice of real estate appraising under REACA. Because BPOs are not authorized under Commonwealth law, and the Board does not have the statutory authority to "reconsider the current prohibition on BPOs," the Board determined that it is important to make it clear in the regulations that AMCs are prohibited from soliciting or ordering, or offering to solicit or order a BPO in this Commonwealth. Additionally, it is important to include the prohibition against soliciting or ordering, offering to solicit or order a BPO in non-Federal and Federally-related transactions because it clarifies any confusion that may exist regarding BPOs and reiterates the current status of Commonwealth law. The Board is aware of pending legislation that would authorize BPOs under RELRA; however, the pending legislation has not become law. If the law regarding BPOs does change, the Board will determine if regulatory amendments are necessary.

ServiceLink commented on § 36.434(c), which prohibits an AMC from soliciting, ordering, or offering to solicit or ordering an evaluation, and asked the Board reconsider the prohibition on evaluations as it pertains to both certified real estate appraisers and real estate brokers and salespersons. REVAA also commented on § 36.434(c) and suggested that the proposed regulation had the unintended consequence of prohibiting an AMC from ordering any evaluation product or service (including appraisals), regardless if done by an appraiser, broker or realtor. Thus, REVAA recommends that the Board consider revising the proposed regulation to only prohibit AMCs from soliciting, ordering, or offering to solicit or ordering an evaluation from a real estate broker or a real estate salesperson.

Neither AMCRA nor REACA defined "evaluation." Instead, evaluation is referred to and defined in Federal regulations and by the Interagency Appraisal and Evaluation Guidelines (Interagency Guidelines) published at 75 FR 77450 (December 10, 2010). Under Federal banking

regulations in 12 CFR 34.43 (relating to appraisals required; transactions requiring a State certified or licensed appraiser), a nonappraiser may perform an evaluation. However, what Federal regulations and guidelines refer to as an "evaluation" falls within the definition of an "appraisal" under section 2 of REACA. The Interagency Guidelines define "evaluation" as "a valuation permitted by the Agencies' appraisal regulations for transactions that qualify for the appraisal threshold exemption, business loan exemption or subsequent transaction exemption."

The Interagency Guidelines also specify the content of an evaluation. This information must include the property's location, description, zoning, market, neighborhood and physical condition, as well as an account of the analytical methods used, supporting data and the work performed to complete the evaluation. According to the Interagency Advisory on Use of Evaluations in Real Estate-Related Financial Transactions (Interagency Advisory), issued March 4, 2016, an evaluation should contain sufficient information to allow a reader to understand the analysis that was performed to support the value conclusion and the institution's decision to engage in the transaction. Under section 2 of REACA, an appraisal is defined as a "written analysis, opinion or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real property, for or in expectation of compensation." Given the Interagency Guidelines and Interagency Advisory regarding the content of an evaluation, an "evaluation" is an "appraisal" under REACA. Thus, under REACA, only an appraiser may perform an appraisal; therefore, if an AMC orders or solicits an evaluation from a real estate broker or salesperson, the AMC is asking the individual to engage in conduct that violates REACA.

Notably, the scope of practice under REACA was established by the General Assembly and serves an important and legitimate purpose of consumer protection. What the commentators proposed to offer to consumers—evaluations—does not have recognized or enforceable standards like the Uniform Standards of Professional Appraisal Practice (USPAP). More importantly, there is not an independent watchdog to vet the qualifications and background of evaluators. Under Federal regulations, only the lender or AMC decides whether a person is qualified to perform an evaluation. The Board finds the suggestion to reconsider the prohibition on evaluations disconcerting because it suggests a course of action that would circumvent the General Assembly's stated preference to require qualified individuals to appraise real estate in this Commonwealth and conduct appraisals according to recognized and tested standards. Given the lack of statutory authority, in addition to the well-documented history of the financial services industry engaging the services of unqualified individuals and even people who lost their appraisal licenses for performing fraudulent and incompetent appraisals, the Board cannot reconsider the prohibition on evaluations as it pertains to real estate brokers and salespersons.

Regarding the prohibition on AMCs ordering or soliciting evaluations as it pertains to certified real estate appraisers, the Board proposed the regulations with the intent to prohibit an AMC from ordering evaluations from anyone, including certified real estate appraisers. Commonwealth law has a mandatory licensing regime which requires a certified real estate appraiser for all appraisals, regardless of whether the transaction is Federally-related or not and regardless of whether the transaction falls within the Federal exemptions for appraisals. See



the definition of “appraisal” in section 2 of REACA and section 3 of REACA (63 P.S. § 457.3). Although Federal banking and mortgage underwriting regulations do not require an appraisal for certain exempted transactions (12 CFR 34.41—34.47, 225.61—225.67, 323.1—323.7, 564.1—564.8 and 722.1—722.7) and permit an evaluation instead of an appraisal in certain Federally-related transactions, the definition of “evaluation,” as defined by the Interagency Guidelines and Interagency Advisory, falls within the definition of “appraisal” under section 2 of REACA. Therefore, in this Commonwealth, and under REACA, valuation services, including evaluations, are appraisals, which shall be performed in accordance with USPAP. The Board’s analysis in this regard is consistent with Advisory Opinion 13 of USPAP, which states that an “evaluation, when performed by an individual acting as an appraiser, is an appraisal.”

The Board contacted REVAA regarding its comment regarding evaluations (Concern 2). REVAA expressed concern that the proposed regulation would prohibit an AMC from ordering or soliciting an appraisal from an appraiser; however, the Board is not prohibiting this conduct. The Board’s prohibition is merely recognizing that an evaluation, for all intents and purposes, does not exist because in this Commonwealth an evaluation is an appraisal. After discussing the concern with REVAA, and recognizing that an evaluation is an appraisal in this Commonwealth, REVAA communicated that its comment regarding evaluations (Concern 2) is not relevant and the Board could disregard Concern 2 of its comments.

Therefore, based upon the foregoing, § 36.434 is adopted with a clear understanding and intent that an AMC may not order or solicit BPOs or evaluations in this Commonwealth.

#### *Requirements for Solicitation or Order of Appraisals*

REVAA commented regarding proposed § 36.436(a)(2) (relating to requirements for solicitation or order of appraisals), and stated that there was no identifiable reason to require appraisers who have existing contractual agreements regarding terms of payment to restate the terms for time of payment on an order to order basis. REVAA suggests that requiring this information on an order to order basis would require significant system enhancements due to the level of customization/complexity required to accommodate individual appraiser business models. ServiceLink also recommended that the Board revise proposed § 36.436(a)(2). ServiceLink stated that it would be redundant to require a payment schedule in each order or order solicitation because most AMCs have agreements with appraisers regarding the payment schedule. The Board considered the comments and recognizes that payment terms are generally a part of an AMC’s contractual agreement with individual appraisers. Thus, the Board revised this paragraph to require terms for time of payment for appraisal services “if the terms are not identified within an existing contractual agreement between the parties.”

#### *In Good Standing*

IRRC asked the Board to explain how allowing an appraiser who is on probation or subject to a restriction ordered by the Board to be designated as “in good standing” is in the public interest.

The phrase “in good standing,” as it applies to individuals certified or licensed by the Board to perform appraisals, appears in three separate sections of AMCRA. Under section 5(b)(5)(i) of AMCRA (63 P.S. § 457.25(b)(5)(i)), an AMC must certify that it has “a system in place to verify that a person being added to an appraiser panel of the

applicant or who will otherwise perform appraisals for the applicant of property located in this Commonwealth is a certified appraiser and *in good standing* in this Commonwealth under REACA” (emphasis added). Under section 7(a)(1) and (2) of AMCRA (63 P.S. § 457.27(a)(1) and (2)), all “appraisal reviews in this Commonwealth must be conducted for an appraisal management company by: (1) a certified appraiser *in good standing* in this Commonwealth; or (2) a certified or licensed appraiser *in good standing* in another state” (emphasis added). Under section 8(b)(5) of AMCRA (63 P.S. § 427.28(b)(5)), a registrant or exempt company shall not “[e]nter into a contract or agreement with an appraiser for the performance of appraisals unless the appraiser is certified and *in good standing* with the board” (emphasis added). Additionally, the term “in good standing” appears in § 36.404 (relating to content of application). Because “in good standing” is not defined in AMCRA, the Board included a definition of “in good standing” in § 36.401 to ensure that a uniform definition will be applied to AMCRA and regulations.

When a licensing board places a licensee on a probationary status or a licensee has restrictions on a license, the licensing board has concluded that it is appropriate to place the licensee on an active license status, albeit with restrictions or on probation. Although the licensee may be subject to restrictions, the licensee is permitted to practice the profession. Defining “in good standing” in this manner is in the public interest because when a licensee is on probation, the Board has determined that the licensee is safe to practice. Thus, it is appropriate to consider the licensee in good standing. Additionally, a review of Federal law governing AMCs, discussed as follows, shows that Federal law does not prohibit AMCs from using appraisers who are on a probationary status or are subject to restrictions.

Section 1124 of FIRREA (12 U.S.C.A. § 3353) provides minimum requirements to be applied by states in the registration of AMCs, including verification by an AMC that it is using only licensed or certified appraisers. The Interagency Guidelines offer elaboration upon some of the appraisal requirements in FIRREA. Section VIII of the Interagency Guidelines addresses minimum appraisal standards, which require appraisals to be performed by state certified or licensed appraisers. The Interagency Guidelines further require confirmation that appraisers hold a valid credential from the appropriate state appraiser regulatory authority. Consistent with the Interagency Guidelines, under 12 CFR 34.213(a)(4) (relating to appraisal management company registration) states are required to verify that appraisers on AMC appraiser panels hold valid state certifications or licenses. Although Federal regulations require states to establish and comply with processes and controls reasonably designed to ensure that the AMC, in engaging an appraiser, selects an appraiser who is independent of the transaction and who has the requisite education, expertise and experience necessary to competently complete the appraisal assignment, they do not instruct states to prohibit AMCs from engaging an appraiser who has restrictions on a license or is on probationary status.

At least one of the provisions of the Board’s regulations may alleviate some of the concern regarding the underlying conduct of a probationary licensee. Section 36.404(b)(2) requires certification by the AMC applicant that it has a “system in place for the performance of appraisal reviews with respect to the work of appraisers who are performing appraisals for the applicant of property in this Commonwealth to determine if the appraisals are being conducted in conformance with the minimum

standards under REACA. . .” Therefore, AMCs are responsible for more than the initial inquiry of good standing. AMCs have an ongoing responsibility to ensure that its appraisers are conducting appraisals in conformance with the law.

In reviewing the definition of “in good standing,” the Board determined that further clarification was necessary. Thus, the definition of “in good standing” in § 34.401 is revised by deleting “and for the purpose of interpreting good standing in the REACA.” The Board determined that this phrase may unnecessarily limit the application of the definition to REACA. The Board’s intent is to provide a definition of good standing when used in the previously referenced provisions of AMCRA and regulations.

#### *Content of Application*

IRRC commented on proposed § 36.404(b)(2), which required the compliance person to certify that the applicant has a system in place for the performance of appraisal reviews. Under AMCRA, appraisal reviews shall be conducted on a periodic basis and whenever requested by a client. This proposed paragraph stated “unless otherwise limited by the terms of a contract between the client and the appraisal management company.” IRRC asked the Board to explain how this language is consistent with AMCRA.

The Board included the proposed language in this paragraph due, in part, to concerns of AMCs. AMCs wanted to have some predictability for conducting appraisal reviews. In consideration of IRRC’s comment, the Board agrees that further clarification is necessary. Thus, the Board revised this paragraph to clarify that the compliance person shall certify that a system is in place for the performance of appraisal reviews both on a periodic basis and upon the request of a client. The Board deleted the proposed phrase “unless otherwise limited by the terms of a contract between the client and the appraisal management company” and added “[t]his provision does not prohibit the parties (the AMC and the client) from including in their contracts terms relating to requests for appraisal reviews.” The revisions recognize that AMCs and clients may agree, in advance, to terms that govern when a client may request an appraisal review.

The revisions are consistent with AMCRA because while the statutory language is broad, it does not prohibit the client from determining in advance the criteria for which it requires an appraisal review. Allowing this flexibility is not only beneficial to AMCs, which desire some level of predictability, but it is also beneficial to the public because it helps to ensure independence, as required by Federal and State law. The revisions help ensure independence because, if negotiated in a contract, the provision may deter clients from arbitrarily requiring appraisal reviews or from attempting to use appraisal reviews to influence the results of an appraisal. In considering this regulation, the Board considered that the “client” who would be negotiating terms in a contract that determine criteria for appraisal reviews is typically going to be a sophisticated client, such as a bank or commercial lender. Because homeowners and other consumers do not typically engage an AMC for an appraisal, the Board does not have significant concerns that the “client” would not understand or would not have the ability to negotiate these terms into a contract. Thus, based upon the foregoing, the Board submits that the final-form regulation does not limit a client’s ability to request an appraisal review because the regulation does not require a client to enter

into an agreement, but rather, merely recognizes that the client and the AMC may agree upon contractual terms relating to appraisal reviews. Thus, the Board submits that the final-form regulation is consistent with AMCRA.

IRRC asked the Board to consider whether the issue relating to compensation for appraisal reviews would be more appropriately included in § 36.433 (relating to appraisal reviews) instead of § 36.404. While the issue of the lack of compensation for appraisal reviews certainly impacts an AMC and is part of the rationale for including the clause recognizing that the client and the AMC may agree upon criteria for which the client will request or require an appraisal review, compensation for those reviews is not the purpose of this provision. The purpose is to ensure that, at the time of application, the compliance person certifies the existence of a system for the performance of appraisal reviews on a periodic basis and at the request of a client. Thus, the Board believes that this provision is more appropriately situated with content of the application.

#### *Miscellaneous Clarity*

IRRC recommended some minor revisions to improve clarity. In response, the Board revised § 36.401 to include a definitions of “Mortgage Bankers and Brokers and Consumer Equity Protection Act,” “registrant” and “USPAP,” which is promulgated by the Appraisal Standards Board of the Appraisal Foundation. IRRC also recommended that the Board revise § 36.453 and § 36.454 (relating to form of letter of credit) to include subsection designators to the introductory paragraphs. The Board added subsection designators in § 36.453 because it added subsections (b) and (c) in this final-form rulemaking. However, the Board did not revise § 35.454 because under the *Pennsylvania Code & Bulletin Style Manual*, a subsection designator is not necessary when a section consists of only one paragraph. The Board also revised the definition of “exempt company” in § 34.401 by updating the citation to reflect the appropriate citation in the *Code of Federal Regulations*.

In response to IRRC’s comments regarding the Regulatory Analysis Form, the Board: replaced “. . .all of these are AMCs” with “all of these are small businesses”; deleted references to Board meetings in 2014; and revised the expected date of promulgation.

#### *Other Revisions to this Final-form Rulemaking*

Based on comments from IRRC and the public, the Board revised § 36.403 to update the Board’s web site, made some minor revisions for clarification and corrected typographical errors.

#### *Fiscal Impact*

This final-form rulemaking will minimally impact AMCs. Because Subchapter E is not substantially different from the temporary regulations in Subchapter D, and is based upon Federal requirements, the Board does not anticipate significant fiscal impact. This final-form rulemaking should have only minor fiscal impact on the private sector, the public or political subdivisions of this Commonwealth. AMCs will be fiscally impacted by the AMC National Registry fee. This is a Federal registry fee, which the Board is required to collect and transmit under Federal law. After this final rulemaking package was delivered to IRRC, the AMC Registry Fee Final Rule was published at 82 FR 44493. Under the AMC Registry Fee Final Rule, the Board must collect: 1) from AMCs that have been in existence for more than 1 year an annual registry fee of \$25 multiplied by the number of appraisers working for or contracting with the AMC in that state during the previous year; and 2) from AMCs that have

not been in existence for more than 1 year, \$25 multiplied by an appropriate number to be determined by ASC. The \$25 amount may be adjusted, up to a maximum of \$50, at the discretion of ASC, if necessary to carry out ASC's functions under FIRREA.

#### *Paperwork Requirements*

This final-form rulemaking will only create minor additional paperwork for the Board and the private sector. This final-form rulemaking will require the Board to develop four new forms and make modifications to forms that were previously developed under the temporary regulations in Subchapter E.

#### *Sunset Date*

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

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on July 28, 2015, the Board submitted a copy of the notice of proposed rulemaking, published at 45 Pa.B. 4385, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on October 11, 2017, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 12, 2017, and approved the final-form rulemaking.

#### *Additional Information*

Further information may be obtained by contacting Heidi Weirich, Board Administrator, State Board of Certified Real Estate Appraisers, P.O. Box 2649, Harrisburg, PA 17105-2649. Reference No. 16A-7021 (Appraisal Management Companies) when requesting information.

#### *Findings*

The Board finds that:

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

(2) A public comment period was provided as required by law.

(3) This final-form rulemaking does not include amendments that enlarge the scope of proposed rulemaking published at 45 Pa.B. 4385.

(4) The final-form rulemaking adopted by this order is necessary and appropriate for the administration of AMCRA.

#### *Order*

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

(a) The regulations of the Board, 49 Pa. Code Chapter 36, are amended by deleting §§ 36.301—36.306, 36.311—36.315, 36.321, 36.322, 36.331—36.337, 36.341, 36.342 and 36.351—36.356 and adding §§ 36.401—36.405,

36.411—36.415, 36.421—36.424, 36.431—36.438, 36.441, 36.442 and 36.451—36.456 to read as set forth in Annex A.

*(Editor's Note:* Section 36.438 was not included in the proposed rulemaking.)

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

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

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

(e) The final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

D. THOMAS SMITH,  
*Chairperson*

*(Editor's Note:* See 47 Pa.B. 6790 (October 28, 2017) for IRRC's approval order.)

**Fiscal Note:** Fiscal Note 16A-7021 remains valid for the final adoption of the subject regulations.

### **Annex A**

## **TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

### **PART I. DEPARTMENT OF STATE**

#### **Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

#### **CHAPTER 36. STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS**

##### **Subchapter D. (Reserved)**

§§ 36.301—36.306. (Reserved).

§§ 36.311—36.315. (Reserved).

§ 36.321. (Reserved).

§ 36.322. (Reserved).

§§ 36.331—36.337. (Reserved).

§ 36.341. (Reserved).

§ 36.342. (Reserved).

§§ 36.351—36.356. (Reserved).

##### **Subchapter E. APPRAISAL MANAGEMENT COMPANIES**

###### **GENERAL PROVISIONS**

36.401. Definitions.  
36.402. Applicability of general rules.  
36.403. Application procedures.  
36.404. Content of application.  
36.405. Fees.

###### **REGISTRATION**

36.411. Qualifications for registration as appraisal management company.  
36.412. Qualifications of owners and key persons.  
36.413. Qualifications of compliance person.  
36.414. Reporting change of information.  
36.415. Requirements for exempt company.

###### **RENEWAL OF REGISTRATION**

36.421. Expiration of registration.  
36.422. Early termination of registration.  
36.423. Duration and validity of registration.  
36.424. Renewal of registration.

###### **STANDARDS OF PRACTICE**

36.431. Compliance with USPAP  
36.432. Verification of appraiser certification.  
36.433. Appraisal reviews.  
36.434. Broker price opinions and evaluations.  
36.435. Recordkeeping.  
36.436. Requirements for solicitation or order of appraisals.  
36.437. Duties of compliance persons.  
36.438. AMC National Registry; reports.



**DISCIPLINARY ACTION**

- 36.441. Prohibited acts.
- 36.442. Improper influence and other prohibited practices.

**SURETY BONDS AND LETTERS OF CREDIT**

- 36.451. Requirements for surety bond or letter of credit.
- 36.452. Amount of surety bond or letter of credit.
- 36.453. Form of surety bond.
- 36.454. Form of letter of credit.
- 36.455. Maintenance of surety bond or letter of credit.
- 36.456. Claims against surety or obligor.

**GENERAL PROVISIONS**

**§ 36.401. Definitions.**

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

*AMC National Registry*—The National registry maintained by ASC of appraisal management companies that:

- (i) Meet the Federal definition of “appraisal management company” as defined in section 1121(11) of FIRREA (12 U.S.C.A. § 3350(11)).
- (ii) Are registered by a state or are Federally regulated.
- (iii) Have paid the annual AMC registry fee.

*AMCRA*—The Appraisal Management Company Registration Act (63 P.S. §§ 457.21—457.31).

*AQB*—The Appraiser Qualifications Board appointed by The Appraisal Foundation, which promulgates education, experience and other criteria for licensing, certification and recertification of qualified appraisers.

*ASC*—The Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

*AVM—Automated valuation model*—As defined by section 1125(d) of FIRREA (12 U.S.C.A. § 3354(d)), a computerized model used by mortgage originators and secondary market issuers to determine the collateral worth of a mortgage secured by a consumer’s principal dwelling.

*The Appraisal Foundation*—The entity identified in section 1121(9) of FIRREA.

*Appraiser panel*—A network or panel of certified appraisers who are independent contractors to an appraisal management company. Appraisers on an appraisal management company appraisal panel include all of the following:

- (i) Appraisers engaged by the appraisal management company.
- (ii) Appraisers accepted by the appraisal management company for consideration in future appraisal assignments.

*Assignment*—As defined by USPAP, an agreement between an appraiser and a client to provide a valuation service and the valuation service that is provided as a consequence of an agreement.

*BPO—Broker price opinion*—As defined by section 1126(b) of FIRREA (12 U.S.C.A. § 3355(b)), an estimate prepared by a real estate broker, agent or sales person that details the probable selling price of a particular piece of real estate property and provides a varying level of detail about the property’s condition, market and neighborhood, and information on comparable sales, but does not include an AVM.

*Bureau*—The Bureau of Professional and Occupational Affairs of the Department.

*CHRIA*—18 Pa.C.S. Chapter 91 (relating to Criminal History Record Information Act).

*Comparative market analysis*—As defined in section 201 of RELRA (63 P.S. § 455.201), a written analysis, opinion or conclusion by a contracted buyer’s agent, transactional licensee, or an actual or potential seller’s agent relating to the probable sale price of a specified piece of real estate in an identified real estate market at a specified time, offered either for the purpose of determining the asking/offering price for the property by a specific actual or potential consumer, or for the purpose of securing a listing agreement with a seller.

*Compliance person*—An individual who is employed, appointed or authorized by an appraisal management company to be responsible for ensuring compliance with AMCRA and this subchapter.

*Conviction*—

(i) An ascertainment of guilt of the accused and judgment thereon by a court, including disposition of a criminal proceeding under the laws of the Commonwealth, or any similar disposition under the laws of another jurisdiction, by a plea of guilty, guilty but mentally ill or nolo contendere, or a verdict of guilty or guilty but mentally ill.

(ii) The term does not include an adjudication of delinquency under 42 Pa.C.S. Chapter 63 (relating to Juvenile Act).

*Department*—The Department of State of the Commonwealth.

*Evaluation*—A valuation required by regulations of Federal financial institution regulatory agencies for transactions that qualify for an exemption from the appraisal requirement under any one of the following provisions:

- (i) The Office of Comptroller of the Currency in 12 CFR 34.43(a)(1), (5) or (7) (relating to appraisals required; transactions requiring a State certified or licensed appraiser).
- (ii) The Board of Governors of the Federal Reserve System in 12 CFR 225.63(a)(1), (5) or (7) (relating to appraisals required; transactions requiring a State certified or licensed appraiser).
- (iii) The Federal Deposit Insurance Corporation in 12 CFR 323.3(a)(1), (5) or (7) (relating to appraisals required; transactions requiring a State certified or licensed appraiser).
- (iv) The Office of Thrift Supervision in 12 CFR 564.3(a)(1), (5) or (7) (relating to appraisals required; transactions requiring a State certified or licensed appraiser).

(v) The National Credit Union Administration in 12 CFR 722.3(a)(1) or (5) (relating to appraisals required; transactions requiring a State certified or licensed appraiser).

*Exempt company*—

(i) A person that is exempt from registering under AMCRA as set forth in section 1124(c) of FIRREA (12 U.S.C.A. § 3353(c)).

(ii) This term is synonymous with “Federally regulated AMC” as defined in 12 CFR 34.211(k) (relating to definitions).



**FIRREA—**

(i) The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (Pub.L. No. 101-73, 103 Stat. 183).

(ii) Unless expressly stated or clearly implicit from the context, a reference to FIRREA in this subchapter includes only those provisions that relate to appraisal standards or appraisal management services.

**Federally-related transaction—**A real estate-related financial transaction which a Federal financial institution regulatory agency or the Resolution Trust Corporation engages in, contracts for or regulates which requires the services of an appraiser.

**In good standing—**

(i) When referring to an individual certified or licensed by the Board to perform appraisals, an individual who is authorized under REACA to perform appraisals, or to act as a licensed appraiser trainee.

(ii) The term includes an individual who has an active unrestricted certificate or license, or a certificate or license that is on probation or subject to a restriction ordered by the Board.

(iii) The term does not include an individual who holds a certificate or license that is inactive or expired, or that is suspended or revoked.

**Key person—**A person other than a compliance person who is a director, officer, supervisor, manager or other person performing a similar function in an appraisal management company.

**Mortgage Bankers and Brokers and Consumer Equity Protection Act—**63 P.S. §§ 456.101—456.3101.

**NRSRO—**A designated Nationally-recognized statistical rating organization of the United States Securities and Exchange Commission or its successor.

**Non-Federally related transaction—**A real estate-related transaction that is not a Federally-related transaction.

**Order—**When used in the context of the contractual relationship between an appraiser and an appraisal management company, an agreement between an appraiser and an appraisal management company that pertains to a specified valuation assignment, including a disclosure of the amount of the appraisal fee, the terms and time frame for payment, and the appraisal management company registration number.

**Order solicitation—**An offer to contract with an appraiser to perform an appraisal resulting in an order.

**Owner—**A person that owns 10% or more of an appraisal management company.

**Panel solicitation—**An offer to add an appraiser to the appraiser panel used by an appraisal management company.

**REACA—**The Real Estate Appraisers Certification Act (63 P.S. §§ 457.1—457.19).

**REARA—Real Estate Appraisal Reform Amendments—**

(i) Title XI of FIRREA (12 U.S.C.A. §§ 3331—3355).

(ii) Unless expressly stated or clearly implicit from the context, a reference to REARA in this subchapter includes only those provisions that relate to appraisal standards or appraisal management services.

**RELRA—**The Real Estate Licensing and Registration Act (63 P.S. §§ 455.101—455.902).

**Real estate-related financial transaction—**A transaction involving one or more of the following:

(i) Sale, lease, purchase, investment in or exchange of real property, including interests in property or the financing thereof.

(ii) Refinancing of real property or interests in real property.

(iii) Use of real property or interests in property as security for a loan or investment, including mortgage-backed securities.

**Registrant—**An appraisal management company that is registered under AMCRA.

**Solicit or solicitation—**An offer to contract with an appraiser to perform an appraisal or an offer to an appraiser to be included in an appraisal management company's appraiser panel.

**Supervisor—**An individual who is an agent of an appraisal management company and who has the authority to do one or more of the following:

(i) Enter into a contract with clients for the performance of appraisal services.

(ii) Solicit or enter into an agreement for an assignment with independent appraisers.

(iii) Direct or cause the direction of the management or policies of the appraisal management company.

**TILA—**

(i) The Truth in Lending Act (15 U.S.C.A. §§ 1601—1667f).

(ii) Unless expressly stated or clearly implicit from the context, a reference to TILA in this subchapter includes only those provisions that relate to appraisal standards or appraisal management services.

**USPAP—**The term as defined in § 36.1 (relating to definitions).

**§ 36.402. Applicability of general rules.**

Under 1 Pa. Code § 31.1 (relating to scope of part), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) is applicable to the activities of and proceedings before the Board.

**§ 36.403. Application procedures.**

(a) **Application form.** An applicant for registration as an appraisal management company shall complete and file with the Board an application in a form prescribed by the Board. The form is available on the Board's web site at [www.dos.pa.gov/real](http://www.dos.pa.gov/real) and by contacting the Board at Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, (717) 783-4866 or [ST-APPRAISE@pa.gov](mailto:ST-APPRAISE@pa.gov).

**(b) Application fees.**

(1) The initial application fee for registration as an appraisal management company is nonrefundable and must be in the amount in § 36.405 (relating to fees).

(2) An applicant for registration shall submit a separate payment to the board for the AMC National Registry fee under § 36.405.

(c) **Filing of application.** An application is filed with the Board on the date that it is received in the office of the Board.

(d) **Approved applications.** If the Board finds that the application is complete, does not have a basis to believe that the information in the application is not true and correct, and that the information in the application

qualifies the applicant for registration as an appraisal management company, the Board will issue a registration certificate by mail to the address of record in the application.

(e) *Disapproved applications.* If the Board finds that the application is incomplete, that there is reason to believe that the information is not true and correct, or that the applicant is not otherwise qualified for registration, the Board will notify the applicant, in writing, of all of the following:

- (1) The application has been provisionally denied.
- (2) The reason for provisional denial.
- (3) The applicant's right to appeal the provisional denial in writing and to request a hearing before the Board.
- (4) The applicant's rights under 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

(5) The failure to appeal the provisional denial to the Board or to request a hearing within 30 days of the date of the notice of provisional denial will result in the provisional denial of the application being deemed final.

(f) *Compliance with new requirements.* An applicant shall comply with the requirements for registration that take effect between the applicant's filing of an initial application and the issuance of registration.

**§ 36.404. Content of application.**

(a) An application for registration as an appraisal management company must include all of the following:

- (1) Primary information of the appraisal management company, including:
  - (i) Legal name.
  - (ii) Mailing address, which will be the address of record.
  - (iii) Street address, if different from the mailing address.
  - (iv) Primary telephone number.
- (2) Secondary information of the appraisal management company, including:
  - (i) State or place of incorporation or organization.
  - (ii) Documentation that the applicant is authorized to transact business in this Commonwealth if the applicant is not an individual and is incorporated or otherwise formed under the laws of a jurisdiction other than the Commonwealth.
  - (iii) Each fictitious name under which the applicant trades or does business in this Commonwealth.
  - (iv) Web site address.
  - (v) Primary e-mail address.
  - (vi) Fax number.
  - (vii) Each state or jurisdiction in which applicant is registered as an appraisal management company.
  - (viii) If the applicant began offering appraisal management services before June 8, 2013, the month and year on which the applicant began offering appraisal management services in this Commonwealth.

- (ix) Owner information, including for each owner:
  - (A) Legal name.
  - (B) Street address.

- (C) Telephone number.
- (D) E-mail address.
- (3) Key person information, including for each key person:
  - (i) Legal name.
  - (ii) Mailing address.
  - (iii) Street address, if different from the mailing address.
  - (iv) Telephone number.
  - (v) Title and each status that qualifies the person as a key person, including one or more of the following:

- (A) Officer.
- (B) Director.
- (C) Manager, supervisor, or similar function or title.
- (vi) E-mail address.
- (vii) Whether the key person is an owner.
- (4) Compliance person information, including:
  - (i) Legal name.
  - (ii) Mailing address, if different from the applicant's mailing address.
  - (iii) Residential address.
  - (iv) Telephone number.
  - (v) E-mail address.
  - (vi) Title.

(vii) Each certificate or license held for the practice of real estate appraising, if any, including the state or jurisdiction of issuance.

(viii) Whether the compliance person is an owner.

(5) The disciplinary history of the applicant, each owner, key person and the compliance person, including:

(i) Any discipline imposed in this Commonwealth or any other jurisdiction under any law regulating appraisers, appraisal management companies, or real estate brokers or salespersons.

(ii) Any discipline imposed in this Commonwealth or any other jurisdiction under any law regulating mortgage brokers or salespersons, the sale of securities, the practice of law or the practice of accounting.

(iii) A verification by each owner or key person subject to penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) that the disciplinary history is true and correct.

(6) An official criminal history record information report from the Pennsylvania State Police or other state agency for each state in which the applicant, owner, key person or compliance person has resided for the 10-year period immediately preceding the date of application.

(7) A surety bond or letter of credit in the form and the amount required under §§ 36.451—36.456 (relating to surety bonds and letters of credit).

(b) The individual designated by the applicant as compliance person shall certify that the applicant has:

(1) A system in place to verify that a person being added to an appraiser panel of the applicant or who will otherwise perform appraisals for the applicant of property in this Commonwealth is a certified residential appraiser or certified general appraiser and in good standing in this Commonwealth under REACA.

(2) A system in place for the performance of appraisal reviews with respect to the work of appraisers who are performing appraisals for the applicant of property in this Commonwealth to determine if the appraisals are being conducted in conformance with the minimum standards under REACA, both on a periodic basis and upon request of a client. This provision does not prohibit the parties (the AMC and the client) from including in their contracts terms relating to requests for appraisal reviews.

(3) A system in place to comply with § 36.435 (relating to recordkeeping).

(4) Authorized the compliance person to file the application and verify the contents of the application subject to the penalties of 18 Pa.C.S. § 4904 and 18 Pa.C.S. § 4911 (relating to tampering with public records or information).

(c) The individual designated as the compliance person shall sign the application and verify that the contents of the application are true and correct and subject to the penalties of 18 Pa.C.S. §§ 4904 and 4911.

§ 36.405. Fees.

(a) The following is the schedule of fees charged by the Board:

Application for initial registration as an appraisal management company .....	\$2,000
Biennial registration renewal fee .....	\$1,000
Notice of change in corporate organization.....	\$35
Letter of good standing/verification of registration .	\$15
Notification of change in key person or compliance person .....	\$35
Late fee for reinstatement per month of delinquency .....	\$50

(b) The following is the schedule of fees collected by the Board:

AMC National Registry fee ..... As prescribed by ASC

REGISTRATION

§ 36.411. Qualifications for registration as appraisal management company.

(a) An appraisal management company that is authorized to conduct business in this Commonwealth shall establish and maintain the requirements in this section during the period in which it offers or provides appraisal management services.

(b) An appraisal management company shall have a compliance person.

(c) An appraisal management company shall establish and maintain procedures that provide assurance of compliance with all of the following standards of appraisal management services:

- (1) Prevention of conduct or practices that compromise appraiser independence.
- (2) Verification of appraiser certification and qualifications.
- (3) Review of appraisal services for compliance with USPAP.
- (4) Availability of a process for resolution of consumer complaints.
- (5) Availability of a process for resolution of appraiser complaints.

§ 36.412. Qualifications of owners and key persons.

(a) A person who would be disqualified from eligibility to be certified or licensed under REACA as defined in subsection (b) may not be an owner or a key person.

(b) An individual would be disqualified from eligibility to be certified or licensed under REACA, as provided in section 8(d)(1) of AMCRA (63 P.S. § 457.28(d)(1)), if the individual had a license or certificate refused, denied, cancelled, suspended or revoked, or voluntarily surrendered a license or certificate under any of the following provisions of REACA or CHRIA, or similar provision of another jurisdiction, unless the license or certificate has been subsequently granted or reinstated to the individual:

- (1) Section 3 of REACA (63 P.S. § 457.3).
- (2) Section 6(c)(1) of REACA (63 P.S. § 457.6(c)(1)).
- (3) Section 11 of REACA (63 P.S. § 457.11).
- (4) Section 9124(c)(1) or (2) of CHRIA (18 Pa.C.S. § 9124(c)(1) and (2)) (relating to use of records by licensing agencies).

(c) Nothing in AMCRA or this subchapter may be construed as a requirement that an owner or a key person shall possess the education or experience required by the AQB or REACA for certification or licensure.

(d) A person who has been suspended or revoked, or has voluntarily surrendered a license under RELRA, 7 Pa.C.S. Chapter 61 (relating to Mortgage Licensing Act) or sections 301—318 of the Mortgage Bankers and Brokers and Consumer Equity Protection Act (63 P.S. §§ 456.301—456.318) (repealed) may not be an owner or key person.

(e) The Board may consider a disqualifying violation described in subsection (b) if the individual's license or certificate has been subsequently reinstated or granted in determining whether the individual possesses good moral character as required under section 5(c)(4) of AMCRA (63 P.S. § 457.25(c)(4)).

§ 36.413. Qualifications of compliance person.

(a) In addition to the qualifications in § 36.412 (relating to qualifications of owners and key persons), a compliance person shall hold the qualifications in this section.

(b) A person designated as a compliance person by an appraisal management company possesses the authority to:

- (1) Enter into an agreement with the Board to bind the appraisal management company to comply with requirements of AMCRA, this subchapter, and provisions of FIRREA, REACA, REARA or TILA that relate to appraisal standards or appraisal management services.
- (2) Sign a report, application, form, notice or other document required to be filed with the Board.
- (3) Certify, verify or otherwise attest as required by law to the contents of documents or pleadings filed with the Board.

(c) A compliance person may not have a history of:

- (1) Conviction as provided in section 10(a)(5) of AMCRA (63 P.S. § 457.30(a)(5)).
- (2) Disciplinary action or disposition of an administrative or a civil proceeding as described in section 10(a)(2), (3), (4), (6) or (7) of AMCRA, or a similar provision of a law or regulation of another jurisdiction, resulting in



refusal, denial, cancellation, restriction, probation, suspension, voluntary surrender or revocation of the authority or privilege to practice.

(d) An individual who acts as a compliance person will be deemed to have vacated the position upon any of the following conditions:

- (1) Death.
- (2) Occurrence of a disqualifying condition defined in subsection (c).
- (3) Termination of employment or contractual relationship by either the compliance person or the appraisal management company.
- (e) During a period of less than 30 days for excused illness, absence or vacation of a compliance person, an appraisal management company may designate another key person to fulfill the duties of compliance person without notice to the Board.
- (f) An absence or vacancy in the position of compliance person more than 30 days is cause for suspension of an appraisal management company's authority to conduct business until a compliance person has been designated and notice of the change has been filed with the Board as provided in § 36.414 (relating to reporting change of information.)

**§ 36.414. Reporting change of information.**

- (a) A registrant shall report a vacancy or change in qualifying information as required in this section on forms prescribed by the Board.
- (b) A registrant shall report a vacancy or change of compliance person within 30 days of the date that the compliance person terminates.
- (c) A registrant shall report a change in the information required under § 36.404 (relating to content of application) within 30 days, including information relating to disciplinary history or criminal history required under § 36.404(a)(5) and (6).

**§ 36.415. Requirements for exempt company.**

- (a) To the extent required under regulations jointly promulgated by the Federal financial institution regulatory agencies under Title XI of FIRREA (12 U.S.C.A. §§ 3331—3355), as amended by the Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub.L. No. 111-203, 124 Stat. 1376), an exempt company shall comply with the requirements of AMCRA and this subchapter.
- (b) An exempt company shall report on forms prescribed by the Board information required to be submitted by the Board to the AMC National Registry under the regulations jointly promulgated by the Federal financial institution regulatory agencies.

**RENEWAL OF REGISTRATION**

**§ 36.421. Expiration of registration.**

Registration expires on the last day of June of each odd-numbered year.

**§ 36.422. Early termination of registration.**

- (a) A registrant may terminate registration prior to the expiration of the biennial registration period by filing with the Board a notice in a form prescribed by the Board.
- (b) A notice of termination of registration must include all of the following:
  - (1) The date on which the registrant will cease to offer or provide appraisal management services in this Commonwealth.

(2) An acknowledgment that the registrant or its successor remains subject to disciplinary action for acts, errors or omissions occurring before the termination of registration.

- (3) The signature of the compliance person.
- (4) The mailing address of the registrant.
- (5) If the registrant is terminating its existence, documentation of the dissolution, acquisition or merger of the registrant by or with another entity.

(6) If the registrant terminates registration because it has become exempt from registration under AMCRA, documentation in support of the basis for exemption.

(7) An acknowledgment that the surety bond or letter of credit will remain subject to claims in accordance with the procedures in §§ 36.451—36.456 (relating to surety bonds and letters of credit).

(c) The date on which the registrant terminates registration may not be any sooner than the date on which the notice is filed with the Board.

(d) The termination of registration by the Board upon filing of a notice will not be construed as an admission by the Board or the Commonwealth that the contents of the notice are true and correct.

(e) The Bureau may at any time after the filing of a notice of termination under this section begin a disciplinary action against a former registrant for a violation of section 3 of AMCRA (63 P.S. § 457.23), regarding registration of appraisal management companies.

(f) The surety bond or letter of credit will remain in effect after termination.

**§ 36.423. Duration and validity of registration.**

- (a) An appraisal management company shall register each biennial period to retain the right to provide appraisal management services in this Commonwealth.
- (b) Registration is valid throughout this Commonwealth, is not assignable or transferable, and is valid until the last date of the biennial registration period, unless terminated under § 36.422 (relating to early termination of registration).

**§ 36.424. Renewal of registration.**

- (a) Application for renewal of registration shall be made on forms provided by the Board and include fees prescribed by the Board in § 36.405 (relating to fees).
- (b) An applicant for renewal of registration shall submit a separate payment to the Board for the AMC National Registry fee under § 36.405.
- (c) An application for renewal must be received by the Board with the required biennial renewal fee and the AMC National Registry fee before the expiration of the previous biennial registration period.

**STANDARDS OF PRACTICE**

**§ 36.431. Compliance with USPAP.**

- (a) An appraisal management company shall require that appraisal assignments be completed in compliance with USPAP.
- (b) An appraisal management company shall establish a system to review appraisal assignments which is reasonably calculated to assure compliance with USPAP by appraisers.
- (c) An appraisal management company may not solicit, offer, accept an offer or contract for a valuation service

that it knows or has reason to know violates REACA, RELRA, FIRREA, AMCRA or this subchapter.

**§ 36.432. Verification of appraiser certification.**

An appraisal management company shall establish and maintain a system to verify that appraisals are completed by an appraiser who possesses a class of certification issued by the Board that authorizes appraisal of real property in this Commonwealth that is the subject of the appraisal and which is current and valid.

**§ 36.433. Appraisal reviews.**

(a) Appraisal reviews shall be performed in accordance with USPAP.

(b) An examination of an appraisal report for grammatical or typographical errors or for completeness is not required to comply with USPAP.

**§ 36.434. Broker price opinions and evaluations.**

(a) An appraisal management company may not solicit or order, nor offer to solicit or order, a BPO for use in a non-Federally related transaction.

(b) An appraisal management company may not solicit or order, nor offer to solicit or order, a BPO for use in a Federally-related transaction.

(c) An appraisal management company may not solicit or order, nor offer to solicit or order, an evaluation.

(d) A comparative market analysis is not a BPO for purposes of AMCRA, REACA or this subchapter if performed for one or both of the following purposes:

- (1) In pursuit of a listing.
- (2) To determine probable selling price.

**§ 36.435. Recordkeeping.**

(a) Each appraisal management company shall maintain all of the following records:

(1) A record of each assignment that it has ordered for appraisal of real property located in this Commonwealth, including:

(i) The order between the appraisal management company and the appraiser.

(ii) Each appraisal report received from an appraiser, including the original report, revised reports, and addenda or other materials furnished subsequent to the delivery of the original report.

(iii) Written communications between the appraiser and the appraisal management company and any other entity involved in the transaction.

(iv) The order engaging another appraiser for the purpose of reviewing the appraisal.

(v) A review of the appraisal performed, including any data supporting the selection of the appraisal for review, the original review report, subsequent correspondence between the reviewer and appraisal management company, and each subsequent revised review report.

(vi) Written communications related to obligations under AMCRA or this subchapter between the appraisal management company and its client, including documents supplied to that client.

(vii) A record of fees disbursed to contracted appraisers and the fee received by the appraisal management company from the appraisal management company's client.

(2) Appraiser fee schedules, including:

- (i) Fees paid for a defined service.

(ii) Documentation to support that the fee schedule is customary and reasonable and complies with provisions of TILA that relate to appraisal standards or appraisal management services.

(iii) Payment policies, including time for payment of appraisal fees.

(iv) Effective dates of the schedules.

(3) Panels of appraisers used for assignments in this Commonwealth, including:

(i) The name of each appraiser.

(ii) The appraiser's certificate number.

(iii) The date the appraiser was placed on the panel.

(iv) The region or area in which the appraiser's service may be used.

(v) The date and reason for removal, if the appraiser is removed from the panel.

(b) An appraisal management company shall maintain the records in subsection (a)(1) for 5 years beginning on the latest of the following:

(1) The date of final action of the assignment.

(2) The date of final disposition of the proceeding, if the appraisal management company is notified that the transaction is the subject of a court proceeding or an administrative proceeding by the Board.

(c) An appraisal management company shall produce for inspection and copying by the Board within 30 days its books and records, including any record required to be maintained by AMCRA or this subchapter.

**§ 36.436. Requirements for solicitation or order of appraisals.**

(a) An appraisal management company shall include in an order or order solicitation for appraisal services from a certified residential appraiser or certified general appraiser who is not an employee of the appraisal management company:

(1) The fee to be paid to the appraiser for the appraisal assignment.

(2) The terms for time of payment for appraisal services, if the terms are not identified within an existing contractual agreement between the parties.

(3) The appraisal management company's registration number.

(b) An appraisal management company may satisfy the requirements of subsection (a) by either of the following means:

(1) A legible statement of the required information on an order or order solicitation for an appraisal assignment.

(2) A legible reference to an existing written agreement between the appraisal management company and the appraiser that includes the required information.

(c) An appraisal management company shall include in an appraiser panel solicitation in this Commonwealth its appraisal management company registration number.

**§ 36.437. Duties of compliance persons.**

(a) An appraisal management company is subject to disciplinary action under AMCRA and this subchapter for the acts or omissions of a compliance person who fails to perform a duty in this section.

(b) A compliance person shall ensure compliance of an appraisal management company with section 8 of AMCRA (63 P.S. § 457.28).

(c) An appraisal management company, acting through its compliance person, shall report to the Bureau, directly or through another agent of the appraisal management company, a material violation as defined under section 129E(e) of TILA (15 U.S.C.A. § 1639e(e)) and corresponding regulations regarding appraisal independence requirements.

(d) A compliance person who has a reasonable basis to believe that an appraisal management company, its employee or its agent has violated appraisal independence requirements of AMCRA or this subchapter shall report the matter to the Bureau within a reasonable time after formulating the belief that a violation has occurred.

**§ 36.438. AMC National Registry; reports.**

(a) Appraisal management companies qualified for enrollment in the AMC National Registry shall apply for enrollment or for the renewal or reinstatement of enrollment on a Board form. The application form must be accompanied by the AMC National Registry fee referenced in § 36.405 (relating to fees).

(b) An appraisal management company shall truthfully and in good faith submit information, as required under applicable Federal laws, rules and regulations, and ASC policies and guidelines, for the AMC National Registry on forms prescribed by the Board.

(c) The Board will collect from appraisal management companies, and remit to ASC, the AMC National Registry fees.

(d) The Board will submit to ASC information required for registration on the AMC National Registry.

(e) The Board will report to ASC disciplinary action and violations of appraisal-related laws, regulations or orders.

**DISCIPLINARY ACTION**

**§ 36.441. Prohibited acts.**

(a) The Board may impose one or more sanctions authorized under AMCRA if the Board finds that an appraisal management company, key person or compliance person violated AMCRA or this chapter.

(b) The following acts, errors or omissions constitute a violation of the standards of conduct of an appraisal management company:

- (1) Violation of AMCRA or this subchapter.
- (2) Violation of FIRREA.
- (3) Violation of TILA.
- (4) Violation of a statute or regulation of another jurisdiction regulating appraisal management companies.

**§ 36.442. Improper influence and other prohibited practices.**

(a) The following acts constitute improper influence or a practice in violation of AMCRA and this chapter, without proof of intent of the appraisal management company or its agent:

- (1) A requirement that the appraiser collect a fee from a borrower.
- (2) A requirement that the appraiser provide access to the appraiser's digital signature.

(3) A prohibition on the appraiser to report the fee for the appraisal services.

(4) A prohibition on the appraiser to note or report real property appraisal assistance.

(5) Nonpayment of, or refusal to pay for, appraisal services rendered for a reason other than the breach of agreement or substandard performance by the appraiser.

(6) A clause or provision in an order requiring an appraiser to indemnify or hold harmless for acts or omissions of a person other than the appraiser.

(7) A clause or provision in an order requiring an appraiser to have a duty to defend the appraisal management company in a civil action or proceeding.

(8) Removal of an appraiser from the appraiser panel without notice and opportunity for rebuttal.

(9) A request to an appraiser to provide comparable properties for a specified property prior to completion of the appraisal report.

(b) The following acts, if committed with the intent to influence or attempt to influence the development, reporting, result or review of an appraisal, constitute improper influence or a practice in violation of AMCRA and this chapter:

(1) A pattern or course of conduct involving repeated review of appraisals that is not performed in accordance with the appraisal management company's policy for appraisal reviews or quality control functions.

(2) A limitation on the time of completion of an appraisal assignment that impairs the credibility of the report. For purposes of this paragraph, a time limitation or deadline established for the purpose of completing the assignment to complete a transaction by a date established by agreement of parties other than the appraisal management company does not constitute improper influence or practice in violation of AMCRA and this chapter.

(3) A delay in payment for appraisal services that violates the appraisal management company's policy for payment.

**SURETY BONDS AND LETTERS OF CREDIT**

**§ 36.451. Requirements for surety bond or letter of credit.**

(a) A registrant shall maintain a surety bond or letter of credit in the form and amount prescribed in this subchapter.

(b) A surety bond must be in the amount prescribed in § 36.452(a) (relating to amount of surety bond or letter of credit), in the form prescribed by § 36.453 (relating to form of surety bond) and issued by a company authorized to transact surety business in this Commonwealth by the Insurance Department.

(c) A letter of credit must be in the amount prescribed in § 36.452(b), in the form prescribed by § 36.454 (relating to form of letter of credit) and payable at an office of a commercial bank in the United States. At the time of issuance of the letter of credit, the issuing bank or its holding company shall have a B/C or better rating or 2.5 or better credit evaluation score by Fitch Ratings, as successor to the rating services of Thomson BankWatch, or the issuing bank shall have a CD or long-term issuer credit rating of BBB or better or a short-term issuer credit rating of A-2 or better by Standard & Poor's or a comparable rating by another NRSRO.



**§ 36.452. Amount of surety bond or letter of credit.**

(a) A registrant who maintains a surety bond to satisfy the requirements of AMCRA and § 36.451 (relating to requirements for surety bond or letter of credit) shall maintain a bond in the amount of \$40,000.

(b) A registrant who maintains a letter of credit to satisfy the requirements of AMCRA and § 36.451 shall maintain a letter of credit in the amount of \$40,000.

(c) The Board may require additional amount or form of security for the following reasons:

(1) As a penalty for a violation of AMCRA or this subchapter regarding the nonperformance of services or nonpayment of fees, or a violation of a similar law or regulation of another jurisdiction.

(2) A change in a company's authorization to transact surety business in this Commonwealth or a change in the financial strength or rating of the issuer of the letter of credit.

(3) A failure to maintain the bond or letter of credit in the minimum amount required by AMCRA or this subchapter, whichever is greater.

**§ 36.453. Form of surety bond.**

(a) A surety bond held by a registrant to satisfy the requirements of AMCRA and this subchapter must include all of the following:

(1) The name and mailing address of the registrant.

(2) The name and title of the compliance person.

(3) The name, mailing address, telephone number and National Association of Insurance Commissioners company code of the surety.

(4) The policy number for the surety bond.

(5) Indemnification for claims that arise or occur for the benefit of:

(i) The Commonwealth or the public for nonperformance of obligations under AMCRA or this subchapter that occur during the period of the surety bond.

(ii) An appraiser who has performed an appraisal of real property located in this Commonwealth for the registrant during the period of the surety bond for which the appraiser has not been paid.

(6) An agreement by the surety to notify the Bureau if the surety bond is cancelled or terminated.

(b) The aggregate liability of the surety may not exceed the principal sum of the bond.

(c) The surety bond must be continuous and remain in full force and effect until the license is terminated or not renewed, or the bond is cancelled by the surety.

**§ 36.454. Form of letter of credit.**

A letter of credit held by a registrant to satisfy the requirements of AMCRA and this subchapter must include all of the following:

(1) A provision that the letter of credit is irrevocable for a term of not less than 1 year and that the letter of credit automatically renews annually unless the letter of credit is specifically nonrenewed by the issuing bank 90 days or more prior to the anniversary date of its issuance and the issuing bank gives at least 90 days prior written notice to the Bureau and the registrant of its intent to terminate the letter of credit at the end of the current term.

(2) A provision that the Department has the right to draw upon the credit before the end of its term and to convert it into a cash collateral bond if the registrant fails to replace the letter of credit with other acceptable bond within 30 days of the bank's notice to terminate the letter of credit.

(3) The letter of credit must name the Department as the beneficiary and be payable to the Department under § 36.456 (relating to claims against surety or obligor).

(4) A letter of credit is subject to the most recent edition of the *Uniform Customs and Practices for Documentary Credits*, published by the International Chamber of Commerce, and the laws of the Commonwealth, including 13 Pa.C.S. (relating to Uniform Commercial Code).

(5) The Board will not accept letters of credit from a bank that has failed to make or delayed in making payment on a defaulted letter of credit.

**§ 36.455. Maintenance of surety bond or letter of credit.**

(a) If the rating of a bank that has issued a letter of credit falls below the minimum ratings required under § 36.451(c) (relating to requirements for surety bond or letter of credit), a registrant shall replace the letter of credit within 45 days from the date of the substandard rating decline with a new letter of credit that satisfies the requirements of § 36.451.

(b) If a letter of credit is not replaced within 45 days of the substandard rating decline, the Department has the discretion to draw on the letter of credit and deposit the proceeds with the State Treasurer to secure the registrant's liability and to begin proceedings under AMCRA, this subchapter and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to suspend or revoke the registrant's authority to perform appraisal management services in this Commonwealth.

(c) If a bank makes a payment upon a letter of credit issued to fulfill the requirements of AMCRA or this subchapter, the registrant shall obtain additional security within 45 days of the date of payment in the form of an additional letter of credit in an amount sufficient to maintain the minimum amount required under AMCRA or this subchapter, whichever is greater.

(d) If a surety makes a payment upon a bond issued to fulfill the requirements of AMCRA or this subchapter, the registrant shall obtain additional security within 15 days of the date of payment in the form of an additional surety bond in an amount sufficient to maintain the minimum amount required under AMCRA or this subchapter, whichever is greater.

**§ 36.456. Claims against surety or obligor.**

(a) The Department may make a claim to a surety or obligor to:

(1) Recover unpaid fees for appraisal services.

(2) Obtain payment for civil penalties, costs of investigation or fees payable to the Commonwealth.

(3) Obtain payment for debts arising out of the performance of appraisal management services in this Commonwealth.

(4) Obtain security as provided in § 36.455(b) (relating to maintenance of surety bond or letter of credit).

(b) The Department, in its discretion, will make a claim to a surety or obligor for a purpose in subsection (a) upon one of the following conditions:

(1) The expiration of the period of appeal from the entry of a final order issued by the Board in a proceeding under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) and a determination by the Department based upon a review of its records that all or part of a civil penalty or costs of investigation levied by that order remain unpaid.

(2) The failure of a registrant to satisfy a written agreement with the Board or the Bureau to pay an amount described in subsection (a).

(3) A determination by the Prosecution Division of the Bureau upon a complaint filed with the Bureau that there is probable cause to believe that a registrant owes a sum certain for unpaid fees, civil penalties, costs of investigation, fees payable to this Commonwealth or debts arising out of the performance of appraisal management services in this Commonwealth.

(4) Violation of § 36.455.

(c) The Department will only make a claim to a surety on behalf of third parties to recover unpaid fees for appraisal services or obtain payments for debts arising out of the performance of appraisal management services in this Commonwealth if the activities involved the valuation of real estate in this Commonwealth.

[Pa.B. Doc. No. 17-2029. Filed for public inspection December 8, 2017, 9:00 a.m.]

## Title 58—RECREATION

### FISH AND BOAT COMMISSION

#### [ 58 PA. CODE CH. 105 ]

#### Boating; Operational Conditions

The Fish and Boat Commission (Commission) amends Chapter 105 (relating to operational conditions). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

##### A. Effective Date

This final-form rulemaking will go into effect upon publication in the *Pennsylvania Bulletin*.

##### B. Contact Person

For further information on this final-form rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at [www.fishandboat.com](http://www.fishandboat.com).

##### C. Statutory Authority

The amendment to § 105.3 (relating to unacceptable boating practices) is published under the statutory authority of section 5123 of the code (relating to general boating regulations).

##### D. Purpose and Background

This final-form rulemaking is designed to improve, enhance and update the Commission's boating regulations. The specific purpose of the amendment is described in more detail under the summary of change. The Commission's Boating Advisory Board previously considered the proposed amendment and recommended that the Commission approve the publication of a proposed rulemaking.

##### E. Summary of Change

In late 2015, Volvo Penta (Volvo) approached the Commission about amending § 105.3(12) to permit boaters within this Commonwealth to utilize Volvo's new forward facing drive for wake surfing. The Commonwealth is one of three states that has regulations in place that forbid wake surfing behind inboard/outboard motors. This topic was discussed at the annual conference of the National Association of State Boating Law Administrators, at which time the safety protocols that manufacturers were held to by the United States Coast Guard (USCG) were reviewed. The consensus was that if the manufacturer was under strict guidelines from the USCG for development, states should do what they could to allow those approved developments to be used on state waters.

Before the boating season in 2016, the Commission's Bureau of Law Enforcement (BLE) reviewed this issue. This review included a review of other states' laws and regulations pertaining to the subject, as well as any accident statistics. The BLE found that most states do not have motor restrictions for wake surfing beyond using common sense. Several states that are considering regulations are not looking to limit motors such as the forward facing drive.

The Commission therefore amends § 105.3 to allow for advancements within the boating industry to be used on Commonwealth waters. The Commission amends § 105.3 to read as set forth in the proposed rulemaking published at 47 Pa.B. 3974 (July 22, 2017).

##### F. Paperwork

The final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

##### G. Fiscal Impact

This final-form rulemaking will not have adverse fiscal impacts on the Commonwealth or its political subdivisions. This final-form rulemaking will not impose new costs on the private sector or the general public.

##### H. Public Involvement

Notice of proposed rulemaking was published at 47 Pa.B. 3974. The Commission received three public comments supporting the proposed rulemaking. Commissioners were provided with copies of the public comments.

##### Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided and the public comments that were received were considered.

(3) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statute.

##### Order

The Commission, acting under the authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 105, are amended by amending § 105.3 to read as set forth at 47 Pa.B. 3974.

(b) The Executive Director will submit this order and 47 Pa.B. 3974 to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order and 47 Pa.B. 3974 and deposit them with the Legislative Reference Bureau as required by law.

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

JOHN A. ARWAY,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-275 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 17-2030. Filed for public inspection December 8, 2017, 9:00 a.m.]

---



# NOTICES

## DEPARTMENT OF AGRICULTURE

### Fiscal Year 2017-2018 Annual Plan for Awarding Grants under the Pennsylvania Agricultural Fair Act

The Department of Agriculture (Department), under authority of section 8(a) of the Pennsylvania Agricultural Fair Act (act) (3 P.S. § 1508(a)), announces that the Secretary of Agriculture (Secretary), with the advice and assistance of the Agricultural Fair Advisory Committee (Committee) at its meeting of November 8, 2017, adopted the Fiscal Year 2017-2018 Annual Plan (Plan) on the awarding of grants to eligible organizations under the act.

The act authorizes the Department to make grants to organizations conducting eligible agricultural fairs, State-wide agricultural organizations which contribute to the development of agriculture and agribusiness, and to eligible agricultural youth groups for support of their programs. The Secretary, with the advice and assistance of Committee created by the act, is to adopt an annual plan for awarding of grants subject to the limitations specified in section 5 of the act (3 P.S. § 1505).

The Plan, as adopted by the Secretary, provides for the award of grants to each eligible organization subject to the availability of funds on the following basis:

1. For operating expenses, the maximum payment allowed for each Class Fair under section 5(1)(i)(A) of the act will be paid.
2. For premium reimbursement, the maximum payment allowed under section 5(1)(i)(B) of the act will be paid.
3. For reimbursement to each eligible organization conducting harness horse racing at its annual fair, other than races for colts and fillies 2 and 3 years of age, the maximum amount of reimbursement allowed under section 5(1)(iii) of the act will be paid.
4. For reimbursement to each eligible organization conducting races for colts and fillies 2 and 3 years of age at its annual fair, the maximum amount of reimbursement allowed under section 5(1)(iv) of the act will be paid.
5. For a Statewide agricultural organization that conducts an agricultural fair and is otherwise eligible for grants under section 5(2) of the act, the Department shall reimburse up to \$2,000 of the operating expenses (includ-

ing premium payments) on a dollar-for-dollar basis, and shall reimburse 50% of all additional premium costs that are not included in that initial dollar-for-dollar reimbursement, up to a maximum amount of \$10,000. The total maximum payment hereunder shall not exceed \$12,000.

6. For actual expenses incurred for activities which contribute to the advancement of agriculture or agribusiness by 4-H Youth groups, a payment which will be calculated according to the following formula:

*Tier 1:* \$2,000 for total enrollment of up to 1,000 members plus \$1.50 for each traditional member and \$1 for each school enrichment/special interest member.

*Tier 2:* \$2,500 for total enrollment of 1,001 to 2,000 members plus \$1.50 for each traditional member and \$1 for each school enrichment/special interest member.

*Tier 3:* \$3,000 for total enrollment of 2,001 to 3,000 members plus \$1.50 for each traditional member and \$1 for each school enrichment/special interest member.

*Tier 4:* \$3,500 for total enrollment of 3,001+ members plus \$1.50 for each traditional member and \$1 for each school enrichment/special interest member, a maximum reimbursement of \$9,000.

7. For actual expenses incurred for activities which contribute to the advancement of agriculture or agribusiness by Future Farmers of America (FFA) youth groups, a payment which will be calculated according to the following formula:

*Tier I:* County FFA organizations with 100 members or less will receive base funding of \$1,000 with an additional \$4 per member.

*Tier II:* County FFA organizations with 101 to 210 members inclusive will receive a \$2,000 base funding with an additional \$2 per member.

*Tier III:* County FFA organizations with 211 members or more will receive funding of \$2,000 with an additional \$4 per member for every member over 210.

8. Any funds remaining after the previous grants have been awarded shall be utilized for capital improvement as provided in section 5(1)(ii) of the act.

9. The Secretary will endeavor to disburse the previous payments at the earliest date practicable.

RUSSELL C. REDDING,  
*Secretary*

[Pa.B. Doc. No. 17-2031. Filed for public inspection December 8, 2017, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P.L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P.L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P.L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending November 28, 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

#### Branch Applications

#### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-21-2017	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 2020 Smith Township State Road Burgettstown Washington County  <i>From:</i> 1606 Main Street Burgettstown Washington County	Approved

#### Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
11-21-2017	Slovak Savings Bank Pittsburgh Allegheny County  Amendment to Article 1 of the institution's Articles of Incorporation provides for change in corporate title to "SSB Bank." Amendment to Article 2 provides for change in the principal place of business to 8700 Perry Highway, Pittsburgh, Allegheny County, PA 15237.	Effective

### CREDIT UNIONS

No activity.

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

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 17-2032. Filed for public inspection December 8, 2017, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Substantial Amendments for the Community Development Block Grant—Disaster Recovery; 2012 and 2013 Allocations; Public Hearing

A public comment period to review the proposed substantial amendments to the Commonwealth for Fiscal Year (FY) 2012 Community Development Block Grant—Disaster Recovery (CDBG-DR) (PL 112-55) funds and FY 2013 CDBG-DR (PL 113-2) funds. The public comment period is from December 10, 2017, through January 10, 2018.

The United States Department of Housing and Urban Development (HUD) issued a notice at 77 FR 22583 (April 16, 2012) which awarded \$27,142,501 of CDBG-DR funds to the Commonwealth to be administered by the Department of Community and Economic Development (Department). This was the first allocation of CDBG-DR funding to assist the State with recovery from 2011 storm events (Hurricane Irene—FEMA-4025-DR; and Tropical Storm Lee—FEMA-4030-DR). An Action Plan for these funds was submitted to HUD on July 23, 2012, and subsequently approved. Since then the Department has published and received approval for four Substantial Action Plan Amendments to this first allocation of CDBG-DR funding under PL 112-55. The needs for disaster relief have evolved since the submission of the

last Substantial Action Plan Amendment on July 26, 2016, and the continuing completion of funded projects by affected municipalities. The Commonwealth has made some changes to the funding allocations under the PL 112-55 and PL 113-2 appropriations to reflect the demand for disaster recovery funding and the strategic priorities of the Commonwealth.

#### PL 112-55

The changes proposed by the Fifth Substantial Amendment, to be dated January 16, 2018, are as follows:

- Transfer funding from the Housing Repair, Reconstruction and Elevation Funds and Multi-Family Rental Housing Programs.
- Elimination of 120% AMI Cap on Eligible Beneficiaries for the Housing Repair, Reconstruction and Elevation Programs.
- Elimination of Down Payment Assistance Program.
- Increase funding for the New Housing Production and Infrastructure Programs.

#### PL 113-2

The Commonwealth received \$29,986,000 from HUD under The Disaster Relief Appropriations Act, 2013 (Pub.L. No. 113-2). This was the second allocation of CDBG-DR funding to assist the Commonwealth with recovery from 2011 storm events (Hurricane Irene—FEMA-4025-DR; and Tropical Storm Lee—FEMA-4030-DR). The Action Plan guiding the distribution of the \$29.986 million appropriation was published on August 30, 2013. Since then the Department has published and received approval for one Substantial Action Plan Amend-

ments and one non-Substantial Action Plan Amendment to this first allocation of CDBG-DR funding under PL 113-2. The needs for disaster relief have evolved since the submission of the last non-Substantial Action Plan Amendment on November 6, 2017, and the continuing completion of funded projects by affected municipalities.

- Transfer of funding from the Housing Repair, Reconstruction and Elevation Funds and the Multi-Family Rental Housing Program to Infrastructure Program. The Infrastructure Program will allow the Department to implement large scale projects that will reduce flooding from future storm damage, mitigate future storm damage to communities and demolition hazardous storm damaged structures.

- Use of Buyout Housing Incentive National Objective for Buyout Program Participants.

#### *Public Review and Comment*

The substantial amendments to the PL 112-55 and PL 113-2 Action Plans and supporting documentation will be available for a 30-day public comment period and can be viewed on the Department's web site at <http://dced.pa.gov>. Copies of "Substantial Amendments may be found in Library section on the Department home page or by clicking on "Disaster Recovery Assistance Program." The text is available to visual-impaired persons on the Department's web site at the previously listed link. A translation into Spanish will also be available on the Department's web site at the same link. The final version of the Substantial Amendment will be submitted to HUD no later than January 18, 2018.

#### *Public Hearing*

The public hearing for the Substantial Amendments will be conducted electronically by means of the Internet on Thursday, January 4, 2018, at 1:30 p.m. Interested persons may attend the meeting in person at the Department offices in Harrisburg, PA. This more widely available computer/conference call access will replace the onsite public hearing. The format will be more accessible than an in-person hearing because those who wish to make comment or discuss policy may participate directly from their electronic device or from a computer located at their public library.

Any individual or organization may give testimony or comments by means of the Internet or by telephone about the proposed changes to the Action Plans for the CDBG-DR funding. The Commonwealth encourages public participation in this process.

Anyone who wants to participate must register for the hearing prior to the start time so an attendance record may be verified. To register, go to <https://copa.webex.com/copa/k2/j.php?MTID=t6166efdbe4195d56363c311e29401847>.

During the hearing, if support is required, call (717) 787-5327. The hearing will be recorded for public record. The hearing will be shortened if there is no one to testify or there is minimal response.

Persons with a disability or limited English proficiency who wish to participate in the public hearing should contact Megan L. Snyder, Department of Community and Economic Development, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225, (717) 720-7404 or TDD at (717) 346-0308 to discuss how the Department can accommodate their needs.

#### *Written Comments*

Persons who would like to provide written comment on the substantial amendments to the CDBG-DR Action Plan may send those comments electronically to RA-DCED [cdbghomequestions@pa.gov](mailto:cdbghomequestions@pa.gov) or mail to Megan L. Snyder, Department of Community and Economic Development, Center for Compliance, Monitoring and Training, 400 North Street, 4th Floor, Harrisburg, PA 17120. Comments must be received before 4 p.m. on January 10, 2018. Indicate which year of funding (PL 112-55 or PL 113-2) the comments are addressing.

DENNIS M. DAVIN,  
*Secretary*

[Pa.B. Doc. No. 17-2033. Filed for public inspection December 8, 2017, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Application by Art Institute to Amend Certificate of Organization

#### Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application for approval of a Certificate of Authority for Art Institute of Pittsburgh and Art Institute of Philadelphia to each amend the Certificate of Organization to become a not-for-profit Limited Liability Company (LLC) under the new ownership of the Dream Center Foundation.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without a hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with the Division of Higher and Career Education, 333 Market Street, Harrisburg, PA 17126-0333 on or before the due date prescribed by this notice. A person wishing to review the application should phone (717) 783-8228 or write to the previously listed address to schedule a time for a review.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate, should contact the Division of Higher and Career Education at (717) 783-8228 to discuss accommodations.

PEDRO A. RIVERA,  
*Secretary*

[Pa.B. Doc. No. 17-2034. Filed for public inspection December 8, 2017, 9:00 a.m.]



# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

#### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Waste; Discharge into Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. In accordance with 25 Pa. Code § 92a.32(d), the proposed discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the United States Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for public hearings on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

#### I. NPDES Renewal Applications.

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Phone: 484.250.5970.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0042021 (Sewage)	Milford-Trumbauersville WWTP 1825 Rosenberger Road Spinnerstown, PA 18968	Bucks County Milford Township	Unami Creek (3-E)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0035629 (Sewage)	Safety Rest Stop No. 39 Interstate 80 Eastbound White Haven, PA 18661	Luzerne County Foster Township	Linesville Creek (02A)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0080861— SEW	Walmar MHC LLC 524 Meadow Avenue Loop Banner Elk, NC 28604	York County/ Franklin Twp	North Branch Bermudian Creek/7F	Y
PA0084697— SEW	Wiconisco Township 300 Walnut Street PO Box 370 Wiconisco, PA 17097-0370	Dauphin County/ Wiconisco Twp	Bear Creek/6C	Y
PA0035653— SEW	PennDOT Safety Rest Area # 3 PO Box 3060 Harrisburg, PA 17105	Fulton County/ Brush Creek Twp	UNT Brush Creek/12C	Y
PA0246425— SEW	Dublin Township Fort Littleton STP PO Box 718 McConnellsburg, PA 17233	Fulton County/ Dublin Township	Little Aughwick Creek/12C	Y

*North Central Regional Office: Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3636.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0209287 (Sewage)	Bucktail Camping Resort PO Box 26844 Collegetown, PA 19426-0844	Tioga County Richmond Township	Manns Creek (4-A)	Yes

## II. NPDES Renewal Applications.

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

**PA0026913**, Sewage, SIC Code 4952, **Pennsylvania American Water Company**, 800 West Hershey Park Drive, Hershey, PA 17033. Facility Name: McKeesport Water Pollution Control Plant. This existing facility is located in the City of McKeesport, **Allegheny County**.

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

The receiving stream(s), Monongahela River, is located in State Water Plan watershed 19-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 13.0 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (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
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	2,710	4,120	XXX	25	38	50
		Wkly Avg			Wkly Avg	
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	3,252	4,878	XXX	30	45	60
		Wkly Avg			Wkly Avg	

## NOTICES

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Fecal Coliform (No./100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
UV Transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

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

- The Authority is authorized to discharge through various Combined Sewer Overflows (CSOs) in accordance with their approved CSO Long Term Control Plan.

The EPA Waiver is not in effect.

**PA0096211**, Sewage, SIC Code 4952, **Westmoreland County Municipal Authority**, 124 Park and Pool Road, New Stanton, PA 15672. Facility Name: Darragh STP. This existing facility is located in Hempfield Township, **Westmoreland County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 1.12 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0 Max	XXX
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	233.5	355.0	XXX	25.0	38.0	50
May 1 - Oct 31	140.1	214.8	XXX	15.0	23.0	30
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids	280.2	420.3	XXX	30.0	45.0	60
Total Suspended Solids Raw Sewage Influent	Report	Report	XXX	Report	Report	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ultraviolet light transmittance (%)	XXX	XXX	XXX	Report	Report Daily Max	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	6.0	XXX	12.0
May 1 - Oct 31	XXX	XXX	XXX	2.0	XXX	4.0
Cobalt, Total	0.24	0.49	XXX	0.026	0.052	XXX
Bromide	Report	Daily Max Report Daily Max	XXX	Report	Daily Max Report Daily Max	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.12 MGD.—Limits.

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



<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Aluminum, Total	XXX	Report Daily Max	XXX	XXX	Report Daily Max	XXX
Iron, Total	XXX	Report Daily Max	XXX	XXX	Report Daily Max	XXX
Manganese, Total	XXX	Report Daily Max	XXX	XXX	Report Daily Max	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.*

**PA0057487**, Sewage, SIC Code 2491, **Oldcastle Lawn & Garden Inc.**, 500 East Pumping Station Road, Quakertown, PA 18951. Facility Name: Oldcastle Lawn & Garden Facility. This existing facility is located in Richland Township, **Bucks County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage and stormwater from the facility.

The receiving stream(s), Unnamed Tributary to 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 0.001 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	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 3.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.5	XXX	1.2
Carbonaceous Biochemical Oxygen Demand (CBOD <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	200.0	XXX	1,000.0
Ammonia-Nitrogen	XXX	XXX	XXX	Geo Mean 3.0	XXX	6
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 002 for stormwater 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>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Arsenic, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Pentachlorophenol	XXX	XXX	XXX	XXX	Report	XXX

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

- Proper Sludge Disposal
- TRC Minimization
- BMPs for Stormwater Discharge

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.

**PA0058131**, Sewage, SIC Code 8811, **Jefferis Warren A**, 1739 Pottstown Pike, Glenmoore, PA 19343-2642. Facility Name: Jeffries SRSTP. This existing facility is located in East Nantmeal Township, **Chester 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), Beaver Run, is located in State Water Plan watershed 3-D and is classified for Exceptional Value Waters and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0008 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 Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0 Inst Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <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
Ammonia-Nitrogen	XXX	XXX	XXX	1.5	XXX	3

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

- Proper Sludge Disposal
- UV Disinfection
- Change in Ownership

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.

**PA0055158**, Sewage, SIC Code 4952, **Meadows Investments LLC**, PO Box 187, Ottsville, PA 18942. Facility Name: Meadows Investments SFSTP. This existing facility is located in Nockamixon Township, **Bucks County**.

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

The receiving stream(s), Unnamed Tributary to Haycock Creek, is located in State Water Plan watershed 2-D and is classified for 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 Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	3.0 Inst Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <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	200.0	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	3.0	XXX	6
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report Avg. Mo	XXX	XXX

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

- Proper Sludge Disposal
- TRC Minimization
- No stormwater shall be admitted to sanitary sewer.

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.

**PA0046868**, Sewage, SIC Code 4952, **Lower Moreland Township Municipal Authority**, 640 Red Lion Road, Huntingdon Valley, PA 19006. Facility Name: Chapel Hill WWTP. This existing facility is located in Lower Moreland Township, **Montgomery County**.

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

The receiving stream(s), Unnamed Tributary to Southampton Creek, is located in State Water Plan watershed 3-J 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 0.279 MGD:

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	23	35	XXX	10	15	20
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	23	35	XXX	10	15	20
Total Suspended Solids Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000 (*)
				Geo Mean		
Ultraviolet light intensity ( $\mu\text{w}/\text{cm}^2$ )	XXX	XXX	Report	XXX	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	7.0	XXX	XXX	3.0	XXX	6.0
May 1 - Oct 31	3.5	XXX	XXX	1.5	XXX	3.0
Copper, Total	XXX	XXX	XXX	0.023	0.035	0.046
					Daily Max	
Hardness, Total (as CaCO <sub>3</sub> )	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus						
Nov 1 - Apr 30 (Thru 12/31/2020)	2.3	XXX	XXX	1.0	XXX	2.0
May 1 - Oct 31 (Thru 12/31/2020)	1.15	XXX	XXX	0.5	XXX	1.0
Nov 1 - Apr 30 (Effective 01/01/2021)	0.36	XXX	XXX	0.16	XXX	0.32
May 1 - Oct 31 (Effective 01/01/2021)	0.18	XXX	XXX	0.08	XXX	0.16

(\*) See Part C permit condition for fecal coliform reporting

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

- No Stormwater to Sewers
- Necessary Property Rights
- Proper Sludge Disposal
- Small Stream Discharge
- Designation of Responsible Operator
- UV Disinfection
- Fecal Coliform Reporting Requirements
- Operations and Maintenance Plan
- Nutrient TMDL Requirements

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is not in effect.



**PA0023256**, Sewage, SIC Code 4952, **Upper Gwynedd Township**, PO Box 1, West Point, PA 19486-0001. Facility Name: Upper Gwynedd Township WWTP. This existing facility is located in Upper Gwynedd Township, **Montgomery County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage to Wissahickon Creek.

The receiving stream(s), Unnamed Tributary to Wissahickon Creek and Wissahickon Creek, is located in State Water Plan watershed 3-F 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 5.7 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	7.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.016	XXX	0.052
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	475	713	XXX	10	15 Wkly Avg	20
May 1 - Oct 31	238	357	XXX	5.0	7.5 Wkly Avg	10
Total Suspended Solids	1426	2139	XXX	30	45 Wkly Avg	60
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	106	XXX	XXX	2.22	XXX	4.44
May 1 - Oct 31	35	XXX	XXX	0.74	XXX	1.48
Orthophosphate						
Nov 1 - Apr 30	174	XXX	XXX	3.64	XXX	7.28
May 1 - Oct 31	48	XXX	XXX	1.00	XXX	2
Aluminum, Total	XXX	XXX	XXX	Report	XXX	XXX
Copper, Total	XXX	XXX	XXX	Report	XXX	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	Report	XXX	XXX
Sulfate, Total	XXX	XXX	XXX	Report	XXX	XXX
Chloride	XXX	XXX	XXX	Report	XXX	XXX
Bromide	XXX	XXX	XXX	Report	XXX	XXX
Hardness, Total (as CaCO <sub>3</sub> )	XXX	XXX	XXX	Report	XXX	XXX
Toxicity, Chronic - Ceriodaphnia						
Survival (TUc)	XXX	XXX	XXX	XXX	1.05	XXX
Reproduction (TUc)	XXX	XXX	XXX	XXX	1.05	XXX
Toxicity, Chronic - Pimephales						
Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Growth (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 6.4 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	7.0 Inst Min	XXX	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.016	XXX	0.052
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	470	705	XXX	8.8	13.2	17.6
May 1 - Oct 31	235	352	XXX	4.4	Wkly Avg 6.6	8.8
Total Suspended Solids	1,426	2,139	XXX	30	Wkly Avg 45	60
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Geo Mean Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	105	XXX	XXX	1.95	XXX	3.9
May 1 - Oct 31	35	XXX	XXX	0.65	XXX	1.3
Orthophosphate						
Nov 1 - Apr 30	53	XXX	XXX	1.0	XXX	2
May 1 - Oct 31	27	XXX	XXX	0.5	XXX	1
Aluminum, Total	XXX	XXX	XXX	Report	XXX	XXX
Copper, Total	XXX	XXX	XXX	Report	XXX	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	Report	XXX	XXX
Sulfate, Total	XXX	XXX	XXX	Report	XXX	XXX
Chloride	XXX	XXX	XXX	Report	XXX	XXX
Bromide	XXX	XXX	XXX	Report	XXX	XXX
Hardness, Total (as CaCO <sub>3</sub> )	XXX	XXX	XXX	Report	XXX	XXX
Toxicity, Chronic - Ceriodaphnia Survival (TUc)	XXX	XXX	XXX	XXX	1.02	XXX
Reproduction (TUc)	XXX	XXX	XXX	XXX	1.02	XXX
Toxicity, Chronic - Pimephales Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Growth (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 002, 003, and 004 are based on a stormwater event.

<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>	
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	Report	XXX	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	XXX	XXX

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

- No Stormwater to Sewers
- Acquire Necessary Property Rights
- Proper Sludge Disposal
- Small Stream discharge
- Chlorine disinfection
- Designation of Responsible Operator
- UV Disinfection
- Fecal Coliform Reporting

- Operations and Maintenance Plan
- Pretreatment Plant notification
- Solids Management
- Whole Effluent Toxicity
- Requirements Applicable to Stormwater Outfalls
- Site Specific Copper Criteria based on WER

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is not in effect.

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

**PA0029874**, Sewage, SIC Code 7011, **Skytop Lodge Corporation**, 1 Skytop Lodge, Skytop, PA 18357. Facility Name: Skytop Lodge WWTP. This existing facility is located in Barrett Township, **Monroe County**.

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

The receiving stream, Leavitt Branch, is located in State Water Plan watershed 01E and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.075 MGD.

Interim Limits from Permit Effective Date through end of 2nd year of permit term.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	1.2	XXX	2.8

Final Limits from beginning of 3rd year of permit term through Permit Expiration Date.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.075 MGD—Final Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Total Dissolved Solids	XXX	XXX	XXX	1,000	XXX	2,000
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	20.0	XXX	40
May 1 - Oct 31	XXX	XXX	XXX	9.0	XXX	18
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

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

- Compliance Schedule for TRC Effluent Limitations

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

The EPA Waiver is in effect.

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

**Application No. PA0266485**, Concentrated Animal Feeding Operation (CAFO), **Wagner Scott (Scott Wagner Farm CAFO)**, 385 King Pen Road, Quarryville, PA 17566.

Wagner Scott has submitted an application for an Individual NPDES permit for a new CAFO known as Scott Wagner Farm CAFO, located in Little Britain Township, **Lancaster County**.

The CAFO is situated near Unnamed Tributary to McCreary Run in Watershed 7-K, which is classified for Migratory Fish and High Quality Waters—Trout Stocking. The CAFO will be designed to maintain an animal population of approximately 350.01 animal equivalent units (AEUs) consisting of 19,300 tom turkeys. Manure will be stored in a proposed stacking shed located at the northern end of the barns. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

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

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

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

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

**WQM Permit No. WQG010066**, Sewage, **Daniel Fascione**, 1301 Woodmont Road, Gladwyne, PA 19035.

This proposed facility is located in Lower Merion Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a single residence small flow sewage treatment plant.

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

**WQM Permit No. 2204406 A-2** Sewerage, **East Hanover Township Municipal Authority**, 8848 Jonestown Rd, Grantville, PA 17028.

This proposed facility is located in East Hanover Township, **Dauphin County**.

Description of Proposed Action/Activity: Amendment.

**WQM Permit No. 6706406 A-2** Sewerage, **Codorus Township**, PO Box 223, Codorus, PA 17311.

This proposed facility is located in Codorus Township, **York County**.

Description of Proposed Action/Activity: Amendment.

**WQM Permit No. 2898403 A-2** Sewerage, **Antrim Township Municipal Authority**, PO Box 130, Greencastle, PA 17225.

This proposed facility is located in Antrim, Township, **Franklin County**.

Description of Proposed Action/Activity: Amendment.

**WQM Permit No. 5017403**, Sewerage, **Shermans Creek Inn**, Cheryl Stouffer, Owner, 5150 Spring Road, 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 to serve a malfunctioning system at Shermans Creek Inn.

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

**WQM Permit No. 0215200 A-1**, Industrial, **Three Rivers Marine & Rail Terminal LP**, 17 Arentzen Boulevard Suite 206, Charleroi, PA 15022-1085.

This existing facility is located in Glassport Borough, **Allegheny County**.

Description of Proposed Action/Activity: Amendment of the existing WQM Permit.



**VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities.**

*Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD230016	Cabrini University c/o Eric Olson 610 King of Prussia Road Radnor, PA 19087	Delaware	Radnor Township	UNT to Gulph Creek WWF
PAD230018	Broomall Fire Company 10 North Malin Road Broomall, PA 19008-1807	Delaware	Marple Township	Darby Creek— CWF-MF Langford Run— CWF, MF

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Lehigh County Conservation District, 4184 Dorney Park Road, Suite 105, Allentown, PA 18401.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390033	The Waterfront Development Co., LP 1665 Valley Center Parkway Ste. 110 Bethlehem, PA 18017	Lehigh	City of Allentown	Lehigh River (TSF, MF)
PAD390043	The Sterling Development Group, LLC 50 E. Mount Pleasant Ave Livingston, NJ 07039	Lehigh	City of Bethlehem	UNT to Monocacy Creek (HQ-CWF, MF)
PAD390046	Salisbury Township 2900 S. Pike Ave Allentown, PA 18103	Lehigh	Salisbury Township	Little Lehigh Creek (HQ-CWF, MF)
PAD390041	Kay Mill LLC 5930 Hamilton Blvd. Allentown, PA 18106	Lehigh	Upper Milford Township	Little Lehigh Creek (HQ-CWF, MF) Leibert Creek (HQ-CWF, MF)

*Monroe County Conservation District, 8050 Running Valley Road, Stroudsburg, PA 18347.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD450043	DE&S Properties, Inc. 2621 Route 940 Pocono Summit, PA 18346	Monroe	Ross Township	Lake Creek (HQ-CWF, MF) Princess Run (CWF, MF)

*Northampton County Conservation District, 14 Gracedale Ave.—Greystone Building 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>
PAD480038	Ecopax, LLC 3600 Glover Road Easton, PA 18040	Northampton	Forks Township	Bushkill Creek (HQ-CWF, MF)

*Wayne Conservation District, 925 Court Street, Honesdale, PA 18431.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD640008	Wayne Economic Development Corporation	Wayne	Sterling Township	West Branch Wallenpawpack Creek (HQ-CWF, MF)

*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>
PAD630020	A & S Landscaping 2150 Washington Road Canonsburg, PA 15317	Washington County	North Strabane Township	Little Chartiers Creek (HQ-WWF)

<i>Permit No.</i>	<i>Applicant &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAD320001	Lucerne Landings, LP 2534 North Third Street Harrisburg, PA 17110-1946	Indiana County	White Township	UNT to Twolick Creek (CWF)

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

*Lawrence County Conservation District, 430 Court Street, New Castle, PA 16101.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD370004	Borough of Ellwood City 525 Lawrence Avenue Ellwood City, PA 16117	Lawrence	Borough of Ellwood City	Connoquenessing Creek WWF

---

#### **VII. List of NOIs for NPDES and/or Other General Permit Types.**

---

PAG-12      CAFOs

---

#### **MS4 Notices of Intent Received.**

---

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality/ County</i>	<i>Waiver Application Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAG133717	Camp Hill State Correction 2500 Lisburn Road Camp Hill, PA 17001	Lower Allen Township Cumberland County	N	Y
PAG133748	Cumberland Township 1370 Fairfield Road Gettysburg, PA 17325	Cumberland Township Adams County	N	Y
PAG133542	West Cocalico Township P.O. Box 211 Reinholds, PA 17569	West Cocalico Township Lancaster County	N	Y
PAG133613	Lebanon City 400 South 8th Street Lebanon, PA 17042	Lebanon City Lebanon County	N	Y
PAG133618	Providence Township 200 Mount Airy Road New Providence, PA 17560	Providence Township Lancaster County	Y	N

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Waiver Application Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAG136228	Bridgewater Borough 199 Boundry Lane Bridgewater, PA 15009	Bridgewater Borough Beaver County	Y	N
PAG136146	Shaler Township Allegheny County 300 Wetzel Road Glenshaw, PA 15116	Shaler Township Allegheny County	N	Y
PAG136145	Youngwood Borough Westmoreland County 17 S Sixth Street Youngwood, PA 15697	Youngwood Borough Westmoreland County	N	N

## NOTICES

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Waiver Application Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAG136194	Duquesne City Allegheny County 12 S 2nd Street Duquesne, PA 15110-1148	Duquesne City Allegheny County	N	N
PAG136292	Ben Avon Borough Allegheny County 7101 Church Avenue Ben Avon, PA 15202-1811	Ben Avon Borough Allegheny County	N	Y
PAG136365	Sewickley Township 2288 Mars Hill Road Herminie, PA 15637	Sewickley Township Westmoreland County	N	N
PAG136140	Mccandless Township Allegheny County 9957 Grubbs Road Wexford, PA 15090-9644	McCandless Township Allegheny County	N	Y
PAG136174	Penn Hills Municipal Allegheny County 12245 Frankstown Road Penn Hills, PA 15235-3405	Penn Hills Township Allegheny County	N	Y
PAG136224	Dale Borough Cambria County 277 David Street Johnstown, PA 15902-1704	Dale Borough Cambria County	Y	N
PAG136342	South Franklin Township 100 Municipal Road Washington, PA 15301-9000	South Franklin Township Washington County	Y	N
PAG136163	Springdale Borough PO Box 153 Springdale, PA 15144-0153	Springdale Borough Allegheny County	N	N
PAG136317	Franklin Township 897 Route 288 Fombell, PA 16123-2115	Franklin Township Beaver County	N	N
PAG136325	Industry Borough PO Box 249 Industry, PA 15052-0249	Industry Borough Beaver County	N	N
PAG136179	Mount Pleasant Borough 1 Etze Avenue Mount Pleasant, PA 15666	Mount Pleasant Borough Westmoreland County	N	Y
PAG136331	Hempfield Township 1132 Woodward Drive Suite A Greensburg, PA 15601-6416	Hempfield Township Westmoreland County	N	Y

*Northwest Regional Office: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481. Phone: 814.332.6942.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Waiver Application Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAG138341	Clark Borough Mercer County 2798 Winner Road Clark, PA 16113	Clark Borough Mercer 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>
Marlin J. Peachey 328 Coffee Run Rd. Reedsville, PA 17084	Mifflin	127.3	759.45	Finisher Swine	Tea Creek—HQ Kish Creek—CWF	New
			20.71	Dairy Herifers		
			12.98	Dry Cows		
			11.16	Calves		
			0.79	Steer		
			84.37	Milking Cows		

**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. 0617519 MA, Minor Amendment, Public Water Supply.**

Applicant **First Energy Corporation**  
 Municipality Bethel Township  
 County **Berks**  
 Responsible Official Bede T. Portz,  
 Supervisor-Environmental  
 2800 Pottsville Pike  
 Reading, PA 19605

Type of Facility Public Water Supply  
 Consulting Engineer Stephen R. Morse, P.E.  
 Skelly & Loy, Inc.  
 449 Eisenhower Boulevard  
 Harrisburg, PA 17111

Application Received: 11/6/2017  
 Description of Action First Energy Corporation (First Energy) has submitted a permit application to upgrade the existing treatment system at the Met-Ed Bethel Warehouse. First Energy proposes to install a chlorine solution tank, feed pump, and 120-gallon contact tank to oxidize iron and manganese and three greensand filter units for the removal of iron and manganese. The existing multimedia filter, acid neutralizer, bag filter and UV units are proposed to be reconditioned or replaced.

**Permit No. 0117506, Public Water Supply.**

Applicant **Greater Gettysburg Development Co., LLC.**  
 Municipality Straban Township  
 County **Adams**  
 Responsible Official Richard A. Klein  
 601 Mason Dixon Road  
 Gettysburg, PA 17325

Type of Facility Public Water Supply  
 Consulting Engineer Joseph M. McDowell, P.E.  
 Martin & Martin, Inc.  
 37 S Main Street, Suite A  
 Chambersburg, PA 17201

Application Received: 4/4/2017  
 Description of Action GWR 4-log inactivation of viruses for EP 101. Installation of sodium hypochlorite disinfection and chlorine contact piping to meet the required contact time. Modifications to the required Zone I wellhead protection areas.

## MINOR AMENDMENT

**Applications Received Under the Pennsylvania Safe Drinking Water Act.**

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Application No. 3017524MA, Minor Amendment.**

Applicant **Southwestern Pennsylvania Water Authority**  
 1442 Jefferson Road  
 PO Box 187  
 Jefferson, PA 15344

[Township or Borough] Amwell Township  
 Responsible Official Timothy C. Faddis, Manager  
 Southwestern Pennsylvania Water Authority  
 1442 Jefferson Road  
 PO Box 187  
 Jefferson, PA 15344

Type of Facility Water system  
 Consulting Engineer Bankson Engineers, Inc.  
 267 Blue Run Road  
 Suite 200  
 Cheswick, PA 15024

Application Received Date November 17, 2017  
 Description of Action Installation of the Crete meter vault.

**Application No. 3013501WMP15, Minor Amendment.**

Applicant **Southwestern Pennsylvania Water Authority**  
 1442 Jefferson Road  
 PO Box 187  
 Jefferson, PA 15344

[Township or Borough] Amwell Township  
 Responsible Official Timothy C. Faddis, Manager  
 Southwestern Pennsylvania Water Authority  
 1442 Jefferson Road  
 PO Box 187  
 Jefferson, PA 15344

Type of Facility Water system  
 Consulting Engineer Bankson Engineers, Inc.  
 267 Blue Run Road  
 Suite 200  
 Cheswick, PA 15024

Application Received Date November 17, 2017  
 Description of Action Installation of the Crete meter vault bulk load-out facility.

**Application No. 1192501-T1, Minor Amendment.**

Applicant **Lilly Borough Water Authority**  
 421 Main Street  
 Lilly, PA 15938

[Township or Borough] Lilly Borough

Responsible Official	Paul Sklodowski, Chairman Lilly Borough Water Authority 421 Main Street Lilly, PA 15938
Type of Facility	Water system
Consulting Engineer	
Application Received Date	November 17, 2017
Description of Action	Transfer of the water supply permit formerly held by Lilly Borough.

## 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:

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Penelec—Former Sayre District Office**, Sayre Borough, **Bradford County**. SE Technologies, LLC, 98 Vanadium Road, Bridgeville, PA 15017, on behalf of Penelec/First Energy Corp., 1900 Centre Avenue, Reading, PA 19601, has submitted a Notice of Intent to Remediate concerning remediation of site soil and groundwater contaminated with lead and pentachlorophenol. The applicant proposes to remediate the site to meet the Background and Site-Specific Standards. A summary of the Notice of Intent to Remediate was published in the *Morning Times* on October 13, 2017.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**The Crossings at Hart Run**, Indiana Township, **Allegheny County**. ECS Mid-Atlantic, LLC, 145 Lake Drive, Suite 102, Wexford, PA 15090 on behalf of Fox Chapel IL-Al Investors, LLC, 4423 Pheasant Ridge Road, SW, Suite 301, Roanoke, VA 24014 has submitted a Notice of Intent to Remediate the site where elevated concentrations of volatile and semi-volatile organic compounds and TAL metals from historic use have impacted soil and groundwater. Notice of the intent to remediate was published in the *Valley News Dispatch* on October 25, 2017.

**3000-3016 Smallman Street**, City of Pittsburgh, **Allegheny County**. American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murrysville, PA 15668 on behalf of Warehouse Development Company, 5840 Ellsworth Avenue, Suite 300, Pittsburgh, PA 15232-1779 has submitted a Notice of Intent to Remediate the site where elevated concentrations of volatile organic compounds, Lead, Arsenic and Cadmium from historic use have impacted soil and groundwater. Notice of the intent to remediate was published in the *Pittsburgh Post Gazette* on October 25, 2017.

#### RESIDUAL WASTE GENERAL PERMITS

**Renewal 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 Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**General Permit Application No.WMGR025SC001. Terra-Gro, Inc.** has submitted a general permit renewal application for its facility located at 2870 Oregon Pike, Lititz, PA 17543 in Manheim Township, **Lancaster County**. This general permit authorizes the composting

and beneficial use of the following categories of source-separated wastes: agricultural waste other than mortalities, butcher waste other than whole carcass, food processing waste, pre-consumer and post-consumer food residuals, yard waste, land clearing and grubbing material, untreated wood waste, gypsum wallboard, paper, cardboard, waxed cardboard, virgin paper mill sludge and spent mushroom substrate. The application for renewal was determined to be complete on November 20, 2017.

Persons interested in obtaining more information about this general permit renewal application may contact Mr. John Oren, P.E., Permits Section Chief, Southcentral Regional Office, Waste Management Program at 717-705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

#### **DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS**

#### **Application for Determination of Applicability Received Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.*

**General Permit Application No. WMGR096SE009. MIPC, LLC**, 920 Cherry Tree Road, Aston, PA 19014-1570. This application for determination of applicability (DOA) under General Permit No. (WMGR096) is for the beneficial use of regulated fill material as a capping material at the Chelsea Terminal Site in Upper Chichester Township, **Delaware County**. The application for determination of applicability was accepted as administratively complete by the Southeast Regional Office on November 20, 2017.

Comments concerning the application should be directed to the Pennsylvania Department of Environmental Protection (“DEP”) Waste Management Program Manager, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915. Persons interested in obtaining more information about the general permit application may contact the Southeast Regional Office by telephone at 484.250.5960. TDD users may contact the DEP 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.**

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**24-009J: Domtar Paper Company, LLC** (100 Center Street, Johnsonburg, PA 15845) for the increase in CO



emission limits while firing coal for existing Boiler(s) No. 81 & 82 (Source ID's 040 & 041) at their facility in Johnsonburg Borough, **Elk 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 Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 24-009J to Domtar Paper Company, LLC for the increase in CO emission limits while firing coal for Boiler(s) No. 81 & 82 (Source ID's 040 & 041) at their facility in Johnsonburg Borough, Elk County. The Plan Approval will subsequently be incorporated into the facility's Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 24-009J is for the increase in CO emission limits while firing coal for existing Boiler(s) No. 81 & 82 (Source ID's 040 & 041) from an existing 87.6 tons per year to a proposed 500.0 tons per year. The existing 87.6 tpy limit was established when the units were installed in 1981, based on incorrect emission factors and operating conditions. The goal of the proposed Plan Approval is to revise the limits to reflect actual conditions as reflected by current CEMS data. The proposed limits do not reflect an actual emissions increase for the subject unit(s), but rather the emission limits that should have been assigned when the units were initially permitted. Compliance with the proposed limits will be demonstrated via CO CEMS.

The Plan Approval will contain additional testing, monitoring, reporting, 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. 24-009J 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.

**24-167D: E Carbon America** (806 Theresia Street, Saint Marys, PA 15857), for the proposed facility VOC limit to become a synthetic minor facility in Saint Marys City, **Elk County**. Currently, this is a Title V facility; however, after approval the facility will be State Only. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code

§ 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the facility operating permit at a later date.

Plan approval No 24-167D is for the proposed facility VOC limit to become a synthetic minor facility. This Plan Approval will contain emission restriction, testing, recordkeeping, work practice standard and additional requirement conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology (BAT) for the source including, but are not limited to, the following:

- Site Requirements:
  - VOC emissions from the facility shall not exceed 49.5 tpy on a 12-month rolling basis.
    - The owner or operator of the facility shall maintain records that clearly demonstrate that the facility is not a major source of VOC emissions. In addition, the owner or operator shall keep records to verify compliance with the facility-wide VOC emission limitation of 49.5 tpy. The records shall be maintained at a minimum on a monthly basis and the emissions shall be calculated on a 12-month rolling basis. VOC emissions from Sources 101, 102, and 104 shall be calculated using the results from the latest Department approved stack testing or other Department approved emission factor along with actual production records. Records shall be retained for a minimum of five (5) years and shall be made available to the Department, upon request.
      - Source 101 (Baking Kilns):
        - VOC emissions from this source shall not exceed 62.8 lbs/ton of product averaged over a 12-month rolling period and 70.4 lbs/ton of product at any time.
          - Deleted the following condition from Plan Approval 24-167A: The VOC emissions shall not exceed 53.5 tpy based on a consecutive 12-month period.
        - Source 104 (Electric Pusher Furnace):
          - VOC emissions from this source and Source 101 shall not exceed 62.8 lbs/ton of product averaged over a 12-month rolling period and 70.4 lbs/ton of product at any time.
            - Deleted the following condition from Plan Approval 24-167C: The VOC emissions from this source and Source 101 shall not exceed 53.5 tpy based on a consecutive 12-month period.

In accordance with 25 Pa. Code § 127.44(f)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan ap-



proval [24-167D] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6940.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region Air Quality Program Manager.

If a plan approval has not undergone the above public notice process, the change to an operating permit must be treated as a significant modification. In these situations, the Department should follow the procedures described in §§ 127.421 to 127.431 for state only operating permits or §§ 127.521 to 127.524 for Title V operating permits.

#### OPERATING PERMITS

##### **Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.*

**15-00008: Buckeye Terminal LLC** (8 Malin Rd, Malvern, PA 19355) for the renewal of a Title V Operating Permit in East Whiteland Township, **Chester County**. Emission sources at the facility include: Distillate/Gasoline Loading Racks and a Vapor Recovery Unit which controls hydrocarbon vapors from the Loading Racks. The facility is a major source for Volatile Organic Compounds (VOC) and synthetic minor for Hazardous Air Pollutants (HAP) emissions. The organic compounds emissions are monitored via Continuous Emissions Monitoring Systems (CEMS). The facility is subject to 40 CFRs Part 60 Subpart XX, Part 63 Subpart BBBBBB, and regulations under the Pennsylvania Air Pollution Control Act. The permit contains monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

##### **Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.*

**09-00234: WCR, Inc.** (4080 Blanche Road, Bensalem, PA 19020) for an initial State Only Operating Permit in Bensalem Township, **Bucks County**. The facility operates a coating process for Non-Destructive Testing. The only permitted source at the facility is a spray booth. A drying oven is also used in the process and is considered a miscellaneous source. The primary pollutant of concern

is volatile organic compounds. The facility is categorized as a synthetic minor facility based on its potential emissions. The permit includes monitoring, record keeping and reporting requirements to address all applicable air quality requirements.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.*

**03-00215: Allegheny Mineral Corporation**, (PO Box 1022, One Glade Park East, Kittanning, PA 16201) In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) gives notice that they intend to issue a State Only Operating Permit (SOOP) renewal to Allegheny Mineral Corporation to authorize the operation of their limestone preparation facility located in West Franklin Township, **Armstrong County**.

Sources at this facility will consist of crushers, screens, conveyors, storage piles and other miscellaneous equipment associated with this type of operations. Facility shall be limited to throughput of 800 tons per hour and 2,500,000 tons per 12 month rolling total. Annual potential emissions from the facility are estimated to be 69.65 tons of total particulate matter and 20.79 tons of PM<sub>10</sub>. The proposed SOOP contains emission restriction, testing, monitoring, recordkeeping, reporting and work practice standards derived from the applicable requirements of 25 Pa. Code Chapters 121—145, and 40 CFR 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing.

A person may oppose the proposed State Only Operating Permit by filing a written protest with the Department through Noor Nahar via mail to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed State Only Operating Permit (03-00215) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

Allegheny Mineral Corporation State Only Operating Permit application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Operating Permit for this facility are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the Allegheny Mineral Corporation State Only Operating Permit application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed air Quality Operating Permit for this facility, a person may contact Noor Nahar at [nnahar@pa.gov](mailto:nnahar@pa.gov) or 412.442.5225.

All comments must be received prior to the close of business 30 days after the date of this publication.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: Matt Williams, Facilities Permitting Chief—Telephone: 814-332-6131.*

**20-00272: Universal Stainless & Alloy Products** (121 Caldwell St., Titusville, PA 16354), the Department intends to issue the renewal of the State-Only Operating Permit of a facility located in the City of Titusville,

**Crawford County** that manufactures customized, precision-rolled shapes made of materials that include high performance alloys, stainless steel, and tool steel. Permitted sources at the facility are the rolling mill, annealing furnace, dip tank heater, vacuum pumps, grinders, mold cleaning unit, degreasers, miscellaneous natural gas usage, and miscellaneous solvent usage. With PTEs of 18.86, 11.05, 4.12, 1.33, 0.31, and 0.095 TPY for NO<sub>x</sub>, CO, VOC, PM, HAPs, and SO<sub>x</sub>, respectively, the facility is Natural Minor for permitting purposes. As part of the manufacturing process, the miscellaneous solvent usage, which was previously considered as an insignificant activity, is now a permitted source in the renewal permit. This source is subject to a 2.7-TPY VOC emission restriction, a monthly recordkeeping, and a work practice requirement to minimize emissions from wiping operations and spillage.

*Department of Public Health, Air Management Services:  
321 University Avenue, Philadelphia, PA 19104.*

*Contact: Edward Wiener, Chief—Telephone: 215-685-9426.*

**OP17-000029: Smith-Edwards-Dunlap, Company** (2867 East Allegheny Avenue, Philadelphia, PA 19134), for the operation of an offset lithographic printing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include eight (8) non-heatset lithographic printing presses, one (1) 150 HP # 2 oil-fired boiler, and one (1) 18 HP # 2 oil-fired boiler.

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.

**OP17-000020: Coating and Converting (CCT), Incorporated** (80 Morris Street, Philadelphia, PA 19148) for operating a facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include a coater, two (2) coater ovens at 6 MMBtu/hr (combined), twenty-four (24) heater each less than 0.6 MMBtu/hr, a 3.5 MMBtu/hr oxidizer, and clean up operation of the coater.

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.

**N14-023: Delavau, LLC** (10101 Roosevelt Boulevard, Philadelphia, PA 19154-2105) for the operation of a pharmaceutical products manufacturing facility the City of Philadelphia, **Philadelphia County**. The facility amended its operating permit to include an emergency generator into the existing operating permit.

**OP17-000066: Comcast of Philadelphia, II, LLC** (11400 Northeast Avenue, Philadelphia, PA 19116) for operation of an office and call center in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include one (1) diesel fired Katolight emergency generator rated at 275 kW, one (1) diesel fired Katolight emergency generator rated at 230 kW, and two (2) diesel fired Cummins emergency generators each rated at 1,112 kW.

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.

**N15-008: Park Towne Place Apartments** (2200 Ben Franklin Parkway, Philadelphia, PA 19130) for the operation of an apartment complex in the City of Philadelphia, **Philadelphia County**. The facility's air emissions' sources include six (6) 4 MMBtu/hr natural gas and propane fired boilers, two (2) 1.5 MMBtu/hr natural gas and propane fired boilers, one (1) 0.75 MMBtu/hr natural gas fired boiler, two (2) diesel fired 300 kW emergency generators, one (1) diesel fired 160.3 kW fire pump, and six (6) 75 kW natural gas fired combined heat and power (CHP) units with 3-way catalyst (non-selective catalytic reduction (NSCR)).

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.*

**11040701 and NPDES No. PA0235717. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To renew the permit for the Refuse Area No. 1 in Portage Township, **Cambria County** and related NPDES Permit. No additional discharges. The application was considered administratively complete on November 22, 2017. Application received October 16, 2017.

**11031301 and NPDES No. PA0235539. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To revise the permit for the Madison Mine in Jackson, Croyle and Cambria Townships, **Cambria County** and related NPDES permit. Underground Acres Proposed 4,718.1, Subsidence Control Plan Acres Proposed 4,718.1. No additional discharges. The application was considered administratively complete on November 22, 2017. Application received August 22, 2017.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

**17110105 and NPDES PA0257630. RES Coal LLC** (224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920). Permit renewal for continued operation and restoration of a bituminous surface coal and auger mine located in Girard Township, **Clearfield County** affecting 233.9 acres. Receiving stream(s): UNT to Bald Hill Run and Bald Hill Run classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: November 7, 2017.

**17160102 and NPDES PA0269816. Swisher Contracting, Inc.** (P.O. Box 1223, Clearfield, PA 16830). Commencement, operation, and restoration of a bituminous surface and auger mine located in Bradford Township, **Clearfield County** affecting 95.3 acres. Receiving stream(s): Valley Fork Run and UNT to Sulphur Run classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: October 18, 2017.

*New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.*

**3371BSM42 and NPDES Permit No. PA0251071. Shenango, Inc.** (200 Neville Road, Pittsburgh, PA 15225). Renewal application for continued treatment to an existing bituminous surface mine, located in Luzerne Township, **Fayette County**, affecting 1,216.7 acres. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: November 20, 2017.

**26713049 and NPDES Permit No. PA0119172. Shenango, Inc.** (200 Neville Road, Pittsburgh, PA 15225). Renewal application for continued treatment to an existing bituminous surface mine, located in Luzerne Township, **Fayette County**, affecting 359.6 acres. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: November 20, 2017.

**3373SM10 and NPDES Permit No. PA0251062. Shenango, Inc.** (200 Neville Road, Pittsburgh, PA 15225). Renewal application for continued treatment to an existing bituminous surface mine, located in Luzerne Township, **Fayette County**, affecting 99.2 acres. Receiving streams: unnamed tributary to Monongahela River. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: November 20, 2017.

**26810123 and NPDES Permit No. PA0079740. Shenango, Inc.** (200 Neville Road, Pittsburgh, PA 15225). Renewal application for continued treatment to an existing bituminous surface mine, located in Luzerne Township, **Fayette County**, affecting 793.0 acres. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: November 20, 2017.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**Permit No. 54-305-040GP12. Gilberton Coal Company**, (10 Gilberton, Road, Gilberton, PA 17934), application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 54763207 in Mahanoy Township, **Schuylkill County**. Application received: November 1, 2017.

**Permit No. 54-305-041GP12. Gilberton Coal Company**, (10 Gilberton, Road, Gilberton, PA 17934), application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 54950202 in Mahanoy Township, **Schuylkill County**. Application received: November 1, 2017.

**Permit No. 54020201T. Locust Valley Coal Co., Inc.**, (P.O. Box 279, St. Clair, PA 17970), transfer of an existing anthracite coal refuse reprocessing and preparation plant operation from Stoudt's Ferry Preparation Co., Inc. in Mahanoy Township, **Schuylkill County** affecting 69.0 acres, receiving stream: Mill Creek, classified for the following uses: cold water and migratory fishes. Application received: October 31, 2017.

**Permit No. 54020201R3. Locust Valley Coal Co., Inc.**, (P.O. Box 279, St. Clair, PA 17970), renewal of an

existing anthracite coal refuse reprocessing and preparation plant operation in Mahanoy Township, **Schuylkill County** affecting 69.0 acres, receiving stream: Mill Creek, classified for the following uses: cold water and migratory fishes. Application received: October 31, 2017.

**Permit No. 54-305-042GP12. Locust Valley Coal Co., Inc.**, (P.O. Box 279, St. Clair, PA 17970), application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 54020201 in Mahanoy Township, **Schuylkill County**. Application received: October 31, 2017.

**Permit No. 19000201C5. Mid-Valley Coal Sales, Inc.**, (212 West Cherry Street, Mt. Carmel, PA 17851), correction to an existing anthracite coal refuse reprocessing and coal refuse disposal operation to update the post-mining land use from forestland to unmanaged natural habitat in Conyngham Township, **Columbia County** affecting 343.0 acres, receiving stream: North Branch Shamokin Creek, classified for the following uses: cold water and migratory fishes. Application received: November 1, 2017.

*Noncoal Applications Received*

*Effluent Limits*—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

<i>Parameter</i>	<i>Table 2</i>		
	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

**08100304 and NPDES PA0257435. Insinger Excavating, Inc.** (3046 Dushore-Overton Road, Dushore, PA 18614). Renewal for an existing NPDES on a large noncoal surface mining site located in Pike Township, **Bradford County** affecting 40.6 acres. Receiving stream(s): UNT 1 to Ross Creek classified for the following use(s): WWF, MF. Application received: November 6, 2017.

*New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.*

**65110401 and NPDES Permit No. PA0252077. Ligonier Stone & Lime Co., Inc.** (117 Marcia Street, Latrobe, PA 15650-4300). NPDES renewal application for continued mining to an existing large noncoal surface mine, located in Derry Township, **Westmoreland County**, affecting 101.4 acres. Receiving streams: Stony Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: November 17, 2017.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**Permit No. 64141001. Litts & Sons Stone Co., Inc.**, (19 Primrose Drive, Springbrook Township, PA 18444), Stage I & II bond release of a quarry operation in Sterling Township, **Wayne County** affecting 5.0 acres on property owned by Rebecca M. Defrehn. Application received: November 13, 2017.

**Permit No. 49102801. Leslie Houck Construction, Inc.**, (9520 Susquehanna Trail Drive, Muncy, PA 17756), Stage I & II bond release of a quarry operation in Lewis Township, **Northumberland County** affecting 2.0 acres on property owned by Amos O. Rovenolt. Application received: November 8, 2017.

**Permit No. 58990816. Terry Hunsinger**, (588 Brown Road, Laceyville, PA 18623), Stage I & II bond release of a quarry operation in Rush Township, **Susquehanna County** affecting 2.0 acres on property owned by John Cancelliere. Application received: November 19, 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:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

#### *Effluent Limits for Noncoal Mining Activities*

The limits for noncoal mining activities as provided in 25 Pa. Code Chapter 77 are pH 6 to 9 and other parameters the Department may require.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 563-2112-115, Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

*Coal NPDES Draft Permits*

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

**NPDES No. PA0269794 (Government Financed Construction Contract (GFCC) No. 17-17-01), Enercorp, Inc.**, 1310 Allport Cutoff, Morrisdale, PA 16858, new NPDES permit for reclaiming abandoned mine land in Cooper Township, **Clearfield County** affecting 23.0 acres. Receiving stream(s): Weber Run and an Unnamed Tributary to Moshannon Creek, classified for the following use(s): CWF and TSF. Moshannon Creek Watershed TMDL. Application received: August 21, 2017.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for coal mining activities.

The outfall(s) listed below discharge to Weber Run and an Unnamed Tributary to Moshannon Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
001	Y

The proposed effluent limits for the previously 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	7.5
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

**NPDES No. PA0269778 (Mining Permit No. 17160104), RES Coal LLC**, 224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920, 6 Mile West Operation, new NPDES permit for a bituminous coal surface mine in Decatur Township, **Clearfield County** affecting 91.4 acres. Receiving stream(s): Shimel Run to Moshannon Creek, classified for the following use(s): CWF and TSF. Moshannon Creek Watershed TMDL. Application received: April 17, 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.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for coal mining activities.

The outfall(s) listed below discharge to Shimel Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
004	Y
005	Y
006	Y
007	Y

The outfall(s) listed below require a non-discharge alternative:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
001	Y
002	Y
003	Y

There is no proposed surface discharge from the previously listed facilities to the receiving stream due to the implementation of Best Management Practices.

**NPDES No. 0256471 (Mining permit no. 17060113), Black Cat Coal, LLC**, 107 West First Avenue, Clearfield, PA 16830, renewal of an NPDES permit for surface, bituminous coal mining in Brady Township, **Clearfield County**, affecting 60.9 acres. Receiving stream(s): Unnamed Tributaries to Stump Creek, Stump Creek, and Unnamed Tributary to Limestone Creek classified for the following use(s): Cold Water Fisheries. The receiving streams are in the Stump Creek Watershed TMDL. Application received: October 23, 2017.

The outfall(s) listed below discharge to Unnamed Tributaries to Stump Creek, Stump Creek, and Unnamed Tributary to Limestone Creek.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
001	N
002	N
003	N

The proposed effluent limits for the previously listed outfall(s) are as follows:

Parameter	Minimum	30-Day Average	Daily Maximum	Instant. Maximum
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)		2.0	4.0	5.0
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35.0	70.0	90.0

<sup>1</sup> The parameter is applicable at all times.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, 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

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.*

**E13-190 Carbon County**, P.O. Box 129, Jim Thorpe, PA 18229, Lower Towamensing Township, **Carbon County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with a 27-foot wide

access road and utilities serving the Carbon County Emergency Operations and Training Center:

1) A 55-foot long, 48-inch diameter reinforced concrete pipe crossing of Unnamed Tributary to Nesquehoning Creek (HQ-CWF, MF) # 1 consisting of concrete wingwalls and riprap apron blended with natural streambed material.

2) A 50-foot long, 48-inch diameter reinforced concrete pipe crossing of an Unnamed Tributary to Nesquehoning Creek (HQ-CWF, MF) # 2 consisting of concrete wingwalls and riprap apron blended with natural streambed material.

3) A 2-inch diameter ductile iron water pipe, a 1.5-inch diameter PVC sewer line, and two (2) 4-inch diameter PVC electric conduits crossing of Unnamed Tributary to Nesquehoning Creek (HQ-CWF, MF) # 1 and adjacent EV Wetlands.

4) A 2-inch diameter ductile iron water pipe, a 1.5-inch diameter PVC sewer line, and two (2) 4-inch diameter PVC electric conduits crossing of Unnamed Tributary to Nesquehoning Creek (HQ-CWF, MF) # 2 and adjacent EV Wetlands.

The project will permanently impact 0.04-acre of EV Wetlands and 0.62-acre of 50-foot (assumed) 100-year floodway.

The project is located directly east of the Carbon County Correctional Facility, approximately 0.4 mile east of the intersection of S.R. 93 (Hunter Street) and Broad Street (Weatherly, PA Quadrangle Latitude: 40° 52' 42.75"; Longitude: -75° 46' 46.27") in Nesquehoning Borough, Carbon County.

**E54-366. New Philadelphia Borough**, 15 MaComb Street, New Philadelphia, PA 17959, in New Philadelphia Borough, **Schuylkill County**, U.S. Army Corps of Engineers, Philadelphia District.

To authorize the following water obstructions and encroachments associated with the New Philadelphia Borough Playground project:

1. To excavate and place fill within the floodway and floodplain of the Schuylkill River for the construction of a bituminous pedestrian trail that's approximately 4,100 feet long, ranging from 5-foot to 8-feet in width.

2. To construct and maintain a 5-foot wide by 65-foot long concrete ramp and 12-foot by 8-foot concrete pad within the floodway of the Schuylkill River.

3. To construct and maintain park benches and base pads within the floodway and floodplain of the Schuylkill River.

4. To construct and maintain a 51-foot by 28-foot parking area and access road within the floodway of the Schuylkill River.

5. To construct and maintain a 53-foot by 20-foot parking area and access road within the floodplain of the Schuylkill River.

6. To construct and maintain a gravel emergency access road that's approximately 12-foot wide by 200-foot long within the floodway and floodplain of the Schuylkill River.

7. To construct and maintain 2 stream crossings of UNTs to the Schuylkill River. Crossing # 1 consists of a 30-foot long, 24-inch diameter SLCP pipe depressed 6-inches below the existing streambed elevation with concrete headwalls and R-5 rip rap aprons. Crossing # 2 consists of a 21-foot long, 24-inch diameter SLCP pipe depressed 6-inches below the existing streambed elevation with concrete headwalls and R-5 rip rap aprons.

8. To construct and maintain a rain garden within the floodway of the Schuylkill River.

9. To excavate various areas of material debris, stockpiles, and legacy coal piles and re-grade to match the surrounding topography within the floodway and floodplain of the Schuylkill River.

The project is located at Little League Road (Pottsville and Orwigsburg, PA Quadrangle, Latitude: 40° 42' 59.4"; -76° 07' 32.2").

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Dana Drake, Waterways and Wetlands Program Manager, 412-442-4000.*

**E11-357, Say-Core, Inc.**, 132 Block Road, Portage, PA 15946, Portage Township, **Cambria County**, Pittsburgh ACOE District.

The applicant proposes to:

1. Construct and maintain a 200' section of 60" RCP culvert in Spring Run (CWF);
2. Place and maintain fill in a de minimis amount of wetland (0.015 acre PSS wetland);
3. Relocate and maintain an additional 250' of Spring Run;

For the purpose of providing access to a concrete waste storage area. This project will permanently impact approximately 450 LF of watercourses, and a de minimis amount of wetlands. Mitigation was not proposed in the application. The project is located approximately 670 feet northwest of the intersection of Block Road and Jamestown Road (Ebensburg, PA USGS Topographic Quadrangle; Latitude: 40° 23' 39"; Longitude: -78° 39' 32"; USACE: Pittsburgh District; Sub-basin 18E), In Portage Township, Cambria County.

## ACTIONS

### THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Wastes; Discharges to Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.



Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### I. NPDES Renewal Permit Actions

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Phone: 484.250.5970.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0011631 (Storm Water)	Cromby Generating Station 300 Exelon Way Kennett Square, PA 19348-2473	Chester County East Pikeland Township	Schuylkill River 3-D	Y
PA0056247 (Industrial)	Pottstown Borough Authority 100 East High Street Pottstown, PA 19464	Montgomery County Pottstown Borough	Unnamed Tributary to Schuylkill River 3-D	Y
PA0054704 (Sewage)	Qtown Properties, LLC 1620 Wrightstown Road Newtown, PA 18940-2814	Bucks County East Rockhill Township	Unnamed Tributary to Tohicken Creek 2-D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0087661 SEW	Chestnut Ridge Area Joint Authority 320 Lane Metal Road New Paris, PA 15554-9238	East Saint Clair Township, Bedford County	Dunning Creek in Watershed(s) 11-C	N
PA0082694 SEW	East St Clair Township Municipal Authority Bedford County PO Box 55 Fishertown, PA 15539-0055	East Saint Clair Township, Bedford County	Dunning Creek in Watershed(s) 11-C	Y
PA0261645 SEW	Officers Christian Fellowship 4500 Milligans Cove Road Manns Choice, PA 15550-8016	Harrison Township, Bedford County	Sulphur Springs Creek in Watershed(s) 11-C	Y
PA0082732 SEW	East St Clair Township Municipal Authority Bedford County PO Box 55 Fishertown, PA 15539-0055	East St Clair Township, Bedford County	Dunning Creek in Watershed(s) 11-C	Y
PA0110361 SEW	Freedom Township Water & Sewer Authority 131 Municipal Street East Freedom, PA 16637-8158	Freedom Township, Blair County	Frankstown Branch Juniata River and UNT to Frankstown Branch Juniata River in Watershed(s) 11-A	N
PA0084191 SEW	Peters Township Municipal Authority 5000 Steele Avenue PO Box 19 Lemasters, PA 17231-0019	Peters Township, Franklin County	West Branch Conococheague Creek in Watershed(s) 13-C	Y
PA0033995 SEW	Berks County 633 Court Street, 16th Floor Reading, PA 19601-4322	Bern Township, Berks County	Plum Creek in Watershed(s) 3-C	Y
PA0266370 SW	Tarco Roofing Materials Inc. 8650 Molly Pitcher Highway Greencastle, PA 17225-9716	Antrim Township, Franklin County	UNT to Muddy Run in Watershed(s) 13-C	Y
PA0260738 IW	Nitterhouse Concrete Products Inc. PO Box 2013 Chambersburg, PA 17201-0813	Guilford Township, Franklin County	UNT to Conococheague Creek in Watershed(s) 13-C	Y
PA0022535 SEW	Millersburg Area Authority 101 West Street Millersburg, PA 17061-1363	Millersburg Borough, Dauphin County	Susquehanna River in Watershed(s) 6-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0263834 (Sewage)	Lake Lucy STP 698 Lake Lucy Road Tionesta, PA 16353-2120	Clarion County Washington Township	Unnamed Tributary to East Branch Hemlock Creek (16-E)	Yes
PA0100676 (Sewage)	Temple Grove Campground 9017 Chillicothe Road Temple Grove Business Office Kirtland, OH 44094-9261	Mercer County Delaware Township	Shenango River (20-A)	Yes
PA0239836 (Sewage)	Lawrence Keppler SRSTP 8 Deer Run Bradford, PA 16701-2466	McKean County Corydon Township	South Branch Willow Creek (16-B)	Yes
PA0104108 (Sewage)	Hickory View Terrace WWTP 861 Mount Jackson Road New Castle, PA 16102-2415	Lawrence County North Beaver Township	Hickory Run (20-B)	Yes
PA0030104 (Sewage)	Frenchcreek Township WWTP 4507 Georgetown Road Franklin, PA 16323	Venango County Polk Borough	Little Sandy Creek (16-G)	Yes
PA0000183 (Industrial)	General Electric Transportation System Erie 2901 E Lake Road Bldg 9-201 Erie, PA 16531-0001	Erie County Lawrence Park Township	Unnamed Stream (15-A)	Yes

## II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

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

**NPDES Permit No. PA0035769**, Industrial Waste, **JBS Souderton Inc.**, P.O. Box 64395, Souderton, PA 18964-0395.

This proposed facility is located in Franconia Township, **Montgomery County**.

Description of Action/Activity: Approval for renewal of an NPDES permit for discharge of treated Industrial wastewater.

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

**NPDES Permit No. PA0026417**, Sewage, **Penn Hills Municipal Allegheny County**, 12245 Frankstown Road, Pgh, PA 15235-3494.

This existing facility is located in Penn Hills Township, **Allegheny County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Sewage.

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

**NPDES Permit No. PA0265233**, Sewage, SIC Code 8800, **William McClintock**, 4528 State Route 417, Cooperstown, PA 16317.

This proposed facility is located in Cherrytree Township, **Venango County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Sewage.

**NPDES Permit No. PA0265209**, Sewage, SIC Code 8800, **William E Roberts Jr**, 6300 Franklin Road, Fairview, PA 16415.

This proposed facility is located in Fairview Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Sewage.

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

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

**WQM Permit No. 1592417**, Renewal, **West Vincent Township**, 729 Saint Matthews Road, Chester Springs, PA 19425.

This proposed facility is located in West Vincent Township, **Chester County**.

Description of Action/Activity: Permit renewal of a WQM Part II Permit to continue to operate the St. Stephens Green STP with seepage beds disposal system.

**WQM Permit No. 1501426**, Sewage, Renewal, **West Vincent Township**, 729 Saint Matthews Road, Chester Springs, PA 19425.

This proposed facility is located in West Vincent Township, **Chester County**.

Description of Action/Activity: Permit renewal of a WQM Part II Permit to allow the continued operation of a sewage treatment plant with spray irrigation system.

**WQM Permit No. 4697407**, Sewage, Transfer, **William J. & Jennifer L. Keller**, 34 S. Ryanford Road, Schwenksville, PA 19473-1660.

This proposed facility is located in Limerick Township, **Montgomery County**.

Description of Action/Activity: Transfer of ownership.

**WQM Permit No. 4617405**, Sewage, **Hatfield Township Municipal Authority**, 3200 Advance Lane, Colmar, PA 18915.

This proposed facility is located in Hatfield Township, **Montgomery County**.

Description of Action/Activity: Replacement of 3,300 linear feet of existing sanitary sewer & associated manholes & laterals.

**WQM Permit No. 4612407**, Sewage, **Whitemarsh Township Authority**, P.O. Box 447, 462 Germantown Pike, Lafayette Hill, PA 19444-0447.

This proposed facility is located in Whitemarsh Township, **Montgomery County**.

Description of Action/Activity: Converting existing gas chlorination and de-chlorination feeds into liquid feeds.

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

**WQM Permit No. 4517403**, Sewage, SIC Code 4952, **PA American Water Co.**, 800 W Hershey Park Drive, Hershey, PA 17033-2400.

This proposed facility is located in Coolbaugh Township, **Monroe County**.

Description of Proposed Action/Activity: A new Permit for proposed improvements to the Pocono Country Place WWTP Headworks. The existing comminutor will be upgraded to a new automatic bar screen and compactor.

**WQM Permit No. 4017404**, Sewage, **Aqua Pennsylvania Wastewater, Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010.

This existing facility is located in White Haven Borough, **Luzerne County**.

Description of Proposed Action/Activity: Treatment plant upgrades including installation of a fine screen, modification of the grit removal system piping, conversion from chlorine disinfection to Ultraviolet (UV) disinfection and modification of the sludge dewatering equipment.

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

**WQM Permit No. 0503405 A-3**, Sewerage, **East Providence Township Municipal Authority Bedford County**, 244 Municipal Lane, PO Box 83 Breezewood, PA 15533-0083.

This proposed facility is located in East Providence Township, **Bedford County**.

Description of Proposed Action/Activity:

This amendment approves the construction of sewage facilities consisting of the following equipment: One (1) CleanFlow Spiral Screen Model FSI2 manufactured by WesTech. The screen replacement will enhance the facility's solids removal at the plant headworks by (a) improving operation and maintenance capabilities by including a heat tracer to reduce the possibility of freezing issues, (b) including an improved screen to capture inorganics and floatable debris, and (c) including a spray washer system to retain beneficial organics from the influent screen to ultimately benefit the treatment process. The removed debris will be collected and disposed of in a landfill.

The new headworks features a 1/4" openings to remove large debris from wastewater before it enters the influent pump station. The removed debris will be conveyed and compacted/dewatered by the screw conveyor and will be discharged in a dumpster. Wastewater released during the dewatering process will flow and blend with influent wastewater downstream of the spiral screen. The proposed replacement headworks screen will be a direct replacement of the existing screen with some minor support/channel modifications.

**WQM Permit No. 0690409 A-2**, Sewerage, **Pilot Travel Center LLC**, 5508 Lonas Drive, Knoxville, TN 37909-3221.

This proposed facility is located in Bethel Township, **Berks County**.

Description of Proposed Action/Activity: This permit amendment approves the modification of sewage facilities consisting of: a lift station after the headworks and before the EQ tank which will include 2 alternating submersible pumps, each with a design capacity of 45 gpm at 15' TDH, and a high level alarm; a 20,000 gallon (1-compartment) EQ tank to replace a failed metal 20,000-gallon EQ tank; the new EQ tank will be concrete with steel reinforcing, constructed on-site, with a visual and audible high-level alarm. An existing blower and back-up blower will prevent solids from settling in the EQ tank; and two existing submersible pumps (75 gpm at 15' TDH) will pump the flow from the EQ tank to the aeration tanks and provide recirculation to the EQ tank using a splitter box.

**WQM Permit No. 0605412 A-1**, Sewerage, **Hamburg Borough Municipal Authority**, 61 N 3rd Street, Hamburg, PA 19626. This proposed facility is located in Hamburg Borough, **Berks County**.

Description of Proposed Action/Activity: This permit amendment approves the construction/modification/operation of sewage facilities consisting of: installation of a mechanically cleaned bar screen at the oxidation ditch, washer/compactor unit for cleaning the screen, concrete baffle wall in the oxidation ditch influent well, and fiberglass-reinforced plastic building with exhaust fan enclosing the screen.

**WQM Permit No 0687426 T-2**, Sewerage, **Erin & Carissa Nafziger**, 1499 Elverson Road, Elverson, PA 19520-9359.

This proposed facility is located in Caernarvon Township, **Berks County**.

Description of Proposed Action/Activity: This permit/transfer approves the operation/transfer of sewage facilities consisting of: An aerobic tank, dosing tank, 60 sq. foot open access sand filter, and tablet chlorination with chlorine contact tank.

**WQM Permit No 2816201**, Industrial Waste, **Nitterhouse Concrete Products Inc.**, PO Box 2013, Chambersburg, PA 17201-0813.

This proposed facility is located in Guilford Township, **Franklin County**.

Description of Proposed Action/Activity: This permit/transfer approves the operation/transfer of sewage facilities consisting of:

This permit approves the construction/operation of industrial wastewater facilities consisting of:

Construction of a new Industrial Waste Treatment Plant consisting of:

1. Three cast in place concrete settling basins, each of 50' long, 10' wide, and sloped bottom with height at deepest point is approximately 9.5', inter connected with weir.

2. Two cast in place drying pad, each is 70' long, 10' wide, and 10' high.

3. One pH mix basin with pH Watchdog for pH adjustment by addition of Sodium Bisulfate or other chemical. The basin will be 50' long, 10' wide and 9.5' deep.

4. A wet-well with submersible pump. Wet-well will be 11' long, 8' wide, and 6' deep. A 2.0 HP Hydromatic S3S/S3SD from Pentair or equivalent will be used to deliver a flow of 125 GPM at 30' maximum head.

A 2" Neptune brand or equal turbine flow meter.

**WQM Permit No 2217401**, Sewerage, **Capital Region Water**, 212 Locust Street, Suite 500, Harrisburg PA 17101-1510.

This proposed facility is located in Harrisburg City, **Dauphin County**.

Description of Proposed Action/Activity: This permit/transfer approves the operation/transfer of sewage facilities consisting of:

- Pump Station with a capacity of 60 MGD.
- Two multi-rake screens, series of shaft-less screw conveyors and washer/compactor.
- HVAC, electrical controls and flow metering device.

**WQM Permit No WQG01211703.**, Sewerage, **Sweigart Single Residence Treatment Facility**, 22 Buck Drive, Carlisle, PA 17015.

This proposed facility is located in Lower Frankford Township, **Cumberland County**.

Description of Proposed Action/Activity:

This General Permit approves the construction and operation of Small Flow Treatment Facilities designed according to the Small Flow Treatment Facilities Manual DEP ID 362-0300-002. All construction, operations, and procedures shall be in accordance with the Water Quality Management (WQM) Permit Notice of Intent (NOI) dated 09/25/2017 and its supporting documentation, and addendums dated 10/03/2017, which are hereby made part of this General Permit.

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

**WQM Permit No. 6117402**, Sewage, **William McClintock**, 4528 State Route 417, Cooperstown, PA 16317.

This proposed facility is located in Cherrytree Township, **Venango County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

**WQM Permit No. 2517407**, Sewage, **William E Roberts Jr**, 6300 Franklin Road, Fairview, PA 16415.

This proposed facility is located in Fairview Township, **Erie County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

---

## V. NPDES Waiver Stormwater Discharges from MS4 Actions

---

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.

*North East Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2511.*

<i>NPDES Waiver No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>
PAG132287	Williams Township 655 Cider Press Road Easton, PA 18042	Williams Township Northampton	Delaware River, Fry's Run/WWF, MF and HQ-CWF, 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.



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

<i>NPDES Waiver No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>
PAG136192	Liberty Borough Allegheny County 2921 Liberty Way McKeesport, PA 15133-2717	Liberty Borough Allegheny County	Youghiogheny River/WWF
PAG136390	Kiskiminetas Township Armstrong County 1222A Old State Road Apollo, PA 15613	Kiskiminetas Township Armstrong County	Kiskiminetas River, Unnamed Tributaries to Kiskiminetas River/WWF
PAG136199	Homestead Borough Allegheny County 221 E 7th Avenue Homestead, PA 15120-1511	Homestead Borough Allegheny County	West Run/WWF Monongahela River/WWF
PAG136363	Forward Township Allegheny County 1000 Golden Circle Elizabeth, PA 15037-3199	Forward Township Allegheny County	Unnamed Tributary to Monongahela River, Unnamed Tributary to Becketts Run, Gillespie Run, Sunfish Run, Monongahela River, and Unnamed Tributary to Gillespie Run/WWF
PAG136185	Dravosburg Borough 226 Maple Avenue Dravosburg, PA 15034-0037	Dravosburg Borough Allegheny County	Monongahela River/WWF

#### **VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

*Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD090005	Easton Roland LPG Partners, LLC 21 Brownstone Road Ottsville, PA 18942	Nockamixon Township	Bucks County	Unnamed Tributary to Rapp Creek EV
PAD150038	Chris Knauer 400 Dutton Mill Road Malvern, PA 19355-3341	East Goshen Township	Chester County	Ridley Creek (POI West) HQ-TSF-MF Shagart Run (POI East and Southeast) HQ-TSF-MF
PAD230012	City of Philadelphia Division of Aviation Philadelphia International Airport City of Philadelphia International Airport Terminal D-E Philadelphia International Airport Philadelphia, PA 19153	Tinicum Township	Delaware County	Long Hook Creek Sub Basin WWF-MF
PAD460007	Mancill Mill Road Company 401 South Schuylkill Avenue Norristown, PA 19403	Upper Merion Township	Montgomery County	Schuylkill River WWF

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD450046	CB H2O, LP PO Box 168 Tannersville, PA 18372	Monroe	Pocono Township	Coolmoor Creek (HQ-CWF, MF)

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Nathan Crawford, Section Chief, Telephone 717.705.4802.*

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032108006R Issued	Parkview at Boiling Springs, LP 2020 Good Hope Road Enola, PA 17025	Cumberland	South Middleton Township	Yellow Breeches (HQ/CWF, MF)
PAD280002 Renewal Issued	Frank R. Flohr 1350 Lincoln Way East Chambersburg, PA 17202-3083	Franklin	Guilford Township	Falling Spring Branch (HQ-CWF, MF)
PAD210013 Issued	Bradford Wenger 511 East Louthier Street Carlisle, PA 17013	Cumberland	South Middleton Township	UNT Letort Spring Run (EF, MF)

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Dana Drake, Waterways and Wetlands Program Manager, 412-442-4000.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD630011	Muirfield Land Partners, LLC Building 100 Suite 130 2585 Washington Road Pittsburgh, PA 15241	Washington County	North Strabane Township	Little Chartiers Creek (HQ-WWF)
PAD650009	Westmoreland County Industrial Development Corporation 40 North Pennsylvania Avenue Greensburg, PA 15601	Westmoreland County	City of Jeannette	Brush Creek (TSF)

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

*Butler County Conservation District, 122 McCune Drive, Butler, PA 16001.*

*Jefferson County Conservation District, 1514 Route 28, Brookville, PA 15825.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD330002	Hi-Tech Turning and Milling 11 Clear Run Road Dubois, PA 15801	Jefferson	Falls Creek Borough	Falls Creek HQ-CWF
PAD100003	Brady Township 141 West Liberty Road Slippery Rock, PA 16057	Butler	Brady Township	Muddy Creek HQ-CWF

## **VII. Approvals to Use NPDES and/or Other General Permits**

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

### **List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage

PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

*General Permit Type—PAG-02*

*Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Radnor Township Delaware County	PAC230017	M3P Partners, LLC c/o Mark Janiczek 619 Rear Conestoga Rd. Villanova, PA 19085	Ithan Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Chester Township Delaware County	PAC230044	Alloy Surfaces Company, Inc. 121 N. Commerce Drive Aston, PA 19014	Baldwin Run— WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Chester Heights Borough Delaware County	PAG02002315011 (Phase 2)	Mark & Nancy Beard 29 Stoney Bank Road Glen Mills, PA 19342	Chester Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Worcester Township Montgomery County	PAC460083	Brennan Marion Whitehall Development Partners LP Skippack, PA 19474	UNT to Stony Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Pottsgrove Township Montgomery County	PAC460121	Glenn Worgan Crossroads Housing Associates LP 726 Yorklyn Road Suite 150 Hockessin, DE 19707	Sprogels Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lansdale Borough Montgomery County	PAC460164	Andale Properties, LLC 301 N Broad Street Lansdale, PA 19446	Tributary to Skippack Creek TSF/MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Providence Township Montgomery County	PAC460110	Rouse Chamberlin LTD 500 Exton Commons Exton, PA 19341	UNT Mingo Creek; UNT Schoolhouse Run WWF/MF & TSF/MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Merion Township Montgomery County	PAC460044	James F. Losty 231 Matsonford Road Radnor, PA 19087	Gulph Creek WWF/MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Gwynedd Township Montgomery County	PAC460096	Cornerstone Premier Homes 601 West Prospect Ave North Wales, PA 19454	Trib to Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Towamencin Township Montgomery County	PAC460116	Columbia/Wegman Acquisition LLC 1910 Fairview Avenue E Suite 200 Seattle, PA 98102	Trib to Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Franconia Township Montgomery County	PAC460138	Peter Becker Community 800 Maple Avenue Harleysville, PA 19438	West Branch Skippack Creek TSF/MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Warrington Township Bucks County	PAC090091	Prime Properties, Inc. 350 South Main Street Suite 307 Doylestown, PA 18901	Unnamed Tributary to Neshaminy Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

## NOTICES

7505

<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>
Bensalem Township Bucks County	PAC09098	ELU Galloway, LLC 485 Devon Park Lane Suite 106 Wayne, PA 19087-1807	Unnamed Tributary to Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Richland Township Bucks County	PAC090064	Highglen-Pineville Quakertown Associates, LP 8120 Old York Road Elkins Park, PA 19027	Tohickon Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Makefield Township Bucks County	PAC090106	Eric Guckin 601 Courtland Lane Fairless Hills, PA 19030	Houghs Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Perkasie Borough East Rockhill Township Bucks County	PAC090101	Pennridge Development Enterprises 1100 North Ridge Road Perkasie, PA 18944	East Branch Perkiomen Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Solebury Township Bucks County	PAC090102	Charles Ehne 6226 Pidcock Creek Road New Hope, PA 18938	Dark Hollow Run TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Middletown Township Bucks County	PAC090108	Lincoln Plaza Center, L.P. 225 West Washington Street Indianapolis, IN 46204	Unnamed Tributary to Queen Anne Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Buckingham Township Bucks County	PAC090107	Toll Brothers Land Development 250 Gibraltar Road Horsham, PA 19044	Mill Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Richland Township Bucks County	PAC090066	PPG Ahlum, LLC 333 Pennington Way Parkasie, PA 18944	Tohickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Perkasie Borough Bucks County	PAC090068	Constitution Square, LLC 301 North Broad Street Lansdale, PA 19446	East Branch Perkasie Borough TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Southampton Township Bucks County	PAC090005	Anna Silwinski 4704 Third Avenue Bensalem, PA 19020	Delaware River South WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Makefield Township Bucks County	PAC090099	Julie Laughlin 220 Stoopville Road Newtown, PA 19840	Delaware River South WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Makefield Township Bucks County	PAC090095	Worthington Land Holding, LLC 1108 Wrightstown Road Newtown, PA 18940	Delaware River South WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Falls Township Bucks County	PAC090077	New Falls Road, LLC 668 Woodbourne Road Suite 109 Langhorne, PA 19047	Unnamed Tributary to Martins Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
New Britain Township Bucks County	PAC0900065	Metro Storage New Britain, LLC 13528 West Boulton Boulevard Lake Forrest, IL 60045	Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900



<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 Philadelphia County	PAC510038	PMC Property Group 1608 Walnut Street Suite 1400 Philadelphia, PA 19103	Schuylkill River CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAC510045	CSC Equities, LLC c/o RAL Development Services, LLC 434 Broadway 5th Floor New York, NY 10013	Delaware River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAC510042	PECO Energy 2301 Market Street, S7-2 Philadelphia, PA 19103	Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Folcroft Borough Delaware County	PAC230002	Folcroft Development Partners, LP 1535 Chestnut Street Suite 200 Philadelphia, PA 19102	Darby Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Radnor Township Delaware County	PAC230048	Rockwell Bryn War, LP c/o Christy Flynn 126 East State Street Media, PA 19063	Meadowbrook Run CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Scott Township, Lackawanna County	PAC350026	Gamlie Danziger 203 Passaic Ave Passaic, NJ 07055	UNT to South Branch of Tunkhannock Creek (CWF-MF)	Lackawanna County Conservation District 570-382-3086
Dallas Township, Luzerne County	PAC400028	Ecumenical Enterprises, Inc. Thomas O'Connor 3135 Memorial Highway Dallas, PA 18612	UNT to Huntsville Creek (CWF, MF)	Luzerne Conservation District 570-674-7991
Courtdale Borough, Luzerne County	PAC400009	Courtdale Borough c/o Carl Hodorowski 5 Blackman Street Courtdale, PA 18704	Toby Creek (WWF, MF) Susquehanna River (WWF, MF)	Luzerne Conservation District 570-674-7991
Sugarloaf Township, Luzerne County	PAC400021	Sugarloaf Township, c/o Rick Weaver P.O. Box 61 Sybertsville, PA 18251-0061	UNT to Nescopeck Creek (CWF, MF)	Luzerne Conservation District 570-674-7991
City of Easton, Northampton County	PAC480030	Easton Area School District 1801 Bushkill Drive Easton, PA 18040	Lehigh River (WWF, MF)	Northampton County Conservation District 610-829-6276
Glendon Borough Northampton County	PAC480025	Joseph Reibman, Glendon Properties, Inc. 2957 Fairfield Drive Allentown, PA 18103	Lehigh River (WWF, MF)	Northampton County Conservation District 610-829-6276
City of Bethlehem, Northampton County	PAC480021	JVI, LLC 1265 Miller Road Wind Gap, PA 18091	East Branch of the Saucon Creek (CWF, MF)	Northampton County Conservation District 610-829-6276
Lehigh Township, Northampton County	PAC480033	Krissi L. Connell 824 South Dogwood Road Walnutport, PA 18088	Bertsch Creek (CWF, MF)	Northampton County Conservation District 610-829-6276

## NOTICES

7507

*Facility Location:  
Municipality &  
County*Washington  
Township,  
Wyoming County

Permit No.

PAC660008

*Applicant Name &  
Address*Keystone Saw Shop, LLC  
PO Box 341  
Meshoppen, PA 18630*Receiving  
Water / Use*UNT to  
Susquehanna River  
(WWF, MF)*Contact Office &  
Phone No.*Wyoming County  
Conservation District  
570-836-2589*Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief,  
717.705.4802.**Facility Location:  
Municipality &  
County*Carlisle Borough  
Cumberland County  
Issued

Permit No.

PAC210047

*Applicant Name &  
Address*Chapel Pointe  
770 South Hanover Street  
Carlisle, PA 127013*Receiving  
Water / Use*Conodoguinet Creek  
(WWF, MF)*Contact Office &  
Phone No.*Cumberland County  
Conservation District  
310 Allen Road  
Suite 301  
Carlisle, PA 17013-9101  
717.240.7812Walker Township  
Juniata County  
Issued

Permit No.

PAC340009

*Applicant Name &  
Address*Ethan Good  
152 Energex Drive  
Mifflintown, PA 17059*Receiving  
Water / Use*Doe Run—  
Juniata River  
(TSF, MF)*Contact Office &  
Phone No.*  
Juniata County  
Conservation District  
146 Stoney Creek Drive  
Suite 4  
Mifflintown, PA  
17059-89709  
717.436.8953Susquehanna  
Township  
Juniata County  
Issued

Permit No.

PAC340015

*Applicant Name &  
Address*PPL Electric Utilities  
2078 Old Trail Road  
Liverpool, PA 17045*Receiving  
Water / Use*West Branch  
Mahantango Creek  
(WWF, MF)*Contact Office &  
Phone No.*  
Juniata County  
Conservation District  
146 Stoney Creek Drive  
Suite 4  
Mifflintown, PA  
17059-89709  
717.436.8953*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Dana Drake,  
Waterways and Wetlands Program Manager, 412-442-4000.**Facility Location  
and Municipality*

Jackson Township

Permit No.

PAC110024

*Applicant Name and  
Address*Kiewit Engineering  
Group, Inc.  
9401 Renner Boulevard  
Lenexa, KS 66219*Receiving  
Water / Use*UNT to Blacklick  
Creek (CWF)*Contact Office and  
Phone No.*Cambria County  
Conservation District  
401 Candlelight Drive  
Suite 229  
Ebensburg, PA 15931  
(814) 472-2120

Somerset Township

Permit No.

PAG02005616008

*Applicant Name and  
Address*Pennsylvania Fish and  
Boat Commission  
450 Robinson Lane  
Bellefonte, PA 16823*Receiving  
Water / Use*East Branch of  
Coxes Creek (WWF)*Contact Office &  
Phone No.*  
Somerset County  
Conservation District  
6024 Glades Pike  
Suite 103  
Somerset, PA 15501  
(814) 445-4652*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.**Facility Location:  
Municipality &  
County*Adams Township,  
Butler county

Permit No.

PAC100077

*Applicant Name &  
Address*Fulton Development, LLC  
Mr. Christopher Kaclik  
1272 Mars Evans City  
Road  
Evans City, PA 16033*Receiving  
Water / Use*UNT Breakneck  
Creek WWF*Contact Office &  
Phone No.*Butler County  
Conservation District  
122 McCune Drive  
Butler, PA 16001  
724-284-5270Shenango  
Township,  
Mercer County

Permit No.

PAC430019

*Applicant Name &  
Address*Shenango Township  
Municipal Authority  
155 Campground Road  
P.O. Box 266  
West Middlesex, PA 16159*Receiving  
Water / Use*Unnamed tributaries  
of Hogback Run  
WWF and Unnamed  
tributaries of the  
Shenango River  
WWF*Contact Office &  
Phone No.*  
Mercer County  
Conservation District  
747 Greenville Road  
Mercer, PA 16137  
724-662-2242

*Facility Location:  
Municipality &  
County*Clarion Borough,  
Clarion CountyPermit No.  
PAC160010*Applicant Name &  
Address*  
Sheetz, Inc.  
5700 6th Avenue  
Altoona, PA*Receiving  
Water / Use*  
UNT Clarion River  
CWF*Contact Office &  
Phone No.*  
Clarion County  
Conservation District  
217 S 7th Avenue  
Room 106A  
Clarion, PA 16214  
814-297-7813*General Permit Type—PAG-03**Facility Location  
Municipality &  
County*Aliquippa City  
Beaver CountyPermit No.  
PAG036207*Applicant Name &  
Address*  
Shasta Services, LLC  
300 Steel Street  
Aliquippa, PA 15001-5416*Receiving  
Water / Use*  
Ohio River—20-G  
WWF*Contact Office &  
Phone No.*  
DEP South West  
Regional Office  
Clean Water Program  
400 Waterfront Drive  
Pittsburgh, PA 15222-4745  
412.442.4000Robinson Township  
Washington County

PAG036206

*Applicant Name &  
Address*  
Anthony Allega, Inc.  
5585 Canal Road  
Valley View, OH 44125*Receiving  
Water / Use*  
Unnamed Tributary  
of Little Raccoon  
Run—20-D  
WWF*Contact Office &  
Phone No.*  
DEP South West  
Regional Office  
Clean Water Program  
400 Waterfront Drive  
Pittsburgh, PA 15222-4745  
412.442.4000*General Permit Type—PAG-4**Facility Location &  
Municipality*Caernarvon  
Township,  
Berks CountyPermit No.  
PAG043585*Applicant Name &  
Address*  
Erin And Carissa  
Nafziger  
1499 Elverson Road  
Elverson, PA 19520-9359*Receiving  
Water / Use*  
UNT of East Branch  
Conestoga River  
which is listed in  
Watershed 7-J*Contact Office &  
Phone No.*  
DEP—SCRO—  
Clean Water Program  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707Hopewell Township,  
Cumberland County

PAG043691

*Applicant Name &  
Address*  
Jesse K King  
224 Fairview Rd  
Shippensburg, PA 17257*Receiving  
Water / Use*  
UNT of  
Conodoguinet Creek  
which is listed in  
Watershed 7-B*Contact Office &  
Phone No.*  
DEP—SCRO—  
Clean Water Program  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707Lower Frankford  
Township,  
Cumberland County

PAG043965

*Applicant Name &  
Address*  
Casey Sweigart  
22 Buck Drive  
Carlisle, PA 17015*Receiving  
Water / Use*  
UNT of Locust Creek  
which is listed in  
Watershed 7-B*Contact Office &  
Phone No.*  
DEP—SCRO—  
Clean Water Program  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707*General Permit Type—PAG-7**Facility Location &  
County/  
Municipality*Shippensburg  
Borough  
Wastewater  
Treatment Plant  
963 Avon Drive  
Shippensburg, PA  
17257  
Southampton  
Township/Franklin  
CountyPermit No.  
PAG073513*Applicant Name &  
Address*  
Shippensburg Borough  
Authority  
111 North Fayette Street  
PO Box 129  
Shippensburg, PA 17257*Site Name &  
Location*  
Same As Facility*Contact Office &  
Phone No.*  
DEP—SCRO—  
Clean Water Program  
909 Elmerton Ave.  
Harrisburg, PA 17110-8200  
717-705-4707

*General Permit Type—PAG-8**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Abington Township Wastewater Treatment Plant Montgomery County, Township of Abington	PAG080002	Township of Abington 1176 Old York Road Abington, PA 19001	Abington Township STP 1000 Fitzwatertown Road Roslyn, PA 19001	Southeast Region Clean Water 484.250.5970

*General Permit Type—PAG-8 (SSN)**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
John Burket Farm 237 Burket Road Tyrone, PA 16686 Tyrone Township/ Blair County	PAG083511 & PAG083512	Altoona Water Authority 144 Westerly Treatment Plant Road Duncansville, PA 16635	Same As Facility	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

*General Permit Type—PAG-10**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>
Dimock & Jessup Townships, Susquehanna County	PAG102358	Williams Field Services Co (Maple Park Pipeline Project) Park Place Corp Center 2 2000 Commerce Drive Pittsburg, PA 15275	Unnamed Tributary to Elk Lake Stream—4-D/CWF	DEP North East Regional Office Clean Water Program 2 Public Square Wilkes-Barre, PA 18701-1915 570.826.2511

*General Permit Type—PAG-12**Facility Location & Municipality*

<i>Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Lower Swatara Township, Dauphin County	PAG123829	Noah W Kreider & Sons LLP 1461 Lancaster Road Manheim, PA 17545-9768	Watershed 7-D	DEP—SCRO—CW 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Penn Township, Lancaster County	PAG123686 A-2	Martin Joel 2077 Mountain Road Manheim, PA 17545	Watershed 7-G	DEP—SCRO—CW 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Jackson Township Lebanon County	PAG123562	Noah Sauder Jr 401 Elco Drive Myerstown, PA 17067-2610	Watershed 3-C	DEP—SCRO—CW 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
West Cocalico Township, Lancaster County	PAG123568	Laurel Ridge Pig Co. 700 Swamp Church Road Reinholds, PA 17569	Watershed 7-J	DEP—SCRO—CW 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Spruce Hill Township Juniata County	PAG123859	Colton W Deppen 847 Imes Road Mccoysville, PA 17058	Watershed 12-B	DEP—SCRO—CW 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Decatur Township Mifflin County	PAG123511	Ronald E Goss & Timothy E Goss 123 Decatur Road Mcclure, PA 17841	Watershed 12-A	DEP—SCRO—CW 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707



*General Permit Type—PAG-13**Facility Location  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water/Use**Contact Office &  
Phone No.*

East Conemaugh  
Borough  
Cambria County

PAG136361

East Conemaugh Borough  
Cambria County  
355 1st Street  
East Conemaugh, PA  
15909-1905

Little Conemaugh  
River—18-E

DEP South West Regional  
Office  
Clean Water Program  
400 Waterfront Drive  
Pittsburgh, PA 15222-4745  
412.442.4000

Ambridge Borough  
Beaver County

PAG136172

Ambridge Borough  
600 11th Street  
Ambridge, PA 15003-2377

Big Sewickley Creek,  
Ohio River, and  
Unnamed Tributary  
to Ohio River—20-G

DEP South West Regional  
Office  
Clean Water Program  
400 Waterfront Drive  
Pittsburgh, PA 15222-4745  
412.442.4000

**STATE CONSERVATION COMMISSION****NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

**NUTRIENT MANAGEMENT PLAN  
PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Shadow Ridge Farm Phil Good 1259 Lime Valley Rd Lancaster, PA 17602	Lancaster	148	801.43	Layers/ Heifer	NA	A
David H Martin 420 Nottingham Rd. Nottingham, PA 19362	Lancaster	214.3	595.11	Swine/ Pullets	HQ	A
Brubaker Farms LLC Mike Brubaker 493 Musser Rd Mount Joy, PA 17552	Lancaster	2,027.8	2,501.33	Dairy/ Broiler	HQ	A
Steven R. Hershey 2024 Donegal Springs Rd. Mount Joy, PA 17552	Lancaster	184.3	598.99	Pullet/ Beef	HQ	A

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Mike Cassel 259 Auction Rd Manheim, PA 17545	Lancaster	244.5	442.53	Swine/ Broiler	NA	A
Leon Ray Zimmerman 2011 Maytown Rd. Elizabethtown, PA 17022	Lancaster	206.2	747.68	Beef/ Swine/ Pullets	NA	A
Westview Farm Galen Nolt 222 Little Britain Church Rd. Peach Bottom, PA 17563	Lancaster	395	930.76	Dairy/ Swine/ Poultry	HQ	A
Leroy & Jay Daniel Zimmerman 327 Stackstown Rd. Marietta, PA 17547	Lancaster	154.6	388.19	Swine/ Beef	NA	A
Wen-Crest Farms, LLC 549 Schaeffer Road Lebanon, PA 17042	Lebanon	1,422	1,074.29	Broilers, Steers	NA	Approved
Denise and Dennis Staub Mailing address: 352 Fleshman Mill Road New Oxford, PA 17350 Operation address: 904 Germany Road East Berlin, PA 17316	Adams	29	441.24	Turkeys	NA	Approved
Marlin J. Peachey 328 Coffee Run Rd. Reedsville, PA 17084	Mifflin	127.3	759.45 20.71 12.98 11.16 .79 84.37	Finisher Swine Dairy Herifers Dry cows Calves Steer Milking Cows	Tea Creek—HQ Kish Creek—CWF	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 # 0914509** issued to **Milford Township Water Authority**, 1845 Rosenberger Road, Quakertown, PA 18951, **PWS ID # 1090125**, Milford Township, **Bucks County**, on November 21, 2017 for the operation of Liquid Sodium Hypochlorite Feed System facilities approved under construction permit # 0914509.

**Operations Permit # 0915530** issued to **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA19010, **PWS ID # 1090001**, Bristol Township, **Bucks County** on November 21, 2017 for the operation of Sodium Hypochlorite and Ammonium Sulfate Feed Sys-

tems at Croyden Storage and Pump facilities approved under construction permit # 0915530.

*Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Permit No. 3917509MA, Minor Amendment.**

Applicant **Lehigh County Authority**  
PO Box 3348  
Allentown, PA 18106-3348

[Township or Borough] Upper Macungie Township  
**Lehigh County**

Responsible Official Liesel M. Gross  
Lehigh County Authority  
1053 Spruce Street  
PO Box 3348  
Allentown, PA 18106-3348

Type of Facility Public Water Supply

Permit to Construct Issued November 8, 2017

**Permit No. 4017509**, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**  
1 Aqua Way  
White Haven, Pa 18661

[Borough or Township] Kingston Township

County **Luzerne**

Type of Facility PWS

Consulting Engineer Jonathan Morris, PE  
GHD Inc.  
326 East Second St.  
Bloomsburg, PA 17815

Permit to Construct Issued 11/16/2017

**Application No. 3517504MA**, Public Water Supply.

Applicant **PA American Water Company**  
800 W. Hershey Park Drive  
Hershey, PA 17033

[Township or Borough] Roaring Brook Township,  
**Lackawanna County**

Responsible Official Mr. David Kaufman  
Vice President-Engineering

Type of Facility Public Water Supply

Consulting Engineer Jeremy Nelson, P.E.  
Pennsylvania American Water Company  
2699 Stafford Avenue  
Scranton, PA 18505

Permit Issued 11/21/2017

**Permit No. 4817508MA**, Public Water Supply.

Applicant **Northampton Borough Municipal Authority**  
1 Clear Springs Drive  
Northampton, PA 18067

[Borough or Township] Whitehall & North Whitehall Townships

County **Lehigh**

Type of Facility PWS

Consulting Engineer Mr. R. Scott Hughes, PE  
Gannett Fleming Inc  
PO Box 80794  
Valley Forge, PA 19484

Permit to Construct Issued 11/21/2017

**Permit No. 3917511MA, Minor Amendment**, Public Water Supply.

Applicant **Borough of Emmaus**  
28 S. 4th Street  
Emmaus, PA 18049-3802

Municipality Salisbury Township

County **Lehigh**

Type of Facility Public Water Supply

Consulting Engineer J. Bradley Youst, P.E.  
Hanover Engineering Associates, Inc.  
252 Brodhead Road, Suite 100  
Bethlehem, PA 18017-8944

Permit to Construct Issued November 29, 2017

**Application No. 2520062**, Public Water Supply.

Applicant **PA American Water Company**  
(Saw Creek Tank 7)  
800 W. Hershey Park Drive  
Hershey, PA 17033

[Township or Borough] Lehman Township  
**Pike County**

Responsible Official Mr. David Kaufman  
Vice President-Engineering

Type of Facility Public Water Supply

Consulting Engineer Mr. Craig Darosh, PE  
PA American Water Company  
4 Wellington Blvd.  
Wyomissing, PA 19610

Permit Issued 10/24/2017

**Permit No. 3390046, Operations Permit**, Public Water Supply.

Applicant **Municipal Authority of the Borough of Coopersburg**  
5 North Main Street  
Coopersburg, PA 18036

[Borough or Township] Coopersburg Borough

County **Lehigh**

Type of Facility PWS

Consulting Engineer Mr. Harry Garman PE  
Barry Isett and Associates Inc.  
85 S. Route 100  
Allentown, PA 18106

Permit to Operate Issued 11/13/2017

**Permit No. 2520075, Operations Permit, Public Water Supply.**

Applicant **Lake Wallenpaupack Estates Property Owners Association, Inc.**  
104 Clubhouse Dr.  
Greentown, PA 18426

[Borough or Township] Greene Township

County **Pike County**

Type of Facility PWS

Consulting Engineer Michael P. Goodwin, PE  
Milnes Engineering, Inc.  
12 Frear Hill Rd.  
Tunkhannock, PA 18657

Permit to Operate Issued 11/15/2017

**Permit No. 2400104, Operation Permit, Public Water Supply.**

Applicant **Aqua Pennsylvania, Inc.**  
(Midway Manor Well Station)  
1 Aqua Way  
White Haven, PA 18661

Municipality Kingston Township

County **Luzerne**

Type of Facility PWS

Consulting Engineer Jonathan W. Morris, P.E.  
GHD  
326 East 2nd Street  
Bloomsburg, PA 17815

Permit to Operate Issued November 20, 2017

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 3417502, Public Water Supply.**

Applicant **Mifflintown Municipal Authority**

Municipality Walker Township

County **Juniata**

Responsible Official Mike Robinson, Manger  
PO Box 36  
Mifflintown, PA 17059

Type of Facility The construction of a new 500,000-gallon concrete storage tank with booster pumping station along with the installation of 2,200 feet of water main and 700' of service line.

Consulting Engineer Patrick J. Ward, P.E.  
Uni-Tec Consulting Engineers, Inc.  
2007 Cato Avenue  
State College, PA 16801

Permit to Construct Issued 11/17/2017

**Permit No. 6717510 MA, Minor Amendment, Public Water Supply.**

Applicant **The York Water Company**

Municipality Springettsbury Township

County **York**

Responsible Official Mark S. Snyder, Engineering Manager  
130 East Market Street  
PO Box 15089  
York, PA 17405-7089

Type of Facility The York Water Company is requesting a public water supply permit for the existing bulk water filling station at the Mount Rose Avenue Distribution Center in Springettsbury Township, York County.

Consulting Engineer Mark S. Snyder, P.E.  
The York Water Company  
130 East Market Street  
PO Box 15089  
York, PA 17405-7089

Permit to Construct Issued 11/17/2017

**Operation Permit No. 3616517 MA** issued to: **Columbia Water Company—Columbia Division (PWS ID No. 7360123)**, Columbia Borough, **Lancaster County** on 11/17/2017 for facilities approved under Construction Permit No. 3616517 MA.

**Operation Permit No. 0516503 MA** issued to: **Fisher-town Water Association (PWS ID No. 4050029)**, East St. Clair Township, **Bedford County** on 11/17/2017 for facilities approved under Construction Permit No. 0516503 MA.

**Comprehensive Operation Permit No. 7220017** issued to: **Pennsylvania American Water (PWS ID No. 7220017)**, South Hanover Township, **Dauphin County** on 11/22/2017 for the operation of facilities approved under Construction Permit No. 2217502 MA.

**Operation Permit No. 6717511 MA** issued to: **King's Kids' Camp**, Dillsburg Borough, **York County** on 11/28/2017 for facilities submitted under Application No. 6717511 MA.

**Comprehensive Operation Permit No. 7220017** issued to: **Pennsylvania-American Water Company (PWS ID No. 7220017)**, Londonderry Township, **Dauphin County** on 11/22/2017 for the operation of facilities approved under Construction Permit No. 2217507 MA.

**Operation Permit No. 0617507 MA** issued to: **Borough of Boyertown (PWS ID No. 3060081)**, Boyers-town Borough, **Berks County** on 11/17/2017 for facilities approved under Construction Permit No. 0617507 MA.

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**Permit No. 4104501A1—Operation—Public Water Supply.**

Applicant **Williamsport Municipal Authority**

Township/Borough City of Williamsport

County **Lycoming County**

Responsible Official Mr. LaRue S. VanZile  
Director of Engineering  
253 West Fourth Street  
Williamsport, PA 17701

Type of Facility Public Water Supply

Consulting Engineer N/A



Permit Issued November 22, 2017

Description of Action Williamsport Municipal Water Authority has requested designation of Water Quality Parameter as required by the Lead and Copper Rule (LCR); therefore, the Department is amending this Permit to include LCR-related conditions.

**Permit No. 4189510A1—Operation—Public Water Supply.**

Applicant **Williamsport Municipal Authority**

Township/Borough City of Williamsport

County **Lycoming County**

Responsible Official Mr. LaRue S. VanZile  
Director of Engineering  
253 West Fourth Street  
Williamsport, PA 17701

Type of Facility Public Water Supply

Consulting Engineer N/A

Permit Issued November 22, 2017

Description of Action Williamsport Municipal Water Authority has requested designation of Water Quality Parameter as required by the Lead and Copper Rule (LCR); therefore, the Department is amending this Permit to include LCR-related conditions.

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit No. 0317502, Public Water Supply.**

Applicant **Municipal Authority of Buffalo Township**  
707 Sarver Pike Road  
Sarver, PA 16055

[Township or Borough] Buffalo Township

County **Armstrong**

Responsible Official Kristine Donaldson, Authority Manager  
Municipal Authority of Buffalo Township  
707 Sarver Pike Road  
Sarver, PA 16055

Type of Facility Water system

Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
PO Box 853  
Latrobe, PA 15650

Permit to Construct Issued November 20, 2017

**Operations Permit** issued to: **Borough of Tarentum**, 318 East 2nd Avenue, Tarentum, PA 15084, (PWSID # 5020055) Tarentum Borough, **Allegheny County** on November 20, 2017 for the operation of facilities approved under Construction Permit # 0217501.

**Operations Permit** issued to: **Fox Chapel Authority**, 255 Alpha Drive, Pittsburgh, PA 15238, (PWSID #

**5020040)** Fox Chapel Borough, **Allegheny County** on November 20, 2017 for the operation of facilities approved under Construction Permit # 0216526.

**Operations Permit** issued to: **Municipal Authority of Westmoreland County**, 124 Park & Pool Road, New Stanton, PA 15672, (PWSID # 5260036) Dunbar Township, **Fayette County** on November 21, 2017 for the operation of facilities approved under Construction Permit # 2613516-A1.

**Operations Permit** issued to: **Municipal Authority of the Borough of Portage**, 606 Cambria Street, Portage, PA 15946, (PWSID # 4110027) Portage Township, **Cambria County** on November 21, 2017 for the operation of facilities approved under Construction Permit # 1117513WMP.

**Permit No. 6517524MA, Minor Amendment.** Public Water Supply.

Applicant **Highridge Water Authority**  
17 Maple Avenue  
Blairsville, PA 15717

[Borough or Township] St. Clair and East Wheatfield Townships

County **Westmoreland and Indiana**

Type of Facility Meter vaults

Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
PO Box 853  
Latrobe, PA 15650

Permit to Construct Issued November 27, 2017

**Permit No. 6516501MA-1, Minor Amendment.** Public Water Supply.

Applicant **Highridge Water Authority**  
17 Maple Avenue  
Blairsville, PA 15717

[Borough or Township] Burrell Township

County **Indiana**

Type of Facility Palmerton Road waterline

Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
PO Box 853  
Latrobe, PA 15650

Permit to Construct Issued November 27, 2017

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

**Permit No. 2787501-t2-ma3, Public Water Supply.**

Applicant **Cornell Abraxas Group Inc.**

Township or Borough Howe Township

County **Forest**

Type of Facility Public Water Supply

Consulting Engineer Donnell Duncan  
Utility Service Company  
1230 Peachtree Street NE  
Atlanta, GA 30309

Permit to Construct Issued November 21, 2017

**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.**

*Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**WA 54-44C, Water Allocation, Municipal Authority of the Borough of Shenandoah, P.O. Box 110, Shenandoah, PA 17976, Shenandoah Borough, Schuylkill County.** Water Allocation Permit WA 54-44C grants the Municipal Authority of the Borough of Shenandoah the right to withdraw from Ringtown No. 6 (Whiskey Mill Run) 1.5 MGD Average Annual, Ringtown No. 5 (Dreshers Run) 2.0 MGD Average Annual, and Raven Run No. 2 2.05 MGD Average Annual, for a total withdrawal not to exceed 2.05 MGD Average Annual as measured below Raven Run No. 2 at the influent raw water meter to the Shenandoah Water Treatment Plant. Conservation releases of 460,000 gpd for Ringtown No. 6, 210,000 gpd for Ringtown No. 5, and 250,000 gpd for Raven Run No. 2 are required. Permit issued on November 21, 2017.

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**WA 22-866A, Water Allocations. Pillow Borough Authority (PWS ID No. 7220046), Dauphin County.** The right to withdraw up to 6,500 gallons per day (gpd), when available, from Cold Spring on the northern base of Mahantango Mountain located in Mifflin Township, Dauphin County. Permittee Contact: Walter Tweitmann, Chairman, Pillow Borough Authority, PO Box 206, Pillow, PA 17080. Consulting Engineer: Raelene M. Gabriel, P.E., Glace Associates, Inc., 3705 Trindle Road, Camp Hill, PA 17011. Permit Issued: 11/20/2017.

**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:* City of McKeesport, Allegheny County

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
City of McKeesport	500 Fifth Avenue McKeesport, PA 15132	Allegheny
City of Duquesne	12 S. Second Street Duquesne, PA 15110	Allegheny
Borough of Dravosburg	226 Maple Street Dravosburg, PA 15034	Allegheny
Borough of Port Vue	1191 Romine Avenue Port Vue, PA 15133	Allegheny

*Plan Description:* The approved plan provides for the Pennsylvania American Water Company (PAWC) to purchase the Municipality Authority of the City of McKeesport's (MACM) wastewater collection and treatment systems in the City of McKeesport, City of Duquesne, Borough of Dravosburg and the Borough of Port Vue (Direct Service Communities). PAWC will assume the operation and maintenance of these wastewater collection and treatment facilities. PAWC will also assume MACM's obligations under intermunicipal agreements

with the following municipalities: Boroughs of Liberty, Lincoln, Glassport, White Oak, Versailles, West Mifflin and East McKeesport and the Townships of North Versailles and Elizabeth (Intermunicipal Service Communities).

*Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701.*

*Plan Location:* College Township and Harris Township, Centre County

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
College Township	1481 East College Ave. State College, PA 16801	Centre
Harris Township	P.O. Box 20 Boalsburg, PA 16827	Centre

*Plan Description:* The plan provides for the installation of approximately 27,600 linear feet of 12-inch reuse waterline and appurtenances. The proposed users include Mountain View Country Club, Tussey Mountain Ski Area, and Boalsburg Technology Park. The users are expected to utilize the reuse water primarily for irrigation at the Country Club and snow making at Tussey Mountain. Other potential uses in the area consistent with the existing reuse water quality include laundry, swimming pool filling, firefighting tanker truck filling, and other potential industrial uses at the Technology Park. The total installation cost is expected to be \$2.61 million, which will be funded by a UAJA-issued bond. The submission is consistent with the planning requirements in Chapter 71 of DEP's regulations. No significant environmental or historical impacts were identified in the review of the plan.

**HAZARDOUS SITES CLEAN-UP ACT**

**Public Notice of Proposed Consent Order and Agreement**

**Metal Bank of America Superfund NPL Site, Philadelphia County**

The Department of Environmental Protection ("Department"), under the authority of the Hazardous Sites Cleanup Act ("HSCA"), 35 P.S. §§ 6020.507 and 6020.1102, has entered into a Consent Order and Agreement ("COA") with the Utilities Group members regarding the Metal Bank of America Superfund NPL Site ("Site").

The Site is located at 7301 Milnor St., Philadelphia, PA 19136, and comprises about 10.5 acres of open land and a structure. The Site was formerly operated by Metal Bank of America, Inc. ("Metal Bank") and others as a scrap yard and transformer processing facility. From 1969 until 1984, Metal Bank was involved in the processing of used transformers to reclaim their copper cores and iron casings. Metal Bank processed the transformers, emptied them of their oil, disassembled them, separated the various parts, and drained the transformer oil onto a concrete pad and into an underground storage tank ("UST"). Because of the reclamation operation, the ground near the UST became saturated with oil, and other contaminants, including PCBs, PAHs, SVOCs, and VOCs.

The United States Environmental Protection Agency and the Utilities Group entered into a Consent Decree to remedy and monitor the Site. The Department has determined that it is in the public interest to resolve its response cost claims against the Utilities Group. Consequently, the Department and the Utilities Group have signed a COA through which the Utilities Group agreed

to pay the Department Forty-Five Thousand Dollars (\$45,000) to resolve its response cost liability. The Department has agreed to provide the Utilities Group with protections against certain future liabilities.

The Department provides this notice 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 COA is available for public review and comment. The COA 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 19401, by contacting Tim Cherry at (484) 250.5728 or tcherry@pa.gov or Robert Schena, Esquire at (484) 250-5865 or roschena@pa.gov. A public comment period on the Agreement will extend for 60 days from today's date. Persons may submit written comments regarding the COA within 60 days of today's date by submitting them to Mr. Cherry in the Environmental Cleanup and Brownfields Program 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.*

**300-302 MacDade Boulevard Property**, 300-302 MacDade Boulevard, Collingdale Borough, **Delaware County**. Richard S. Werner, Environmental Consulting, Inc., 2002 Renaissance Boulevard, King of Prussia, PA 19406 on behalf of David D. Waltz, The Bryn Mawr Trust Company, 801 Lancaster Avenue, Bryn Mawr, PA 19010 submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan/Final Report concerning remediation of site groundwater and soil contaminated with diesel fuel, fuel oil No. 2, parameters and other VOCs and TCL. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Pathan Chemical Site**, 425-447 Moyer Street, City of Philadelphia, **Philadelphia County**. Craig Herr, RT Environmental Services, Inc., 215 Church Road, King of Prussia, PA 19406 on behalf of Barbara Varela, New Kensington Community Development Corporation, 2515 Frankford Avenue, Philadelphia, PA 19125 submitted a Final Report concerning remediation of site soil contaminated with chlorinated solvent. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**3001, 2041 & 3051 Philmont Avenue, 3001, 2041 & 3051 Philmont Avenue**, Lower Moreland Township, **Montgomery County**. Richard S. Werner, Environmental Consulting, Inc., 2002 Renaissance Boulevard, King of Prussia, PA 19406 on behalf of Peter J. Clelland, BT Philmont, LP, 200 Witmer Road, Suite 200, Horsham, PA 19044 submitted a Final Report concerning remediation of site groundwater contaminated with other organics. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Shacklett Realty LP Property**, Cedar Grove Road, Whitmarsh Township, **Montgomery County**. Terence A. O'Reilly, TriState Environmental Management Services, 368 Dunksferry Road, Bensalem, PA 19020 on behalf of Michael Richardson, Toll PA XIV, L.P., 250 Gibraltar Road, Horsham, PA 19044 submitted a Final Report concerning remediation of site soil contaminated with metals, PAHs and organic pesticides. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Rohm and Haas Chemical LLC Philadelphia Plant**, 500 Richmond Street, City of Philadelphia, **Philadelphia County**. Susan LaBrake, AECOM, 625 West Ridge Pike, Suite 100, Conshohocken, PA 19428 on behalf of Carl Coker, Rohm and Haas Chemicals LLC, 310 George Patterson Boulevard, Suite 100, Bristol, PA 19007 submitted a Risk Assessment Report/Remedial Investigation Report/Final Report concerning remediation of site soil and groundwater contaminated with VOCs, SVOCs, pesticides, herbicides and metals. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**1750 Woodhaven Drive**, 175 Woodhaven Drive, Bensalem Township, **Bucks County**. Richard S. Werner, Environmental Consulting, Inc., 2002 Renaissance Boulevard, King of Prussia, PA 19406 on behalf of Anthony D. Cino, MNOP, Inc., 301 Oxford Valley Road, Suite 702, Yardley, PA 19067-7713 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.



**Welsh Residence**, 123 Clearfield Avenue, Lower Providence Township, **Montgomery County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Jeff Welsh, JMW Real Estate Management LP, 100 West Indian Lane, Norristown, PA 19403 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.

**GKS Upper Merion Facility**, 709 Swedeland Road, Upper Merion Township, **Montgomery County**. Lisa Strobridge, Arcadis, 10 Friends Lane, Newtown, PA 18940 on behalf of John Loeper, GKS Complementary Worker, ARCADIs on behalf of GSK WREF Services, 709 Swedeland Road, UW-2331, King of Prussia, PA 19046 submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 6 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Sleicher Property**, 400 East Montgomery Avenue, North Wales Borough, **Montgomery County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Ernest David, State Farm Insurance, P.O. Box 106169, Atlanta, GA 30348 submitted a Final Report concerning remediation of site soil contaminated with petroleum. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Rhoda**, 230 South Pennsylvania, Falls Township, **Bucks County**. Ryan Fitzpatrick, Arcadis U.S. Inc., 10 Friends Lane, Suite 200, Newton, PA 18940 on behalf of Mike Shatynski, ISolvary USA, Inc., 504 Carnegie Center, Princeton, NJ 08540 submitted a Final Report concerning remediation of site soil contaminated with No. 4 fuel oil. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Wawa Food Mkt # 208**, 567 Lancaster Avenue, East Whiteland Township, **Chester County**. Mark Bedle, B&B Diversified Enterprises, P.O. Box 70, Barto, PA 19504 on behalf of Joseph Standen, Wawa Inc., 260 West Baltimore Pike, Wawa, PA 19603 submitted a Final Report concerning remediation of site soil and groundwater contaminated with unleaded gasoline parameters. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Custom Particle Reduction Inc.**, 5189 Stump Road, Plumstead Township, **Bucks County**. Jaclyn Baron, UHL & Associates, Inc, 278 North Union Street, P.O. Box 357, Lambertville, NJ 08530 on behalf of Dennis K. Rice, Custom Particle Reduction, Inc., 5189 Stump Road, P.O. Box 479, Plumsteadville, PA 18949 submitted a Cleanup Plan/Remedial Investigation Report concerning remediation of site groundwater and soil contaminated with other organics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**33 Tomlinson Road**, 33 Tomlinson Road, Lower Moreland Township, **Montgomery County**. David Everitt, MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 on behalf of Mary Kay Parsek, Indigo Investment Servicing, Inc., 5318 East 2nd Street # 502 submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with the chlorinated solvent trichloroethene. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Logue Residence**, 35 Lindbergh Avenue, Maple Township, **Delaware County**. Richard D. Trimpi, Trimpi Associates, Inc. 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Mike DiBartolomeo, ERIE Insurance, 1400 North Providence Road, Media, PA 19063 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.

**2413-2429 North Broad Street**, 2413-2429 North Broad Street, City of Philadelphia, **Philadelphia County**. Richard S. Werner, Environmental Consulting, Inc., 2002 Renaissance Boulevard, King of Prussia, PA 19406 on behalf of Janet Steams, Project H.O.M.E. 1845 North 23rd Street, Philadelphia, PA 19121 submitted a Final Report concerning remediation of site soil contaminated with VOCs portion of the PADEP used motor oil parameters in soil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

*Northeast Region: Eric Supey, Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Kleedorfer Residence**, 117 East Aluta Mill Road, Bushkill Township, **Northampton County**. United Environmental Services, P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Union Fuel Company, 700 Bushkill Drive, Easton, PA 18042, has submitted a Final Report concerning remediation of site soils contaminated with # 2 fuel oil. The report is intended to document remediation of the site to meet Statewide Health Standards.

**Pease Range Unit 62 Well Pad**, 7077 State Route 492, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of SWN Production Company, LLC, 1000 Energy Drive, Spring, TX 77389, has submitted a Final Report concerning remediation of site soils contaminated with brine. The report is intended to document remediation of the site to meet Statewide Health Standards.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**NEMF—180 MM 227 WB**, Valley Township, **Montour County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of NEMF World Transport, 2800 Appleton Street, Camp Hill, PA 17011, has 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 requirements.

**Strohecker—Upper Road**, East Cameron Township, **Northumberland County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Strohecker Trucking, 162 School Road, Dalmatia, PA 17017, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel and motor oil. The report is intended to document remediation of the site to meet the Statewide Health Standard requirements.

**Derck—161 Treverton Road**, Zerbe Township, **Northumberland County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Rick Derck, 179 Treverton Road, Shamokin, PA 17872, has submitted a Final report concerning remediation of site soil contaminated with diesel fuel and motor oil. The report is intended to document remediation of the site to meet the Statewide Health Standard requirements.



*Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Former Chicago Bridge & Iron Constructors, Inc.**, 1420 Lexington Avenue, City of Warren, **Warren County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066, on behalf of United Refining Company, 15 Bradley Street, Warren, PA 16365, submitted a Final Report concerning the remediation of site soils contaminated with Arsenic, Lead, Benzene, Ethylbenzene, Total xylenes, 1,2,4-Trimethylbenzene, Naphthalene, Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Dibenz(a,h)anthracene, 1,4-Dichlorobenzene, Bromodichloromethane, Vinyl chloride, Indeno(1,2,3-cd)pyrene; site groundwater contaminated with Arsenic, Barium, Lead, Mercury, Selenium, Silver, Acetone, Benzene, Toluene, Ethylbenzene, Isopropylbenzene, m&p-Xylenes, o-Xylene, Total xylenes, Naphthalene, Methyl tert-butyl ether, 1,2,3-Trimethylbenzene, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, 1,4-Dichlorobenzene, Bromodichloromethane, Dichlorodifluoromethane, Methylene chloride, Tetrachloroethene, Vinyl chloride, Acenaphthalene, n-Propylbenzene, cis-1,2-Dichloroethene, 1-Methylnaphthalene, 2-Methylnaphthalene, 2-Hexanone, bis-(2-ethylhexyl)Phthalate, Benzo(a)anthracene, Benzo(b)fluoranthene, Benzo(a)pyrene, Benzo(k)fluoranthene, Dibenz(a,h)anthracene, Indeno(1,2,3-cd)pyrene, Chrysene, Fluorene, Fluoranthene, Phenanthrene, and Pyrene. The report is intended to document remediation of the site to meet the Site-Specific Standard.

## 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.*

**Gillespie Residence**, 646 Pleasant View Road, Lower Pottsgrove Township, **Montgomery County**. Grant Merson, HETI, 54 Nonset Path, Acton, MA 01720 on behalf of John F. Palmer, Automotive Services, Inc., 910 Mountain Home Road, Sinking Spring, PA 19608 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 October 12, 2017.

**Spring Garden School**, 843-847 North 12th Street & 115 Parrish Street, City of Philadelphia, **Philadelphia County**. Sarah Szymanski, REPSG, Inc., 6901 Kingsessing Avenue, Second Floor, Philadelphia, PA 19142 on behalf of David Cleghorn, HELP PA V LO, 5115 East 13th Street, New York, NY 10003 submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site soil contaminated with PAHs and vanadium. The Report was approved by the Department on September 12, 2017.

**Exeter 6400 Bristol, LLC**, 6400 Bristol Pike, Bristol Township, **Bucks County**. Michael A. Christie, Penn Environmental & Remediation, Inc. 2755 Bergey Road, Hatfield, PA 19440 on behalf of Jason A. Honesty, Exeter 6400 Bristol, LLC, 101 West Elm Street, Suite 600, Conshohocken, PA 19428 submitted a Remedial Investigation Report/Cleanup Plan/Risk Assessment Report concerning the remediation of site soil and groundwater contaminated with VOCs, SVOCs and metals. The Report was disapproved by the Department on October 25, 2017.

**1801-1807 North 19th Street & 1857 West Montgomery Avenue**, 1801-1807 North 19th Street & 1857 West Montgomery Avenue, City of Philadelphia, **Philadelphia County**. Richard S. Werner, Environmental Consulting Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Frank Monaghan, Habitat for Humanity Philadelphia, 1829 North 19th Street, Philadelphia, PA 19121 submitted a Risk Assessment Report/Cleanup Plan/Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with benzo(a)pyrene, arsenic, lead and PCE. The Report was approved by the Department on October 16, 2017.

**Wawa Red Roof Carriage House**, 260 West Baltimore Pike, Chester Heights Borough, **Delaware County**. Geoff Kristof, JK Environmental Services, P.O. Box 509, Lafayette Hill, PA 19444 on behalf of Joseph Standen, Jr. Wawa Inc., 260 West Baltimore Pike, Wawa, PA 19063 submitted a Final Report concerning the remediation of site soil contaminated with No. 6 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on October 17, 2017.

**(REVISED) 1331-1339 South Juniper Street**, 1331-1339 South Juniper Street, City of Philadelphia, **Philadelphia County**. Paul Martino, Pennoni Associates, Inc., 1900 Market Street, Philadelphia, PA 19103 on behalf of Jason Cutaiar, Made Construction, 1710 Reed Street, Philadelphia, PA 19146 submitted a Remedial Investigation Report/Risk Assessment Report concerning the remediation of site soil and groundwater contaminated with gasoline related compounds. The Report was disapproved by the Department on October 23, 2017.

*Northeast Region: Eric Supey, Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Santarelli Property/PPL Eynon Substation Property Fuel Oil Release**, 600 Hilltop Road, Blakely Borough, **Lackawanna County**. Pennsylvania Tectonics Inc., 723 Main St., Archbald, PA 18403, on behalf of Mr. Ken Santarelli, 600 Hilltop Road, Peckville, PA 18452, submitted a Final Report concerning remediation of site soils contaminated with Benzene, Ethylbenzene, Naphthalene, Toluene, 1,2,4-TMB, 1,3,5-TMB, MTBE, and Cumene. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on November 28, 2017.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Schneider National Project/US Rte. 15S near Trout Run Exit**, Lewis Township, **Lycoming County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Schneider National Trucking, P.O. Box 2680, Green Bay, WI 53206, has submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 27, 2017.

**Rosenbaum Trucking & Feed State Route 147E**—Jackson Township, **Northumberland County**. Northridge Group, Inc. P.O. Box 231, Northumberland, PA 17857, on behalf of Rosenbaum Trucking & Feed, P O Box 165, Glade Springs, VA 24340-0165, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel, motor oil and anti-freeze. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 27, 2017.

*Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Laymon Trucking LLC Asphalt Spill**, PA Route 6 Eastbound Near Off-Ramp 62, Brokenstraw Township, **Mercer County**. Taylor GeoServices, Inc., 38 Bishop Hollow Road, Suite 200, Newtown Square, PA 19073, on behalf of Laymon Trucking Company, LLC, 1470 Bryant Road, Mount Vernon, OH 43050, submitted a Final Report concerning the remediation of site soil contaminated with pyrene, indeno[1,2,3-cd]pyrene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[g,h,i]perylene,

benzo[a]anthracene, and chrysene. The Report was disapproved by the Department on October 31, 2017.

#### **HAZARDOUS WASTE TRANSPORTER LICENSE**

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170.*

*Hazardous Waste Transporter License Reissued*

**Earth Smart Environmental Solutions, LLC**, 232 South Dillard Street, Winter Garden, FL 34787. License No. PA-AH 0833. Effective Nov 20, 2017.

**Fortress Trucking Limited**, 7079 Wellington Road 124, Guelph, ON N1H6J3. License No. PA-AH 0512. Effective Nov 28, 2017.

**Frank's Vacuum Truck Service, Inc.**, 1717 New Rd., Niagara Falls, NY 14304. License No. PA-AH 0331. Effective Nov 20, 2017.

**Mountain Energy Services Inc.**, 205 West Tioga Street, Tunkhannock, PA 18657. License No. PA-AH 0832. Effective Nov 28, 2017.

*Renewal Applications Received*

**Earth Smart Environmental Solutions, LLC**, 232 South Dillard Street, Winter Garden, FL 34787. License No. PA-AH 0833. Effective Nov 16, 2017.

**Fortress Trucking Limited**, 7079 Wellington Road 124, Guelph, ON N1H6J3. License No. PA-AH 0512. Effective Nov 28, 2017.

**Frank's Vacuum Truck Service, Inc.**, 1717 New Rd., Niagara Falls, NY 14304. License No. PA-AH 0331. Effective Nov 17, 2017.

**Mountain Energy Services Inc.**, 205 West Tioga Street, Tunkhannock, PA 18657. License No. PA-AH 0832. Effective Nov 22, 2017.

#### **REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES**

**Actions on applications for Regulated Medical and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act and the act of June 28, 1988 (P.L. 525, No. 93) and regulations to transport regulated medical and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170.*

*Regulated Medical and Chemotherapeutic Waste Transporter Reissued*

**Clean Harbors Environmental Services, Inc.**, PO Box 9149, Norwell, MA 02061. License No. PA-HC 0053. Effective Nov 28, 2017.

**Hepaco, LLC**, PO Box 26308, Charlotte, NC 28221. License No. PA-HC 0271. Effective Nov 20, 2017.

*Renewal Applications Received*

**Clean Harbors Environmental Services, Inc.**, PO Box 9149, Norwell, MA 02061. License No. PA-HC 0053. Effective Nov 22, 2017.



**Hepaco, LLC**, PO Box 26308, Charlotte, NC 28221. License No. PA-HC 0271. Effective Nov 17, 2017.

**Maverick Medical Waste Services, LLC**, 12 E. Greenbrook Rd., North Caldwell, NJ 07006. License No. PA-HC 0274. Effective Nov 17, 2017.

#### RESIDUAL WASTE GENERAL PERMITS

**Permit(s) issued Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*Southwest Region: Bureau of Waste Management, Environmental Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**General Permit No. WMGR082SW002. Tube City IMS, LLC**, 1155 Business Center Drive, Horsham, PA 19044. Determination of Applicability the processing and beneficial use of steel and iron slag and refractory bricks mined from an existing slag pile at the Park Hill Slag Bank located in East Taylor and Conemaugh Townships, **Cambria County** for use in mine reclamation. The general permit was issued by the Southwest Regional Office on November 28, 2017.

#### DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

**Determination of Applicability for General Permit issued under the Solid Waste Management Act; and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities (25 Pa. Code § 271.811 relating to authorization for general permit).**

*South Central Regional Office: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.*

**General Permit No. WMGM020SC001. Inashco North America Lancaster, LLC** for the Frey Farm Landfill Metals Recovery Facility, 3049 River Road, Conestoga, PA 17516, located in Manor Township, **Lancaster County**. The Department of Environmental Protection has issued a Determination of Applicability under General Permit WMGM020 to Inashco North America Lancaster LLC for the processing (shaking, scraping and screening) of ferrous/non-ferrous metal coated with ash residue and the recycling/beneficial use of the scrap metal. This Determination of Applicability was issued on November 20, 2017.

Persons interested in reviewing the general permit may contact John Oren, Permits Section Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Renewal of a Determination of Applicability issued under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**General Permit No. WMGR028SC008A. Pennsy Supply, Inc.**, Silver Spring Quarry, 6470 Carlisle Pike, Mechanicsburg, PA 17050 in Silver Spring Township, **Cumberland County**. The Department of Environmental Protection has issued a renewal of a Determination of Applicability under General Permit WMGR028 to Pennsy Supply, Inc., previously permitted under permit number WMGR028D008A, for the beneficial use of baghouse fines and/or scrubber pond precipitates, generated by hot-mix asphalt plants, for use as (i) an aggregate in roadway construction, (ii) a soil additive, (iii) a soil conditioner, or (iv) a component or ingredient in the manufacturing of construction products. This Determination of Applicability was issued on November 27, 2017.

**General Permit No. WMGR028SC008D. Pennsy Supply, Inc.**, Prescott Quarry, 200 Prescott Rd., Lebanon, PA 17042 in Jackson and South Lebanon Townships, **Lebanon County**. The Department of Environmental Protection has issued a renewal of a Determination of Applicability under General Permit WMGR028 to Pennsy Supply, Inc., previously permitted under permit number WMGR028D008D, for the beneficial use of baghouse fines and/or scrubber pond precipitates, generated by hot-mix asphalt plants, for use as (i) an aggregate in roadway construction, (ii) a soil additive, (iii) a soil conditioner, or (iv) a component or ingredient in the manufacturing of construction products. This Determination of Applicability was issued on November 27, 2017.

**General Permit No. WMGR028SC008G. Pennsy Supply, Inc.**, Penn Township Quarry, 20 Pennsy Drive, Newville, PA 17241 in Penn Township, **Cumberland County**. The Department of Environmental Protection has issued a renewal of a Determination of Applicability under General Permit WMGR028 to Pennsy Supply, Inc., previously permitted under permit number WMGR028D008G, for the beneficial use of baghouse fines and/or scrubber pond precipitates, generated by hot-mix asphalt plants, for use as (i) an aggregate in roadway construction, (ii) a soil additive, (iii) a soil conditioner, or (iv) a component or ingredient in the manufacturing of construction products. This Determination of Applicability was issued on November 27, 2017.

Persons interested in obtaining more information about these general permits may contact Mr. John Oren, P.E., Permits Section Chief, Southcentral Regional Office, Waste Management Program at 717-705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permit Issued Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Permit Application No. 301369. Alaron Nuclear Services**, 2138 State Route 18, Wampum, PA 16157. On November 20, 2017 the Department issued a residual waste transfer station permit to Alaron. This is a new residual waste transfer station permit for the storage and transfer of residual waste, primarily residual waste containing high TENORM concentrations. The application

was received October 5, 2015 and a LMIP meeting was conducted on December 10, 2015. The application was found to be administratively complete by the Northwest Regional Office on January 5, 2016.

Persons interested in commenting on the permit may contact Christina S. Wilhelm, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335 (814) 332.6848. 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.**

*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.*

**GP3-66-007: Meshoppen Stone, Incorporated** (P.O. Box 127, Meshoppen, PA 18630) on November 14, 2017, for the construction and operation of a portable stone crushing plant at the facility located in Clinton Township, **Wyoming County**.

**GP9-66-007: Meshoppen Stone, Incorporated** (P.O. Box 127, Meshoppen, PA 18630) on November 14, 2017 for the construction and operation of diesel fired internal combustion engines at the facility located in Clinton Township, **Wyoming County**.

**GP9-40-024: Haines & Kibblehouse** (PO Box 196, 2052 Lucon Road, Skippack, PA 19474) on November 14, 2017 for the installation and operation of Diesel I/C Engines at Hazleton Materials site located in Foster Twp., **Luzerne County**.

**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

*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.*

**54-00022C: SAPA Extrusions Inc.** (53 Pottsville Road, Cressona, PA 17929) issued on November 28, 2017 for the installation of Low NO<sub>x</sub> Regenerative burners on M7 at the facility located in Cressona Borough, **Schuylkill County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: James A. Beach, New Source Review Chief—Telephone: 484-250-5920.*

**15-0154: Depuy Synthes** (1303 Goshen Parkway, West Chester, PA 19380-5986) On November 22, 2017 for the

operations of four Vapor Degreasers and one Cold Cleaning Machine for metal cleaning purposes in East Goshen Township, **Chester County**.

**15-0009D: AGC Chemical Americans, Inc.** (255 South Bailey Road, Downingtown, PA 19355) On November 22, 2017 for the transition of a pilot plant installed under RDF No. 3808 from R&D to production in Caln Township, **Chester Township**.

**46-0142C: Custom Processing Service, LLC** (461 State Street, East Greenville, PA 18041-1701) On November 22, 2017 for the installation of a Micro Milling Station with Dust Collector in East Greenville Borough, **Montgomery County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648.*

**08-00048A: Beaver Dam Energy, LLC** (North Shore Place I, 358 North Shore Drive, Suite 201, Pittsburgh, PA 15212) on November 16, 2017, to extend the plan approval expiration date to May 24, 2018 to allow continued operation of five natural gas-fired reciprocating engines at their electric generating facility in Canton Township, **Bradford County**.

**53-00019A: Anchor Energy, LLC** (1 North Shore Place, 358 North Shore Drive, Suite 201, Pittsburgh, PA 15212) on November 16, 2017, to extend the plan approval expiration date to June 28, 2019 to allow construction of three natural gas-fired reciprocating engines at their electric generating facility in Hebron Township, **Potter County**.

**41-00001A: Transcontinental Gas Pipe Line Company, LLC** (PO Box 1396, Houston, TX 77251-1396) on November 8, 2017, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from November 20, 2017 to May 19, 2018, at their Compressor Station 520 located in Mifflin Township, **Lycoming County**. The plan approval has been extended.

**19-00007A: Transcontinental Gas Pipe Line Company, LLC** (PO Box 1396, Houston, TX 77251-1396) November 8, 2017, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from December 20, 2017 to June 18, 2018, at their Compressor Station 517 located in Jackson Township, **Columbia County**. The plan approval has been extended.

**14-00003G: Pennsylvania State University** (101P Physical Plant Bldg, University Park, PA 16802) on November 17, 2017, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from November 17, 2017 to May 18, 2018, at their University Park Campus located in College Township and State College Borough, **Centre County**. The plan approval has been extended.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.*

**63-00936F: MarkWest Liberty Midstream & Resources, LLC** (1515 Arapahoe Street, Tower 1, Suite 1600, Denver, CO 80202) on November 22, 2017, to extend the period of temporary operation of the Houston Gas Plant located in Chartiers Township, **Washington County**. The new expiration date is May 28, 2018.



**65-00629A: CBC Latrobe Acquisition, LLC** (100 33rd Street, Latrobe, PA 15650-1474) on November 27, 2017, to extend the temporary operation period for the wastewater pretreatment system at the Latrobe Brewery located in Latrobe Borough, **Westmoreland County**. The new expiration date is May 28, 2018.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**25-053F: Urick Foundry Company** (1501 Cherry Street, Erie, PA 16502) on November 21, 2017, effective November 30, 2017, has issued a plan approval extension for the installation of new foundry equipment capable of producing larger castings. This project will include the installation of two (2) 80-ton sand silos, two (2) bin vents, a mold making system, a new pouring/cooling/shakeout system, new sand blasting equipment, new grinding equipment and four (4) new baghouses. This facility is located in the City of Erie, **Erie County**. This will expire on May 31, 2018. This is a State Only facility.

---

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

---

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.*

**09-00187: Sims Metal East, LLC** (300 S Steel Rd, Morrisville, PA 19067-3614) On November 27, 2017 for the renewal of a State Only Operating Permit for the operation of their metal recycling facility in Falls Township, **Bucks County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940.*

**33-00016: NAC Carbon Products, Inc.** (Elk Run Ave, Punxsutawney, PA 15767). On November 21, 2017, the Department issued a State Only Natural Minor Operating Permit for the small diameter carbon product facility located in the borough of Punxsutawney, **Jefferson County**. The primary sources at the facility include a main and an auxiliary boiler for space heating, the grinding, screening, mixing, molding, baking, and graphitizing processes, and a solvent degreaser. Potential emissions are as follows: 35.17 TPY total suspended particulate, 0.91 TPY PM<sub>10</sub> and PM<sub>2.5</sub>, 21.86 TPY NO<sub>x</sub>, 10.03 TPY CO, 4.32 TPY VOC, 0.07 TPY SO<sub>x</sub>, and 20,880 TPY CO<sub>2</sub>. Thus, the facility is a Natural Minor. The renewal permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

*Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543, Contact: Edward Wiener, Chief, Source Registration at 215 685 9476.*

**N14-021: Lannett Company, Inc.** (9000 State Rd/9001 Torresdale Ave, Philadelphia, PA 19136) for the operation of a pharmaceutical manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emissions sources include one (1) 1,100,000 BTU/hr natural gas boiler, one (1) 1,170,000 BTU/hr natural gas boiler, two (2) 4,200,000 BTU/hr natural gas boilers, eight

(8) 160,000—3,450,000 BTU/hr natural gas air handling units, one 285,000 BTU/hr hot water heater, twelve (12) 270,000—540,000 BTU/hr natural gas air handling units, one (1) 300 kW Emergency Generator, one (1) 118 Horsepower Emergency Generator, eleven (11) Dust Collectors, IPA process to clean equipment, Lab Hoods, and Zachetta granulation process.

**OP17-000015: Chestnut Hill Hospital of Philadelphia** (8835 Germantown Avenue, Philadelphia, PA 19118) for operation of a hospital facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) 16.74 MMBtu/hr boiler burning natural gas and five (5) emergency generators burning No. 2 oil.

---

**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.**

---

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648.*

**19-00025: Ingredient, Inc.** (920 7th Avenue, Berwick, PA 18603) on November 20, 2017, was issued a revised State only operating permit to change the responsible official, permit contact person, contact phone number and mailing address for their Berwick Plant located in Berwick Borough, **Columbia County**. The State only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: Matt Williams, Facilities Permitting Chief—Telephone: 814-332-6131.*

**43-00305: Champion Carrier** (2755 Kirila Blvd., Hermitage, PA 16148-9019). On November 21, 2017, the Department issued an administrative amendment to the State Operating Permit to incorporate the requirements of Plan Approval 43-305F. The facility is located in Hermitage City, **Mercer County**.

---

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

---

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a).** The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P.S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1002).

---

*Coal Permits Issued*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.*

**32841602 and NPDES No. PA0092631. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To renew the NPDES permit for the Clymer Tipple in Cherryhill Township, **Indiana County**. No additional discharges. The application was considered administratively complete on January 19, 2016. Application received August 21, 2015. Permit issued November 17, 2017.

**56911602 and NPDES No. PA0214400. Berwind Coal Sales Company**, (509 15th Street, Windber, PA 15963-1603). To renew the NPDES permit for the Huskin Run Tipple in Shade Township, **Somerset County**. No additional discharges. The application was considered administratively complete on September 16, 2014. Application received December 6, 2013. Permit issued November 16, 2017.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.*

**Permit No. 11900201 and NPDES No. PA0599051, Maple Coal Co.**, 254 Interpower Dr., Colver, PA 15927, permit renewal for reclamation only of a bituminous surface mine in Barr and Blacklick Townships, **Cambria County**, affecting 134.2 acres. Receiving stream: Elk Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: July 17, 2017. Issued: November 16, 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 mine in Knox Township, **Jefferson County**, affecting 29.0 acres. Receiving streams: Unnamed tributaries to Indiancamp Run. This renewal is issued for reclamation only. Application received: September 14, 2017. Permit Issued: November 16, 2017.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

**17110110. Larry D. Baumgardner Coal Company, Inc.** (P.O. Box 186, Lanse, PA 16849). Permit renewal for reclamation only of a bituminous surface coal mine located in Boggs Township, **Clearfield County** affecting 32.9 acres. Receiving stream(s): UNT to Laurel Run classified for CWF and UNT to Simeling Run classified for CWF, Class A Wild Trout Stream. There are no potable water supply intakes within 10 miles downstream. Application received: July 13, 2017. Permit issue: November 15, 2017.

*New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.*

**65010101 and NPDES Permit No. PA0202908. M. B. Energy, Inc.** (175 McKnight Road, Blairsville, PA 15717). Permit renewal issued for continued treatment to an existing bituminous surface mine, located in Derry Township, **Westmoreland County**, affecting 197 acres. Receiving streams: Miller Run, Saxman Run and Loyalhanna Creek. Application received: February 16, 2017. Renewal permit issued: November 21, 2017.

**65810113 and NPDES Permit No. PA0615668. M. B. Energy, Inc.** (175 McKnight Road, Blairsville, PA 15717-2960). Permit renewal issued for continued treatment to an existing bituminous surface mine, located in Cook and

Donegal Townships, **Westmoreland County**, affecting 103.8 acres. Receiving streams: unnamed tributary to Fourmile Run. Application received: May 5, 2014. Renewal permit issued: November 22, 2017.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**Permit No. 49120101R. Blue Ridge Mining, LP**, (123 Iris Road, Shamokin, PA 17872), renewal of an existing anthracite surface mine operation in Coal Township, **Northumberland County** affecting 48.3 acres, receiving stream: Carbon Run. Application received: June 15, 2017. Renewal issued: November 20, 2017.

**Permit No. PAM112063R. Blue Ridge Mining, LP**, (123 Iris Road, Shamokin, PA 17872), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 49120101 in Coal Township, **Northumberland County**, receiving stream: Carbon Run. Application received: June 15, 2017. Renewal issued: November 20, 2017.

**Permit No. 54830209T. Keystone Anthracite Co., Inc.**, (259 North 2nd Street, Girardville, PA 17935), transfer of an existing anthracite coal refuse reprocessing, refuse disposal and coal preparation plant operation in West Penn Township, **Schuylkill County** affecting 17.6 acres, receiving stream: Little Schuylkill River. Application received: February 14, 2017. Transfer issued: November 21, 2017.

**Permit No. PAM117048. Keystone Anthracite Co., Inc.**, (259 North 2nd Street, Girardville, PA 17935), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54930209 in West Penn Township, **Schuylkill County**, receiving stream: Little Schuylkill River. Application received: February 14, 2017. Permit issued: November 21, 2017.

**Permit No. 54-305-038GP12. Keystone Anthracite Co., Inc.**, (259 North 2nd Street, Girardville, PA 17935), general operating permit to operate a coal preparation plant on Surface Mining Permit No. 54830209 in West Penn Township, **Schuylkill County**. Application received: February 14, 2017. Permit issued: November 21, 2017.

**Permit No. 54860207T. Keystone Anthracite Co., Inc.**, (259 North 2nd Street, Girardville, PA 17935), transfer of an existing anthracite coal refuse reprocessing and refuse disposal operation in West Penn Township, **Schuylkill County** affecting 8.6 acres, receiving stream: Little Schuylkill River. Application received: February 14, 2017. Transfer issued: November 21, 2017.

**Permit No. 54860207R6. Keystone Anthracite Co., Inc.**, (259 North 2nd Street, Girardville, PA 17935), renewal of an existing anthracite coal refuse reprocessing and refuse disposal operation in West Penn Township, **Schuylkill County** affecting 8.6 acres, receiving stream: Little Schuylkill River. Application received: February 14, 2017. Renewal issued: November 21, 2017.

**Permit No. PAM117050. Keystone Anthracite Co., Inc.**, (259 North 2nd Street, Girardville, PA 17935), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54860207 in West Penn Township, **Schuylkill County**, receiving stream: Little Schuylkill River. Application received: February 14, 2017. Permit issued: November 21, 2017.



**Permit No. 54683043T. Park Mine Coal Co., LLC**, (294 Pine Creek Drive, Orwigsburg, PA 17961), transfer of an existing anthracite surface mine and coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County** affecting 1,225.0 acres, receiving stream: Mahanoy Creek. Application received: August 19, 2016. Transfer issued: November 21, 2017.

**Permit No. 54683043R6. Park Mine Coal Co., LLC**, (294 Pine Creek Drive, Orwigsburg, PA 17961), renewal of an existing anthracite surface mine and coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County** affecting 1,225.0 acres, receiving stream: Mahanoy Creek. Application received: August 19, 2016. Renewal issued: November 21, 2017.

**Permit No. PAM117046. Park Mine Coal Co., LLC**, (294 Pine Creek Drive, Orwigsburg, PA 17961), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54683043 in Mahanoy Township, **Schuylkill County**, receiving stream: Mahanoy Creek. Application received: August 19, 2016. Permit issued: November 21, 2017.

#### *Noncoal Permits Issued*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.*

**PAM417031-GP104. Danny G. Forrester**, 100 Fox Hill Road, Shippensburg, PA 17257. General NPDES Permit for stormwater discharges associated with mining activities on Noncoal Permit No. 21052801 located in Hopewell Township, **Cumberland County**. Receiving stream: Unnamed Tributary to Conodoguinet Creek, classified for the following uses: Warm Water Fishes and Migratory Fishes. There are no potable water supplies located within 10 miles downstream. Notice of Intent for Coverage Received: October 30, 2017. Coverage Approved: November 22, 2017.

**PAM417032-GP104. Danny G. Forrester**, 100 Fox Hill Road, Shippensburg, PA 17257. General NPDES Permit for stormwater discharges associated with mining activities on Noncoal Permit No. 21052802 located in Hopewell Township, **Cumberland County**. Receiving stream: Unnamed Tributary to Conodoguinet Creek, classified for the following uses: Warm Water Fishes and Migratory Fishes. There are no potable water supplies located within 10 miles downstream. Notice of Intent for Coverage Received: October 30, 2017. Coverage Approved: November 22, 2017.

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.*

**3076SM8 and NPDES Permit No. PA0259748. Conneaut Lake Sand & Gravel, Inc.** (P.O. Box 233, West Middlesex, PA 16159-0529) New NPDES permit for a large industrial minerals surface mine in Sadsbury Township, **Crawford County**, affecting 32.3 acres. Receiving streams: Unnamed tributary to Conneaut Creek. Application received: September 5, 2017. Permit Issued: November 15, 2017.

**PAM617037. William M. & Eileen C. Richter** (6400 Firman Road, Erie, PA 16510) General NPDES Permit for stormwater discharges associated with mining activities on Mine Drainage Permit No. 25800301 in Harborcreek Township, **Erie County**. Receiving streams: Unnamed tributary to Six Mile Creek. Application received: October 27, 2017. Permit Issued: November 15, 2017.

**PAM617038. William M. & Eileen C. Richter** (6400 Firman Road, Erie, PA 16510) General NPDES Permit for

stormwater discharges associated with mining activities on Mine Drainage Permit No. 25810303 in Harborcreek Township, **Erie County**. Receiving streams: Unnamed tributary to Six Mile Creek. Application received: October 27, 2017. Permit Issued: November 15, 2017.

**42120803. John J. Gentilman** (Estate of John J. Gentilman, Michael J. Pasquarett, Executor, 4 Wellington Court, Carlisle, PA 17013). Final bond release for a small industrial minerals surface mine in Wetmore Township, **McKean County**. Restoration of 5.0 acres completed. Receiving streams: Tributary to Hubert Run. Application Received: September 8, 2017. Final bond release approved: November 7, 2017.

**42100801. Kelly Crosby** (307 East Oak Street, Coudersport, PA 16915). Final bond release for a small industrial minerals surface mine in Liberty Township, **McKean County**. Restoration of 5.0 acres completed. Receiving streams: Tributary to Allegheny River. Application Received: September 14, 2017. Final bond release approved: November 13, 2017.

**25102802. Tom Parmenter Excavating** (10889 Smith Road, North East, PA 16428). Final bond release for a small industrial minerals surface mine in North East Township, **Erie County**. Restoration of 5.0 acres completed. Receiving streams: Twenty Mile Creek. Application Received: October 5, 2017. Final bond release approved: November 7, 2017.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**Permit No. 06100301T and NPDES Permit No. PA0224898. New Enterprise Stone & Lime Co., Inc.**, (P.O. Box 77, New Enterprise, PA 16664), transfer of an existing quarry operation and NPDES Permit for discharge of treated mine drainage in Ontelaunee Township, **Berks County** affecting 366.6 acres, receiving stream: Maiden Creek and Schuylkill River. Application received: March 17, 2017. Transfer issued: November 20, 2017.

**Permit No. 48080301C2 and NPDES Permit No. PA0225223. Grand Central Sanitary Landfill, Inc.**, (910 W. Pennsylvania Avenue, Pen Argyl, PA 18072), renewal of NPDES permit for discharge of treated mine drainage in Pen Argyl Township, **Northampton County**, receiving stream: Waltz Creek. Application received: July 7, 2017. Renewal issued: November 20, 2017.

**Permit No. 8074SM3C3. Harleysville Materials, LLC**, (P.O. Box 587, Berlin, NJ 08009), correction to existing quarry operation to accept the mine reclamation fill for reclamation purposes, receiving stream: unnamed tributary of East Branch Perkiomen Creek. Application received: September 23, 2016. Correction issued: November 20, 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*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**Permit No. 06174122. Maine Drilling & Blasting, Inc.**, (P.O. Box 1140, Gardiner, ME 04345), construction

blasting for Wexford Court in Caernarvon Township, **Berks County** with an expiration date of November 7, 2018. Permit issued: November 17, 2017.

**Permit No. 36174147. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Countyside Enerprises in Clay Township, **Lancaster County** with an expiration date of November 30, 2018. Permit issued: November 17, 2017.

**Permit No. 35174110. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for O'Hara Pavillion in Jefferson Township, **Lackawanna County** with an expiration date of November 18, 2018. Permit issued: November 20, 2017.

**Permit No. 67174118. J Roy's, Inc.**, (P.O. Box 125, Bowmansville, PA 17507), construction blasting for Board Road Sanitary Sewer in Manchester Township, **York County** with an expiration date of November 20, 2018. Permit issued: November 22, 2017.

**Permit No. 45174104. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for Gradziano Pool in Stroud Township, **Monroe County** with an expiration date of November 21, 2018. Permit issued: November 27, 2017.

**Permit No. 52174103. Holbert Explosives, Inc.**, (237 Mast Hope Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting for a home on Kirkham Road in Lehman Township, **Pike County** with an expiration date of November 20, 2018. Permit issued: November 27, 2017.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Northeast Regional Office, Waterways and Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.*

**E66-165. Pennsylvania Department of Transportation Engineering District 4-0**, 55 Keystone Industrial Park, Dunmore, PA 18512. Lemon Township, **Wyoming County**, Army Corps of Engineers Baltimore District.

To construct and maintain the following water obstructions and encroachments associated with roadway improvements along S.R. 1009:

1. To remove the existing structure and to construct and maintain a single-span, pre-stressed concrete, spread box beam bridge having a normal span of 67.4 feet and an underclearance of 13 feet over Meshoppen Creek (CWF, MF); and,
2. To construct and maintain a stormwater outfall structure in the floodway of Meshoppen Creek (CWF, MF) consisting of an 18-inch diameter reinforced concrete pipe with a concrete headwall structure and flared riprap apron.

The overall improvements will permanently impact a deminimus area of PEM wetlands equal to 0.01 acre.

The proposed project is located at S.R. 1009 (Avery Station Road), Segment 0120, Offset 1511, approximately 0.4 mile southeast of the S.R. 1009/S.R. 29 intersection (Springville, PA Quadrangle Latitude: 41°38'24"; Longitude: -75°56'12") in Lemon Township, Wyoming County.

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E67-927: Brookside, LLC**, 1500 Baltimore Street, Hanover, PA 17331 in Penn Township, **York County**, U.S. Army Corps of Engineers Baltimore District.

To install a 20-foot by 6-foot pre-cast concrete bridge and 4 utility line crossings of an unnamed tributary to Oil Creek (WWF, MF) for the purpose of providing an access drive within the Brookside Heights Subdivision.

*District Oil and Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA.*

**E5729-091: Regency Marcellus Gas Gathering, LLC**, 101 West Third Street, Williamsport, PA 17701, Shrewsbury Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate and maintain:

- 1) A temporary road crossing using a timber mat bridge and an 8-inch steel gas line impacting 167 square



feet of a palustrine emergent (PEM) wetland (Picture Rocks, PA Quadrangle 41°20'49"N, 76°37'37"W);

2) An 8-inch steel gas line impacting 135 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Picture Rocks, PA Quadrangle 41°20'48"N, 76°37'33"W);

3) a temporary road crossing using a timber mat bridge and an 8-inch steel gas line impacting 824 square feet of a palustrine emergent (PEM) wetland (Picture Rocks, PA Quadrangle 41°20'48"N, 76°37'31"W);

4) a temporary road crossing using a timber mat bridge and an 8-inch steel gas line impacting 205 square feet of a palustrine emergent (PEM) wetland (Picture Rocks, PA Quadrangle 41°20'47"N, 76°37'30"W);

5) a temporary road crossing using a timber mat bridge and an 8-inch steel gas line impacting 229 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 61 linear feet of Rock Run (EV) (Sonestown, PA Quadrangle 41°20'46"N, 76°37'27"W);

6) a temporary road crossing using a timber mat bridge and an 8-inch steel gas line impacting 2,952 square feet of floodway to an unnamed tributary to Rock Run (EV) (Sonestown, PA Quadrangle 41°20'45"N, 76°37'24"W);

7) a temporary road crossing using a timber mat bridge and an 8-inch steel gas line impacting 3,380 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Sonestown, PA Quadrangle 41°20'45"N, 76°37'24"W);

8) a temporary road crossing using a timber mat bridge and an 8-inch steel gas line impacting 14 linear feet of an unnamed tributary to Rock Run (EV) and 203 square feet of an exceptional value (EV-PEM) wetland (Sonestown, PA Quadrangle 41°20'44"N, 76°37'00"W);

9) a temporary road crossing using a timber mat bridge and an 8-inch steel gas line impacting 65 linear feet of an unnamed tributary to Rock Run (EV) (Sonestown, PA Quadrangle 41°20'54"N, 76°36'36"W);

10) a temporary road crossing using a timber mat bridge and an 8-inch steel gas line impacting 51 linear feet of an unnamed tributary to Rock Run (EV), 50 linear feet of another unnamed tributary to Rock Run (EV), and 13,486 square feet of an exceptional value palustrine (EV-PEM) wetland (Sonestown, PA Quadrangle 41°20'57"N, 76°36'31"W);

11) a temporary road crossing using a timber mat bridge and an 8-inch steel gas line impacting 106 linear feet of an unnamed tributary to Rock Run (EV), and 28 linear feet of another unnamed tributary to Rock Run (EV) (Sonestown, PA Quadrangle 41°20'58"N, 76°36'30"W).

A total of 3,380 square feet (0.08 acre) of permanent wetland conversion impacts, 15,249 square feet (0.35 acre) of temporary wetland impacts, 375 linear feet of temporary stream impacts, and 2,952 square feet (0.07 acre) of floodway impacts will result from the installation of an 8 inch steel gas line in Shrewsbury Township, Sullivan County. The permittee will provide 0.23 acre of compensatory wetland mitigation at the Hershberger Mitigation Site (Washingtonville, PA Quadrangle 41°05'16"N 76°42'43"W) in Limestone Township, Montour County.

**E5829-123: New Milford and Jackson Townships,** Bluestone Pipeline Company of Pennsylvania, LLC, 333

Technology Drive, Suite 255, Canonsburg, PA 15317; New Milford and Jackson Townships, **Susquehanna County,** ACOE Baltimore District.

To construct, operate, and maintain:

1) a permanent access road crossing impacting 285 square feet (0.01 acre) of a palustrine emergent wetland (PEM) (Harford, PA Quadrangle; Latitude: 41° 50' 30"N, Longitude: 75° 38' 34"W),

2) a 12-inch diameter steel natural gas pipeline and timber mat crossing temporarily impacting 97 lineal feet of Little Butler Creek (CWF-MF) (Harford, PA Quadrangle; Latitude: 41° 50' 08"N, Longitude: 75° 38' 17"W),

3) a temporary timber mat crossing impacting 303 square feet (0.01 acre) of a palustrine emergent wetland (PEM) (Harford, PA Quadrangle; Latitude: 41° 50' 06"N, Longitude: 75° 38' 15"W),

4) a 12-inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 554 square feet (0.01 acre) of a palustrine emergent wetland (PEM) (Harford, PA Quadrangle; Latitude: 41° 50' 02"N, Longitude: 75° 38' 04"W),

5) a 12-inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 704 square feet (0.02 acre) of a palustrine emergent wetland (PEM) (Harford, PA Quadrangle; Latitude: 41° 50' 13"N, Longitude: 75° 37' 50"W),

6) a 12-inch diameter steel natural gas pipeline and timber mat crossing temporarily impacting 53 lineal feet of Butler Creek (CWF-MF) (Harford, PA Quadrangle; Latitude: 41° 50' 13"N, Longitude: 75° 37' 45"W),

7) a 12-inch diameter steel natural gas pipeline and timber mat crossing temporarily impacting 59 lineal feet of an unnamed tributary to Butler Creek (CWF-MF) and 5,967 square feet of adjacent floodway (Harford, PA Quadrangle; Latitude: 41° 50' 13"N, Longitude: 75° 37' 44"W),

8) a 12-inch diameter steel natural gas pipeline and timber mat crossing temporarily impacting 52 lineal feet of an unnamed tributary to Butler Creek (CWF-MF) (Harford, PA Quadrangle; Latitude: 41° 50' 10"N, Longitude: 75° 37' 39"W),

9) a 12-inch diameter steel natural gas pipeline and timber mat crossing temporarily impacting 52 lineal feet of an unnamed tributary to Butler Creek (CWF-MF) (Harford, PA Quadrangle; Latitude: 41° 50' 08"N, Longitude: 75° 37' 36"W),

10) a 12-inch diameter steel natural gas pipeline and timber mat crossing temporarily impacting 60 lineal feet of an unnamed tributary to Butler Creek (CWF-MF) (Harford, PA Quadrangle; Latitude: 41° 50' 05"N, Longitude: 75° 37' 32"W),

11) a right of way crossing temporarily impacting 21 lineal feet of an unnamed tributary to Butler Creek (CWF-MF) (Harford, PA Quadrangle; Latitude: 41° 50' 05"N, Longitude: 75° 37' 31"W),

12) a 12-inch diameter steel natural gas pipeline and timber mat crossing temporarily impacting 15 lineal feet of an unnamed tributary to Butler Creek (CWF-MF) and 1,483 square feet of adjacent floodway (Harford, PA Quadrangle; Latitude: 41° 50' 04"N, Longitude: 75° 37' 30"W),

13) a 12-inch diameter steel natural gas pipeline and timber mat crossing temporarily impacting 87 lineal feet

of an unnamed tributary to Butler Creek (CWF-MF) (Harford, PA Quadrangle; Latitude: 41° 50' 03"N, Longitude: 75° 37' 29"W),

14) a 12-inch diameter steel natural gas pipeline and timber mat crossing temporarily impacting 39 lineal feet of an unnamed tributary to Butler Creek (CWF-MF) (Harford, PA Quadrangle; Latitude: 41° 50' 02"N, Longitude: 75° 37' 29"W),

15) a 12-inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 1,036 square feet (0.02 acre) of a palustrine emergent wetland (PEM) (Harford, PA Quadrangle; Latitude: 41° 50' 03"N, Longitude: 75° 37' 29"W),

16) a 12-inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 3,395 square feet (0.08 acre) of a palustrine emergent wetland (PEM) (Harford, PA Quadrangle; Latitude: 41° 50' 01"N, Longitude: 75° 37' 27"W),

17) a 12-inch diameter steel natural gas pipeline and timber mat crossing temporarily impacting 216 lineal feet of an unnamed tributary to Butler Creek (CWF-MF) (Harford, PA Quadrangle; Latitude: 41° 50' 01"N, Longitude: 75° 37' 26"W),

18) a 12-inch diameter steel natural gas pipeline and timber mat crossing temporarily impacting 85 lineal feet of an unnamed tributary to Butler Creek (CWF-MF) and 7,517 square feet of adjacent floodway (Harford, PA Quadrangle; Latitude: 41° 50' 00"N, Longitude: 75° 37' 25"W),

19) a 12-inch diameter steel natural gas pipeline and timber mat crossing temporarily impacting 82 lineal feet of an unnamed tributary to Butler Creek (CWF-MF) and 6,441 square feet of adjacent floodway (Harford, PA Quadrangle; Latitude: 41° 50' 00"N, Longitude: 75° 37' 23"W),

20) a 12-inch diameter steel natural gas pipeline and timber mat crossing temporarily impacting 214 square feet of floodway to an unnamed tributary to Butler Creek (CWF-MF) (Harford, PA Quadrangle; Latitude: 41° 49' 59"N, Longitude: 75° 37' 23"W),

21) a 12-inch diameter steel natural gas pipeline and timber mat crossing temporarily impacting 108 lineal feet of an unnamed tributary to Butler Creek (CWF-MF) and 9,152 square feet of adjacent floodway (Harford, PA Quadrangle; Latitude: 41° 49' 59"N, Longitude: 75° 37' 22"W),

22) a 12-inch diameter steel natural gas pipeline and timber mat crossing temporarily impacting 114 lineal feet of an unnamed tributary to Butler Creek (CWF-MF) and 12,287 square feet of adjacent floodway (Harford, PA Quadrangle; Latitude: 41° 49' 51"N, Longitude: 75° 37' 11"W),

23) a 12-inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 915 square feet (0.02 acre) of a palustrine emergent wetland (PEM) (Harford, PA Quadrangle; Latitude: 41° 49' 51"N, Longitude: 75° 37' 11"W).

The 59–60 Loop Pipeline project consists of constructing a 12-inch diameter steel natural gas pipeline approximately 0.8 mile long in New Milford and Jackson Townships, Susquehanna County. The project will result in 1,140 lineal feet of temporary stream impacts, 7,132 square feet (0.16 acre) of temporary wetland impacts, and 285 square feet (< 0.01 acre) of permanent wetland impacts to provide safe reliable conveyance of Marcellus Shale natural gas to market.

**E5929-072: HEP Tioga Gathering, LLC**, 16211 La Cantera Parkway, Suite 202, San Antonio, TX 78256, Liberty Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary road crossing using timber mats, a 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 54 linear feet of an unnamed tributary to Little Fall Creek (EV) (Liberty, PA Quadrangle 41°35'48"N, 77°11'53"W);

2) A temporary road crossing using timber mats, a 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 602 square feet of an exceptional value palustrine emergent (EV-PEM) (Liberty, PA Quadrangle 41°35'54"N, 77°11'43"W);

3) A temporary road crossing using timber mats, a 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 450 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (CWF) (Liberty, PA Quadrangle 41°36'24"N, 77°11'20"W).

The project will result in 54 linear feet of temporary stream impacts and 1,052 square feet (0.02 acre) of temporary wetland impacts all for the purpose of installing a natural gas gathering line in Liberty Township, Tioga County.

**E0829-113: Appalachia Midstream, LLC**, 400 IST Center, Suite 404, Horseheads, NY 14845, Smithfield Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 6-inch diameter natural gas line and a temporary timber mat bridge impacting 1,238 square feet of a Palustrine Scrub-Shrub Wetland (Ulster, PA Quadrangle, Latitude: 41°49'27", Longitude: -76°34'29");

2. a temporary timber mat bridge impacting 143 square feet of a Palustrine Emergent Wetland (Ulster, PA Quadrangle, Latitude: 41°49'25", Longitude: -76°34'27");

3. a 6-inch diameter natural gas line and a temporary timber mat bridge impacting 208 linear feet of an unnamed tributary to Browns Creek (WWF, MF) and impacting 335 square feet of an adjacent Palustrine Emergent Wetland (Ulster, PA Quadrangle, Latitude: 41°49'24", Longitude: -76°33'55");

4. a 6-inch diameter natural gas line and a temporary timber mat bridge impacting 5,874 square feet of a Palustrine Scrub-Shrub Wetland (Ulster, PA Quadrangle, Latitude: 41°49'32", Longitude: -76°33'44");

5. a 6-inch diameter natural gas line and a temporary timber mat bridge impacting 201 linear feet of an unnamed tributary to Browns Creek (WWF, MF) (Ulster, PA Quadrangle, Latitude: 41°49'32", Longitude: -76°33'44");

6. a 6-inch diameter natural gas line and a temporary timber mat bridge impacting 276 linear feet of an unnamed tributary to Browns Creek (WWF, MF) (Ulster, PA Quadrangle, Latitude: 41°49'42", Longitude: -76°33'30");

The project will result in 685 linear feet or 11,000 square feet of temporary stream impacts and 478 square feet (0.01 acre) of temporary PEM and 7,112 square feet (0.16 acre) of PSS wetland impacts all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development in Smithfield Township, Bradford County.

**E5929-073: HEP Tioga Gathering, LLC**, 16211 La Cantera Parkway, Suite 202, San Antonio, TX 78256, Liberty Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary road crossing using timber mats impacting 21 linear feet of an unnamed tributary to Zimmerman Creek (HQ-CWF) (Liberty, PA Quadrangle 41°35'53"N, 77°10'58"W);

2) A 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline via horizontal directional bore impacting 540 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Liberty, PA Quadrangle 41°34'55"N, 77°10'53"W);

3) A 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline via horizontal directional bore impacting 141 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41°34'56"N, 77°10'51"W);

4) A 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline via horizontal directional bore impacting 23 linear feet of an unnamed tributary to Zimmerman Creek (HQ-CWF) (Liberty, PA Quadrangle 41°34'57"N, 77°10'49"W);

5) A temporary road crossing using timber mats, 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 33 linear feet of an unnamed tributary to Zimmerman Creek (HQ-CWF) (Liberty, PA Quadrangle 41°35'01"N, 77°10'16"W);

6) A temporary road crossing using timber mats, 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 95 linear feet of an unnamed tributary to Zimmerman Creek (HQ-CWF) (Liberty, PA Quadrangle 41°35'01"N, 77°10'10"W);

7) A temporary road crossing using timber mats, 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 433 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and, 85 linear feet of an unnamed tributary to Zimmerman Creek (HQ-CWF) (Liberty, PA Quadrangle 41°35'01"N, 77°10'06"W);

8) A temporary road crossing using timber mats, 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 570 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41°35'01"N, 77°09'53"W);

9) A temporary road crossing using timber mats, 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 1,422 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41°35'05"N, 77°09'47"W);

10) A temporary road crossing using timber mats, 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 51 linear feet of an unnamed tributary to Zimmerman Creek (HQ-CWF) (Liberty, PA Quadrangle 41°35'04"N, 77°09'42"W);

11) A temporary road crossing using timber mats, 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 5,845 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41°35'11"N, 77°09'24"W);

12) A temporary road crossing using timber mats, 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 52 linear feet of an unnamed tributary to Zimmerman Creek (HQ-CWF) (Liberty, PA Quadrangle 41°35'11"N, 77°09'21"W);

13) A temporary road crossing using timber mats, 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 1,161 square feet of an excep-

tional value palustrine emergent (EV-PEM) wetland and 53 linear feet of an unnamed tributary to Zimmerman Creek (HQ-CWF) (Liberty, PA Quadrangle 41°35'11"N, 77°09'20"W);

14) A temporary road crossing using timber mats, 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting and 51 linear feet of an unnamed tributary to Zimmerman Creek (HQ-CWF) (Liberty, PA Quadrangle 41°35'11"N, 77°09'19"W);

15) A temporary road crossing using timber mats, 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 53 linear feet of an unnamed tributary to Zimmerman Creek (HQ-CWF) (Liberty, PA Quadrangle 41°35'15"N, 77°08'44"W).

The project will result in 517 linear feet of temporary stream impacts and 10,112 square feet (0.23 acre) of temporary wetland impacts all for the purpose of installing a natural gas gathering line in Liberty Township, Tioga County.

*Wilkes-Barre: Environmental Program Manager, 2 Public Square, 5th Floor, Wilkes-Barre, PA 18701.*

**EA1311-001. Pennsylvania Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, Wilkes-Barre Office, 2 Public Square, 5th Floor, Wilkes-Barre, PA 18701. Abandoned Mine Land Reclamation Project, in Banks Township, **Carbon County**, Philadelphia ACOE District.

The applicant proposes to perform a reclamation project on an abandoned surface mine, which includes a total of 14,000 linear feet of dangerous highwall. The project will include the backfilling of 0.12 acre of open water and 0.69 acre of wetland that has developed within the open surface mine pits. A replacement wetland of 1 acre will be constructed with in this project (Hazleton Quadrangle N 40° 54' 44.44", W 75° 57' 40.59")

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.



*Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.*

ESCGP-2 # ESX12-125-0037 Renewal  
Applicant Name Range Resources—Appalachia, LLC  
Contact Person Karl Matz  
Address 3000 Town Center Boulevard  
City, State, Zip Canonsburg, PA 15317  
County Washington County  
Township(s) Amwell Township  
Receiving Stream(s) and Classification(s) UNTs to Little Ten Mile Creek (TSF)

ESCGP-2 # ESX16-059-0003  
Applicant Name Energy Corporation of America  
Contact Person Travis Wendel  
Address 101 Heritage Run Road, Suite 1  
City, State, Zip Indiana, PA 15701  
County Greene County  
Township(s) Cumberland Township  
Receiving Stream(s) and Classification(s) Trib 41042 to South Branch Muddy Creek (WWF)

ESCGP-2 # ESX09-059-0019 Renewal  
Applicant Name Energy Corporation of America  
Contact Person Travis Wendel  
Address 101 Heritage Run Road, Suite 1  
City, State, Zip Indiana, PA 15701  
County Greene County  
Township(s) Cumberland Township  
Receiving Stream(s) and Classification(s) UNTs to South Branch Muddy Creek (WWF)

ESCGP-2 # ESX17-059-0029  
Applicant Name Rice Drilling B, LLC  
Contact Person J.P. Lawrence  
Address 2200 Rice Drive  
City, State, Zip Canonsburg, PA 15317  
County Greene County  
Township(s) Franklin and Whiteley Townships  
Receiving Stream(s) and Classification(s) UNT to Smith Creek (WWF), UNT to Laurel Run (WWF), & UNT to Dyers Fork (TSF)

ESCGP-2 # ESG16-059-0054  
Applicant Name Rice Midstream Holding, LLC  
Contact Person Erin Debias  
Address 2200 Rice Drive  
City, State, Zip Canonsburg, PA 15317  
County Greene County  
Township(s) Richhill Township  
Receiving Stream(s) and Classification(s) UNTs to South Fork Dunkard Creek (TSF), UNTs to North Fork Dunkard Creek (EV)

ESCGP-2 # ESX12-059-0050  
Applicant Name Energy Corporation of America  
Contact Person Travis Wendel  
Address 101 Heritage Run Road  
City, State, Zip Indiana, PA 15701  
County Greene County  
Township(s) Cumberland Township  
Receiving Stream(s) and Classification(s) Coal Run (WWF) and Muddy Creek (WWF)

ESCGP-2 # ESX17-059-0004  
Applicant Name Rice Midstreams Holding, LLC  
Contact Person Erin Debias  
Address 2200 Rice Drive  
City, State, Zip Canonsburg, PA 15317  
County Greene County  
Township(s) Aleppo Township  
Receiving Stream(s) and Classification(s) UNTs to South Fork Dunkard Fork(TSF), UNTs to Harts Run (WWF), Harts Run (WWF)

ESCGP-2 # ESG17-059-0026  
Applicant Name EQT Production Company  
Contact Person Todd Klaner  
Address 2400 Ansys Drive, Suite 200  
City, State, Zip Canonsburg, PA 15317  
County Washington County  
Township(s) Center Township  
Receiving Stream(s) and Classification(s) UNTs to Browns Creek (HQ-WWF)

ESCGP-2 # ESX10-129-0041  
Applicant Name XPR Resources LLC  
Contact Person David Miller  
Address 6000 Town Center Blvd, Suite 210  
City, State, Zip Canonsburg, PA 15317  
County Westmoreland  
Township(s) Derry  
Receiving Stream(s) and Classification(s) UNT to Stony Run (CWF)  
Secondary—Stony Run (CWF)

ESCGP-2 # ESX12-125-0063  
Applicant Name Range Resources—Appalachia LLC  
Contact Person Karl Matz  
Address 3000 Town Center Blvd  
City, State, Zip Canonsburg, PA 15317-5839  
County Washington  
Township(s) Jefferson  
Receiving Stream(s) and Classification(s) Racoon Ck (WWF-MF) and UNT to North Fork Cross Ck (WWF-MF)

ESCGP-2 # ESG14-059-0023  
Applicant Name EQT Production Co  
Contact Person Todd Klaner  
Address 2400 Ansys Dr, Suite 200  
City, State, Zip Canonsburg, PA 15317  
County Greene  
Township(s) Morris & Washington  
Receiving Stream(s) and Classification(s) UNTs to Brown Ck (HQ-WWF) and South Fork Ten Mile Ck (HQ-WWF)

ESCGP-2 # ESG17-059-0026 Renewal  
Applicant Name EQT Production Company  
Contact Person Todd Klaner  
Address 2400 Ansys Drive, Suite 200  
City, State, Zip Canonsburg, PA 15317  
County Washington County  
Township(s) Amwell Township  
Receiving Stream(s) and Classification(s) UNT to Tenmile Creek (TSF)

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335.*

ESCGP-2 # ESX17-019-0017  
Applicant Stonehenge Appalachia LLC  
Contact Patrick Redalen  
Address 11400 Westmoor Circle, Suite 200A  
City Westminster State CO Zip Code 80021  
County Butler Township Center  
Receiving Stream(s) and Classification(s) UNT to Little Connoquenessing Creek (CWF) and Little Connoquenessing Creek (CWF)

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

ESCGP-2 # ESX29-117-17-0047  
Applicant Name SWEPI LP  
Contact Person Jason Shoemaker  
Address 150 N Dairy Ashford, E1296-E  
City, State, Zip Houston, TX 77079  
County Tioga



Township(s) Deerfield & Osceola  
Receiving Stream(s) and Classification(s) Windfall Brook  
(WWF); Yarnell Brook (WWF)

ESCGP-2 # ESG29-081-17-0044

Applicant Name SWEPI LP

Contact Person Jason Shoemaker

Address 150 N Dairy Ashford, E1296-E

City, State, Zip Houston, TX 77079

County Lycoming

Township(s) Jackson

Receiving Stream(s) and Classification(s) UNT to Blacks  
Ck (CWF); UNT to Blockhouse Ck (CWF)

Secondary—Blacks Ck (EV); Blockhouse Ck (CWF)

ESCGP-2 # ESG29-081-17-0035

Applicant Name Seneca Resources Corp

Contact Person Douglas Kepler

Address 5800 Corporate Dr, Suite 300

City, State, Zip Pittsburgh, PA 15237

County Lycoming

Township(s) Gamble

Receiving Stream(s) and Classification(s) UNT to Mill Ck  
(EV)

Secondary—Mill Ck (EV)

ESCGP-2 # ESG29-117-17-0043

Applicant Name PA General Energy Co LLC

Contact Person Doug Kuntz

Address 120 Market St

City, State, Zip Warren, PA 16365

County Tioga

Township(s) Liberty

Receiving Stream(s) and Classification(s) Taylor Run (EV)

ESCGP-2 # ESX29-115-17-0028

Applicant Name Chief Oil & Gas LLC

Contact Person Jeffrey Deegan

Address 1720 Sycamore Rd

City, State, Zip Montoursville

County Susquehanna

Township(s) Springville

Receiving Stream(s) and Classification(s) White Ck (CWF-  
MF) and UNT to Meshoppen Ck (CWF-MF)

ESCGP-2 # ESX29-115-17-0034

Applicant Name Williams Field Services Co LLC

Contact Person Kristy Grigas

Address Park Place Corp Ctr 2, 2000 Commerce Dr

City, State, Zip Pittsburgh, PA 15272

County Susquehanna

Township(s) Dimock & Jessup

Receiving Stream(s) and Classification(s) UNTs to Lake  
Stream (CWF-MF)

---

## SPECIAL NOTICES

---

### Withdraw of Draft NPDES Permit

*North Central Regional Office: Regional Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3636.*

**NPDES Permit No. PA0234028**, Sewage, **University Area Joint Authority**, 1576 Spring Valley Road, State College, PA 16801-8499, College Township, **Centre County**.

A draft permit for the previously listed facility was published at 47 Pa.B. 7239 (November 25, 2017) under Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications. This draft permit was published in error and is withdrawn from publication and is unavailable for review. A draft permit will be published at a future date.

### Termination of NPDES Permit to Discharge to State Waters

*North Central Regional Office: Regional Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448, Telephone: 570.327.3636.*

**PAR804890**, Storm Water, SIC Code 4231, **URS Flint Energy Service Inc.**, 6901 S Havana Street, Centennial, CO 80112-3805. Facility Name: Flint Equip Hauling Facility. This existing facility is located in Montoursville Borough, **Lycoming County**.

Description of Existing Activity: Proposed termination of an NPDES permit for an existing permitted discharge of treated Industrial Stormwater.

The receiving stream(s), West Branch Susquehanna River, is located in State Water Plan watershed 10-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.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3636.

The Department is considering termination of this permit occurring approximately 30 days after publication of this notice.

### Final State Water Quality Certification

#### Required by Section 401 of the Clean Water Act for the Dominion Energy Transmission, Inc. Supply Header Project

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Dana Drake, P.E., Waterways and Wetlands Program Manager, 412-442-4000.*

**WQ05-014, Dominion Energy Transmission, Inc. (DETI)** (Applicant), 5000 Dominion Boulevard, Glen Allen, VA 23060. Supply Header Project (Project), in Murrysville Borough and Salem Township, **Westmoreland County** and Franklin Township, **Greene County**, Pittsburgh ACOE District. In Westmoreland County, the proposed pipeline starts northwest of Delmont (Slickville, PA Quadrangle; N: 40° 25' 22.66"; W: -79° 35' 32.22") and extends northwest to DETI's existing JB Tonkin Compressor Station, where modification will be completed to add additional compression (Murrysville, PA Quadrangle; N: 40° 27' 46.96"; W: -79° 38' 25.88"). In Greene County, modifications to DETI's existing Crayne Compressor Station in Franklin and Mather Townships will be completed to add additional compression (Mather, PA Quadrangle; N: 39° 55' 11.9"; W: -80° 7' 21.4").

On September 18, 2015, Applicant filed an application with the Federal Energy Regulatory Commission (FERC) under Section 7 of the Natural Gas Act (15 U.S.C.A. § 717f) seeking a certificate of public convenience and necessity to construct and operate its Project (FERC Docket No. CP15-555-000). The FERC final Environmental Impacts Statement for the Project, which was issued on July 21, 2017, may be viewed on FERC's website at [www.ferc.gov](http://www.ferc.gov) (search eLibrary; Advanced Search; Access Number 20170721-3017).

On April 4, 2017, Applicant requested a State water quality certification from the Department of Environmental Protection (Department), as required by Section 401 of the Clean Water Act (33 U.S.C.A. § 1341), to ensure that the construction, operation and maintenance of the Project will protect water quality in Pennsylvania through compliance with State water quality standards and asso-

ciated State law requirements, which are consistent with the requirements of the Clean Water Act.

The Project, as proposed, includes approximately 3.9 miles of 30-inch diameter natural gas pipeline loop (TL-636) adjacent to the Applicant's existing LN-25 pipeline (E65-800) in Westmoreland County. The project also includes modifications to the existing JB Tonkin Compressor Station in Westmoreland County and modifications to the existing Crayne Compressor Station in Greene County. The Project, as proposed, will require approximately 81.1 acres of earth disturbance, impacts to 1,143 linear feet of unnamed tributaries to Turtle Creek (TSF), Kemerer Hollow (HQ-CWF) and its unnamed tributaries, Steels Run (HQ-CWF) and its unnamed tributaries, and Haymakers Run (HQ-CWF) and its unnamed tributaries, 0.31 acre of floodway, 0.40 acre of temporary wetland impacts (0.2 acre PEM/0.2 acre PFO), and 0.67 acre of permanent wetland impacts (0.23 acre PFO/0.44 acre PEM).

The Department published notice of its proposed state water quality certification in the *Pennsylvania Bulletin* on September 16, 2017 (47 Pa.B. 5855) and received 0 comments from the public.

The Department certifies to Applicant that the construction, operation and maintenance of the Project will not violate applicable State water quality standards set forth in 25 Pa. Code Chapter 93, provided Applicant complies with the permitting programs, criteria and conditions established pursuant to State law:

1. *Discharge Permit*—Applicant shall obtain and comply with a Department National Pollutant Discharge Elimination System (NPDES) permit for the discharge of water from the hydrostatic testing of the pipeline pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001), and all applicable implementing regulations (25 Pa. Code Chapter 92a).

2. *Erosion and Sediment Control Permit*—Applicant shall obtain and comply with the Department's Chapter 102 Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment issued pursuant to Pennsylvania's Clean Streams Law and Storm Water Management Act (32 P.S. §§ 680.1—680.17), and all applicable implementing regulations (25 Pa. Code Chapter 102).

3. *Water Obstruction and Encroachment Permits*—Applicant shall obtain and comply with a Department Chapter 105 Water Obstruction and Encroachment Permits for the construction, operation and maintenance of all water obstructions and encroachments associated with the project pursuant to Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 673.1—693.27), and Flood Plain Management Act (32 P.S. §§ 679.101—679.601), and all applicable implementing regulations (25 Pa. Code Chapter 105).

4. *Water Quality Monitoring*—The Department retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by any operational and construction process that may be employed by Applicant.

5. *Operation*—Applicant shall at all times properly operate and maintain all Project facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this State Water Quality Certification and all required permits, authorizations and approvals.

Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by Applicant.

6. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of the Department to determine compliance with this State Water Quality Certification, including all required State water quality permits and State water quality standards. A copy of this certification shall be available for inspection by the Department during such inspections of the Project.

7. *Transfer of Projects*—If Applicant intends to transfer any legal or equitable interest in the Project which is affected by this State Water Quality Certification, Applicant shall serve a copy of this certification upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the Department Regional Office of such intent. Notice to the Department shall include a transfer agreement signed by the existing and new owner containing a specific date for transfer of certification responsibility, coverage, and liability between them.

8. *Correspondence*—All correspondence with and submittals to the Department concerning this State Water Quality Certification shall be addressed to the Department of Environmental Protection, Southwest Regional Office, Dana Drake, P.E., Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.

9. *Reservation of Rights*—The Department may suspend or revoke this State Water Quality Certification if it determines that Applicant has not complied with the terms and conditions of this certification. The Department may require additional measures to achieve compliance with applicable law, subject to Applicant's applicable procedural and substantive rights.

10. *Other Laws*—Nothing in this State Water Quality Certification shall be construed to preclude the institution of any legal action or relieve Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal or State law or regulation.

11. *Severability*—The provisions of this State Water Quality Certification are severable and should any provision of this certification be declared invalid or unenforceable, the remainder of the certification shall not be affected thereby.

12. *Mitigation*—The Department has determined that the Permittee has satisfied the compensatory mitigation requirements for 0.23 wetland credits through the purchase of 0.23 wetland credits from the approved compensatory mitigation provider First Pennsylvania Resource (DEP File No.: MB9915-0001) from an approved compensation site(s) (DEP File No.: MB990563-003) in Service Area 20. Within 60 days from the date of issuance of this State Water Quality Certification, Permittee shall provide to the Department proof of transfer of the approved credit amounts and types and First Pennsylvania Resource's acceptance of liability to provide the compensatory mitigation requirements. Failure to provide such proof of transfer of credits and First Pennsylvania Resource's acceptance of liability of compensatory mitigation requirements shall violate the terms and conditions of this State Water Quality Certification. This failure may result in the modification, suspension or revocation of this State Water

Quality Certification, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings.

Any person aggrieved by this action may file a petition for review pursuant to Section 19(d) of the Federal Natural Gas Act, 15 U.S.C.A. § 717r(d), with the Office of the Clerk, United States Court of Appeals for the Third Circuit, 21400 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790 within 30 days of publication of this notice, or within 30 days of receipt of written notice of this action, whichever occurs first. Important legal rights are at stake, so you should show this document to a lawyer at once.

[Pa.B. Doc. No. 17-2035. Filed for public inspection December 8, 2017, 9:00 a.m.]

### **Application Period for County Planning and Household Hazardous Waste Grant Applications under Act 101, Section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988**

The Department of Environmental Protection announces a request for applications effective January 1, 2018, from counties in this Commonwealth for grant assistance for municipal solid waste planning and household hazardous waste (HHW) education under section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P.S. § 4000.901).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans, as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and HHW and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. Grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101 (53 P.S. §§ 4000.701 and 4000.702), and the availability of money in the recycling fund.

The maximum grant to a county cannot exceed \$75,000 per calendar year for planning and is limited to direct costs attributable exclusively to the grant project. Additionally, a county may also request up to \$75,000 every 2 years for costs associated with HHW educational programs. HHW educational costs incurred on or beyond January 1, 2016, will be eligible for grant funding.

Potential applicants are required to meet with their Regional Planning and Recycling Coordinator prior to submitting an application for funding consideration. Applications must be submitted electronically utilizing the eGrants system web site at <http://www.esa.dced.state.pa.us/login.aspx>.

Questions regarding the electronic submission of these grants should be directed to the Department of Community and Economic Development's Customer Service line at (800) 379-7448 or [ra-dcedcs@pa.gov](mailto:ra-dcedcs@pa.gov).

Inquiries concerning this notice should be directed to Mark Vottero, Bureau of Waste Management, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 8472, Harrisburg, PA 17105-8472 or [mvottero@pa.gov](mailto:mvottero@pa.gov).

This solicitation is in effect until further notice.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 17-2036. Filed for public inspection December 8, 2017, 9:00 a.m.]

### **Availability of Technical Guidance**

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at [www.elibrary.dep.state.pa.us](http://www.elibrary.dep.state.pa.us). The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft TGDs.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Rescission of Technical Guidance*

*DEP ID:* 391-3200-004. *Title:* Aquatic Life—Use Attainability Studies for Flowing and Impounded Water Bodies. *Description:* Established procedures to conduct Use Attainability studies. The contents of this document were updated and published as part of the Assessment and Listing Methodology as Federally required. The guidance is now obsolete and the information is available to the public by accessing Department's web site at [www.dep.pa.gov](http://www.dep.pa.gov) (search "Assessment and Listing Methodology").

*Contact:* M. Josh Lookenbill, [mlookenbil@pa.gov](mailto:mlookenbil@pa.gov) or (717) 787-9637.

*Effective Date:* December 9, 2017

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 17-2037. Filed for public inspection December 8, 2017, 9:00 a.m.]



**Extension of Erosion and Sediment Control General Permit (ESCGP-2) for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities**

Under 25 Pa. Code § 102.5(m) (relating to permit requirements), The Clean Streams Law (35 P.S. §§ 691.1—691.1001), 58 Pa.C.S. §§ 3201—3274 (relating to development), and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (Department) is, by this notice, extending for 12 months the availability of the current Erosion and Sediment Control General Permit (ESCGP-2) for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities.

The existing ESCGP-2 will expire on December 29, 2017. By this notice, the Department is administratively extending ESCGP-2 to December 29, 2018. Persons that are operating under the ESCGP-2 may continue to oper-

ate until December 29, 2018, or the expiration date of coverage identified on the permit coverage approval page, whichever is later. Persons may also continue to seek coverage under the ESCGP-2 during this administrative extension or until the new ESCGP-3 is issued if that issuance occurs before December 29, 2018. The Department is extending the availability of this permit to adequately complete preparation of the issuance of ESCGP-3.

To access the ESCGP-2 Permit and related documents, visit [www.elibrary.dep.state.pa.us](http://www.elibrary.dep.state.pa.us) (select “Permit and Authorization Packages,” then “Oil and Gas,” then “Environmental Controls,” then “Erosion and Sediment Control General Permit (ESCGP-2)”).

Questions regarding ESCGP-2 should be directed to Joseph Kelly, Chief, Division of Well Development and Surface Activities at (717) 772-5991 or [josephkel@pa.gov](mailto:josephkel@pa.gov).

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 17-2038. Filed for public inspection December 8, 2017, 9:00 a.m.]

**Planning Grant Awards under Section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988**

The Department of Environmental Protection hereby announces the following grants to Montgomery County, Westmoreland County and Elk County under section 901 of the Municipal Waste Planning, Recycling and Waste Program Reduction Act (Act 101) (53 P.S. § 4000.901) and section 208 of the Small Business and Household Pollution Prevention Program Act (35 P.S. § 6029.208).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans as required by Act 101 for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101 (53 P.S. §§ 4000.701 and 4000.702) and the availability of funds in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Mark Vottero, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, P.O. Box 8472, Harrisburg, PA 17105-8472 at (717) 772-5719 or [mvottero@pa.gov](mailto:mvottero@pa.gov).

**Act 101, Section 901 Planning Grant**

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project</i>	<i>Grant</i>
Southeast	Montgomery	Montgomery County	Planning	\$53,696
Southwest	Westmoreland	Westmoreland County	Planning	\$43,224
Northwest	Elk	Elk County	Planning	\$52,969

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 17-2039. Filed for public inspection December 8, 2017, 9:00 a.m.]

**DEPARTMENT OF GENERAL SERVICES**

**Exemption from Requirements**

A study to determine if the Record Center building on the Department of General Services (Department) Annex site located in Harrisburg, Dauphin County, should be exempted from the requirements of section 2420 of The Administrative Code of 1929 (71 P.S. § 650) will be performed within the next 90 days. The results of this

study may result in the removal of the Record Center’s coal fired heating system to a fuel other than coal.

For additional information, contact Douglas Hatcher, Director, Bureau of Energy and Resource Management, Department of General Services, 4th Floor, North Office Building, 401 North Street, Harrisburg, PA 17120, (717) 787-4762, [dhatcher@pa.gov](mailto:dhatcher@pa.gov).

CURTIS M. TOPPER,  
*Secretary*

[Pa.B. Doc. No. 17-2040. Filed for public inspection December 8, 2017, 9:00 a.m.]



## DEPARTMENT OF HEALTH

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 201.3 (relating to definitions):

Baptist Homes of Western Pennsylvania  
489 Castle Shannon Boulevard  
Pittsburgh, PA 15243  
FAC ID # 280102

Providence Point Healthcare Residence  
200 Adams Avenue  
Pittsburgh, PA 15243  
FAC ID # 21600201

The following long-term nursing facility is seeking an exception to 28 Pa. Code § 205.20(a) (relating to resident bedrooms):

ManorCare Health Services—Elizabethtown  
320 South Market Street  
Elizabethtown, PA 17022  
FAC ID # 023202

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary, aid service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing-impaired persons, 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. 17-2041. Filed for public inspection December 8, 2017, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Rates of Tax on Aviation Gasoline and Jet Fuel for 2018; Oil Company Franchise Tax Rate for 2018; Alternative Fuels Tax Rates for 2018

#### I. Aviation Gasoline and Jet Fuels

##### A. Aviation Gasoline Rate for 2018

Under 74 Pa.C.S. § 6121(b) (relating to tax on aviation fuels), the Secretary of Revenue (Secretary) announces

that for calendar year 2018 the rate of tax on aviation gasoline and all other liquid fuels used or sold and delivered by distributors within this Commonwealth for use as fuel in propeller-driven piston engine aircraft or aircraft engines will increase to the rate of 5.7¢<sup>1</sup> per gallon or fractional part thereof.

##### B. Jet Fuel Rate for 2018

Under 74 Pa.C.S. § 6131(b) (relating to tax on jet fuels), the Secretary announces that for calendar year 2018 the rate of tax on jet fuels used or sold and delivered by distributors within this Commonwealth for use as fuel in turbine-propeller jet, turbojet and jet-driven aircraft and aircraft engines will increase to the rate of 1.8¢ per gallon or fractional part thereof.

##### C. Calculating the 2018 Aviation Gasoline and Jet Fuel Rates

The rate of tax on aviation gasoline is adjusted annually beginning on January 1, 1985, and each January 1 thereafter.

The rate of tax on jet fuels is adjusted annually beginning on January 1, 1986, and each January 1 thereafter. Under 74 Pa.C.S. §§ 6121(b) and 6131(b) the rate of each tax increases or decreases 0.1¢ per gallon for each 10% increase or decrease in the producer price index for jet fuel as determined by the United States Department of Labor, Bureau of Labor Statistics, for the most recent 12-month period available as of November 1, 2017, subject to a maximum rate of 6.0¢ per gallon for aviation gasoline and 2.0¢ per gallon for jet fuels.

On October 20, 2017, the most recently available 12-month period was September 2016 to September 2017, as reported in the Bureau of Labor Statistics, United States Department of Labor, Producer Price Indexes, September 2017, USDL-17-1367, released October 12, 2017, for which the percentage change was an increase of 26.4%. Accordingly, the aviation gasoline tax rate will increase to the rate of 5.7¢ per gallon; the jet fuel tax rate also will increase to the rate of 1.8¢ per gallon.

#### II. Oil Company Franchise Tax

##### A. Transportation Funding Act of 2013

Governor Corbett signed into law the act of November 25, 2013 (P.L. 974, No. 89) which amended 75 Pa.C.S. (relating to Vehicle Code) to both eliminate the inflationary cap on the Oil Company Franchise Tax and the fixed 12¢ per gallon Liquid Fuels and Fuels tax. Specifically, 75 Pa.C.S. § 9002 (relating to definitions) provides for the future removal of the cap and specific wholesale prices for use in the interim years.

##### B. Calculating the 2018 Oil Company Franchise Tax Rate

The rate of the oil company franchise tax imposed under 75 Pa.C.S. Chapter 95 (relating to taxes for highway maintenance and construction), 75 Pa.C.S. § 9502 (relating to imposition of tax), and collected under 75 Pa.C.S. Chapter 90 (relating to Liquid Fuels and Fuels Tax Act), 75 Pa.C.S. § 9004(b) (relating to imposition of tax, exemptions and deductions), is determined annually by the Department of Revenue (Department) and announced by each December 15 for the following calendar year. The tax rate is determined on a “cents per gallon equivalent basis,” which is defined by 75 Pa.C.S. § 9002 as:

<sup>1</sup> The rate of 5.7¢ per gallon consists of the 1.5¢ per gallon tax imposed by 75 Pa.C.S. § 9004(c)(1) and an additional 4.2¢ per gallon imposed by 74 Pa.C.S. § 6121. As limited by 74 Pa.C.S. § 6121(b), the combined rate of these two component taxes may never exceed 6¢ per gallon or be less than 3¢ per gallon.

The average wholesale price per gallon multiplied by the decimal equivalent of any tax imposed by section 9502 (relating to imposition of tax), the product of which is rounded to the next highest tenth of a cent per gallon. The rate of tax shall be determined by the Department of Revenue on an annual basis beginning every January 1 and shall be published as a notice in the *Pennsylvania Bulletin* no later than the preceding December 15. In the event of a change in the rate of tax imposed by section 9502, the department shall redetermine the rate of tax as of the effective date of such change and give notice as soon as possible.

“Average wholesale price” as used previously is defined by 75 Pa.C.S. § 9002 as:

The average wholesale price of all taxable liquid fuels and fuels, excluding the Federal excise tax and all liquid fuels taxes, shall be as follows:

(1) After December 31, 2013, and before January 1, 2015, the average wholesale price shall be \$1.87 per gallon.

(2) After December 31, 2014, and before January 1, 2017, the average wholesale price shall be \$2.49 per gallon.

(3) After December 31, 2016, the average wholesale price shall be as determined by the Department of Revenue for the 12-month period ending on the September 30 immediately prior to January 1 of the year for which the rate is to be set. In no case shall the average wholesale price be less than \$2.99 per gallon.

For the 12-month period ending September 30, 2017, the Department has determined that the average wholesale price for all grades of gasoline and diesel fuel is \$1.68 per gallon, which was less than the statutory minimum; therefore, the average wholesale price for 2018 is set at the floor of \$2.99 per gallon.

The oil company franchise tax imposed under 75 Pa.C.S. § 9502 is separated into two portions: mills per gallon not subject to discount (NSTD); and mills per gallon subject to discount (STD). The following table details the underlying calculations:

*Composition of Oil Company Franchise Tax (OCFT)*

*OCFT Per Gallon NSTD*

<i>Imposed By:</i>	<i>Liquid Fuels</i>	<i>Fuels</i>
75 Pa.C.S. § 9502(a)(1)	60.0	60.0
75 Pa.C.S. § 9502(a)(2)	55.0	55.0
75 Pa.C.S. § 9502(a)(3)	38.5	38.5
<u>75 Pa.C.S. § 9502(a)(4)</u>	<u>00.0</u>	<u>55.0</u>
NSTD Mills per Gallon:	153.5	208.5
Decimal Equivalent:	0.1535	0.2085
Average Wholesale Price:	× <u>\$2.99</u>	× <u>\$2.99</u>
Product:	45.90¢	62.34¢
OCFT per Gallon, NSTD, rounded to next highest tenth per 75 Pa.C.S. § 9002:	45.9¢	62.4¢

*OCFT Per Gallon STD*

<i>Imposed By:</i>	<i>Liquid Fuels</i>	<i>Fuels</i>
<u>75 Pa.C.S. § 9502(a)(5)</u>	<u>39.0</u>	<u>39.0</u>
STD Mills per Gallon:	39.0	39.0

Decimal Equivalent:	0.0390	0.0390
Average Wholesale Price:	× <u>\$2.99</u>	× <u>\$2.99</u>
Product:	11.66¢	11.66¢

OCFT per Gallon, STD, rounded to next highest tenth per 75 Pa.C.S. § 9002:

11.7¢	11.7¢
-------	-------

*Total OCFT per Gallon, rounded to next highest tenth*

	<i>Liquid Fuels</i>	<i>Fuels</i>
Total OCFT = NSTD + STD:	57.6¢	74.1¢

*C. Imposition of Oil Company Franchise Tax on Liquid Fuels and Fuels*

The act of April 17, 1997 (P.L. 6, No. 3) provides that the oil company franchise tax as previously computed is imposed when liquid fuels or fuels are used or sold and delivered in this Commonwealth. Accordingly, the tax imposed upon the use or sale and delivery of 1 gallon of liquid fuels (primarily gasoline) shall be 57.6¢, and the tax imposed upon the use or sale and delivery of one gallon of fuels (primarily undyed diesel fuel) shall be 74.1¢.

**III. Alternative Fuels Tax Rates for 2018**

Under 75 Pa.C.S. § 9004(d) the Secretary is required to compute the rate of tax applicable to each alternative fuel on a gallon-equivalent-basis. Under 75 Pa.C.S. § 9002 “gallon-equivalent-basis” is defined as the “amount of any alternative fuel as determined by the department to contain 114,500 BTU’s.” The amount determined on a “gallon-equivalent-basis” for each alternative fuel is subject to the oil company franchise tax currently imposed on 1 gallon of gasoline. The rate of tax on 1 gallon of gasoline during the period of this notice is 57.6¢ which is equal to the Oil Company Franchise Tax.

The 2018 tax rates for Compressed Natural Gas (CNG) and Hydrogen are calculated by utilizing the unit of measurement referred to as the gasoline gallon equivalent (GGE). A GGE is the amount of alternative fuel it takes to equal the energy content of one liquid gallon of gasoline.

The 2018 tax rate for Liquefied Natural Gas (LNG) is calculated by utilizing the unit of measurement referred to as the diesel gallon equivalent (DGE). A DGE is the amount of alternative fuel it takes to equal the energy content of one liquid gallon of diesel.

GGE and DGE are the most common forms of measurement for these products at the retail level. Measuring alternative fuels by GGE and DGE allows the consumer to make energy and cost comparisons with gasoline and diesel.

The Secretary announces that the 2018 tax rates for alternative fuels are as follows:

<i>Alternative Fuel (Liquids)</i>	<i>Rate of Conversion (BTU/Gal of Alternative Fuel)</i>	<i>Tax Rate per Gallon of Alternative Fuel</i>
Ethanol	76,330	\$0.384
Methanol	57,250	\$0.289
Propane/LPG	84,250	\$0.425
E-85	82,056	\$0.413
M-85	65,838	\$0.332
Electricity	3,414 BTU/kWh	\$0.0172/kWh
<i>Alternative Fuels under GGE Formula (Gaseous)</i>	<i>GGE Equivalent to One Gallon of Gasoline</i>	<i>Tax Rate per GGE</i>
CNG	1	\$0.576
Hydrogen	1	\$0.576
<i>Alternative Fuels under DGE Formula (1 DGE =1.7 gallons)</i>	<i>DGE Equivalent to One Gallon of Diesel</i>	<i>Tax Rate per DGE</i>
LNG	1	\$0.648

C. DANIEL HASSELL,  
*Secretary*

[Pa.B. Doc. No. 17-2042. Filed for public inspection December 8, 2017, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### State Transportation Commission Meeting

The State Transportation Commission will hold a meeting on Thursday, December 14, 2017, from 10 a.m. to 12 p.m. in Conference Room 8N1, Commonwealth Keystone Building, Harrisburg, PA. For more information, contact Ellen E. Sweeney, PhD, (717) 787-2913, [ellsweeney@pa.gov](mailto:ellsweeney@pa.gov).

LESLIE S. RICHARDS,  
*Secretary*

[Pa.B. Doc. No. 17-2043. Filed for public inspection December 8, 2017, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### David H. Martin Excavating, Inc. v. Department of Environmental Protection; EHB Doc. No. 2017- 106-C

David H. Martin Excavating, Inc. has appealed the issuance by the Department of Environmental Protection of an NPDES Permit No. PA0121606 to David H. Martin

Excavating, Inc. for the Martin Shale Pit # 3 operation located in Antrim Township, Franklin County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Chairperson*

[Pa.B. Doc. No. 17-2044. Filed for public inspection December 8, 2017, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## 2018 Public Meeting Schedule

The Independent Regulatory Review Commission (Commission) will hold public meetings in 2018 as follows:

January 18, 2018	10 a.m.	14th Floor Conference Room 333 Market Street
February 22, 2018	10 a.m.	14th Floor Conference Room 333 Market Street
March 22, 2018	10 a.m.	14th Floor Conference Room 333 Market Street
April 19, 2018	10 a.m.	14th Floor Conference Room 333 Market Street
May 17, 2018	10 a.m.	14th Floor Conference Room 333 Market Street
June 14, 2018	10 a.m.	14th Floor Conference Room 333 Market Street
July 19, 2018	10 a.m.	14th Floor Conference Room 333 Market Street
August 16, 2018	10 a.m.	14th Floor Conference Room 333 Market Street
September 13, 2018	10 a.m.	14th Floor Conference Room 333 Market Street
October 18, 2018	10 a.m.	14th Floor Conference Room 333 Market Street
November 15, 2018	10 a.m.	14th Floor Conference Room 333 Market Street
December 6, 2018	10 a.m.	14th Floor Conference Room 333 Market Street

Individuals who are planning on attending or speaking at a public meeting should notify the Commission no later than 72 hours prior to the date of the meeting. For any changes to the meeting schedule, refer to the Commission web site at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). If an executive session is deemed necessary, it shall be held immediately following the close of the public meeting in the 14th Floor Conference Room, 333 Market Street, Harrisburg, PA. Persons in need of special accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Cheryl Yohn at (717) 772-3455.

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 17-2045. Filed for public inspection December 8, 2017, 9:00 a.m.]

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
# 2-187	Department of Agriculture Weighmasters 47 Pa.B. 5952 (September 23, 2017)	10/23/17	11/21/17



**Department of Agriculture Regulation # 2-187  
(IRRC # 3179)**

**Weighmasters**

**November 21, 2017**

We submit for your consideration the following comments on the proposed rulemaking published in the September 23, 2017 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Department of Agriculture (Department) to respond to all comments received from us or any other source.

**1. Section 9.24. Limitations of certificate for anthracite.—Clarity.**

Under this section, the Department proposes the following amendment:

A certificate of quality [ **shall** ] **must** be sufficiently mutilated at the left end to permit it to be securely attached to the corresponding copies of the certificate of the weighmaster as provided in subsection (b).

In response to RAF # 10, the Department states the regulation is needed in order to rescind outdated provisions requiring weighmaster's certificates and certificates of quality for anthracite coal to be prepared in triplicate. The Department should either explain the need for this language and how it is consistent with the stated purpose of the proposed regulation or delete it from the final-form regulation.

**2. Miscellaneous clarity.**

The Department should amend its response to RAF # 29 (C, D and E) to reflect an updated estimate of the timeline for the final-form regulation.

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 17-2046. Filed for public inspection December 8, 2017, 9:00 a.m.]

## INSURANCE DEPARTMENT

**Brighthouse Life Insurance Company (SERFF  
# MILL-131123551); Rate Increase Filing for Individual LTC Form H-LTC2J-5**

Brighthouse Life Insurance Company is requesting approval to increase the premium 36% on 391 policyholders of form H-LTC2J-5 (Series name is LTC2 NQ COMP).

Unless formal administrative action is taken prior to February 22, 2018, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Lavery, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlavery@pa.gov](mailto:jlavery@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 17-2047. Filed for public inspection December 8, 2017, 9:00 a.m.]

**Brighthouse Life Insurance Company (SERFF  
# MILL-131126040); Rate Increase Filing for Individual LTC Forms H-LTC3JP and H-LTC3JP27**

Brighthouse Life Insurance Company is requesting approval to increase the premium 71.7% on 757 policyholders of forms H-LTC3JP and H-LTC3JP27 (Series name is LTC3+ NQ COMP).

Unless formal administrative action is taken prior to February 22, 2018, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Lavery, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlavery@pa.gov](mailto:jlavery@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 17-2048. Filed for public inspection December 8, 2017, 9:00 a.m.]

**Brighthouse Life Insurance Company (SERFF  
# MILL-131126102); Rate Increase Filing for Individual LTC Form H-LTC3J-2**

Brighthouse Life Insurance Company is requesting approval to increase the premium 36% on 48 policyholders of form H-LTC3J-2 (Series name is LTC3 NQ COMP).

Unless formal administrative action is taken prior to February 22, 2018, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Lavery, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlavery@pa.gov](mailto:jlavery@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

tion, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 17-2049. Filed for public inspection December 8, 2017, 9:00 a.m.]

tion, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 17-2051. Filed for public inspection December 8, 2017, 9:00 a.m.]

**Brighthouse Life Insurance Company (SERFF # MILL-131126109); Rate Increase Filing for Individual LTC Form H-LTC4JQ7**

Brighthouse Life Insurance Company is requesting approval to increase the premium 33.7% on 820 policyholders of form H-LTC4JQ7 (Series name is LTC4 TQ COMP).

Unless formal administrative action is taken prior to February 22, 2018, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 17-2050. Filed for public inspection December 8, 2017, 9:00 a.m.]

**Brighthouse Life Insurance Company (SERFF # MILL-131126126); Rate Increase Filing for Individual LTC Form H-LTC4JFQ15**

Brighthouse Life Insurance Company is requesting approval to increase the premium 33.7% on 34 policyholders of form H-LTC4JFQ15 (Series name is LTC4 TQ FO).

Unless formal administrative action is taken prior to February 22, 2018, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 17-2052. Filed for public inspection December 8, 2017, 9:00 a.m.]

**Brighthouse Life Insurance Company (SERFF # MILL-131126122); Rate Increase Filing for Individual LTC Form H-LTC3JFO26**

Brighthouse Life Insurance Company is requesting approval to increase the premium 36% on 65 policyholders of form H-LTC3JFO26 (Series name is LTC3+ NQ FO).

Unless formal administrative action is taken prior to February 22, 2018, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regula-

**Brighthouse Life Insurance Company (SERFF # MILL-131126145); Rate Increase Filing for Individual LTC Form H-LTC3JQ3**

Brighthouse Life Insurance Company is requesting approval to increase the premium 33.3% on 387 policyholders of form H-LTC3JQ3 (Series name is LTC3+ TQ COMP).

Unless formal administrative action is taken prior to February 22, 2018, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regula-

tion, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
Acting Insurance Commissioner

[Pa.B. Doc. No. 17-2053. Filed for public inspection December 8, 2017, 9:00 a.m.]

**Brighthouse Life Insurance Company (SERFF # MILL-131126147); Rate Increase Filing for Individual LTC Form H-LTC3JFQ7**

Brighthouse Life Insurance Company is requesting approval to increase the premium 38.5% on 66 policyholders of form H-LTC3JFQ7 (Series name is LTC3+ TQ FO).

Unless formal administrative action is taken prior to February 22, 2018, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
Acting Insurance Commissioner

[Pa.B. Doc. No. 17-2054. Filed for public inspection December 8, 2017, 9:00 a.m.]

**Coal Mine Compensation Rating Bureau; Workers' Compensation Loss Cost Filing**

On November 21, 2017, the Insurance Department received from the Coal Mine Compensation Rating Bureau (Bureau) a filing for a loss cost level change for workers' compensation insurance. This filing was made in accordance with section 705 of the Workers' Compensation Act (77 P.S. § 1035.5).

The Bureau requests an overall 2.1% decrease in loss costs, effective April 1, 2018, on a new and renewal basis. Additionally, the Bureau has calculated the Employer Assessment Factor effective April 1, 2018, to be 2.18%, as compared to the currently approved provision of 2.32%.

The entire April 1, 2018, loss cost filing is available for review on the Bureau's web site at [www.cmcrbpa.com](http://www.cmcrbpa.com) under "Filings."

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Office of Insurance Product Regulation, 1311

Strawberry Square, Harrisburg, PA 17120, [gzhou@pa.gov](mailto:gzhou@pa.gov), within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
Acting Insurance Commissioner

[Pa.B. Doc. No. 17-2055. Filed for public inspection December 8, 2017, 9:00 a.m.]

**Pennsylvania Compensation Rating Bureau; United States Longshore and Harbor Workers' Compensation Act; Rate Filing**

On November 29, 2017, the Insurance Department received from the Pennsylvania Compensation Rating Bureau (Bureau) proposed revisions to rates applicable to workers eligible for benefits under the Longshore and Harbor Workers' Compensation Act (33 U.S.C.A. §§ 901—950).

The filing proposes an overall rate level decrease of 9.97% effective April 1, 2018. (This overall figure represents an average; the effect of this filing on the rates for individual insureds will vary.) The filing is available for review on the Bureau's web site at [www.pcrb.com](http://www.pcrb.com) in the "Filings" section.

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [gzhou@pa.gov](mailto:gzhou@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
Acting Insurance Commissioner

[Pa.B. Doc. No. 17-2056. Filed for public inspection December 8, 2017, 9:00 a.m.]

**Pennsylvania Compensation Rating Bureau; Workers' Compensation Loss Cost Filing**

On November 22, 2017, the Insurance Department received from the Pennsylvania Compensation Rating Bureau (Bureau) a filing for a loss cost level change for workers' compensation insurance. The filing was made in accordance with section 705 of the Workers' Compensation Act (77 P.S. § 1035.5).

The filing proposes an April 1, 2018, effective date for both new and renewal business and includes the following revisions:

- An overall 0.70% increase in collectible loss costs above those proposed in Bureau's Filing No. C-369.
- An overall 6.80% increase in collectible loss costs above those in place as of the date on which this notice was prepared (November 27, 2017).
- An Employer Assessment Factor of 2.17%, as compared to the currently approved provision of 2.32%.
- Updates to a variety of other rating values to reflect the most recent available experience.

The entire April 1, 2018, loss cost filing is available for review on the Bureau's web site at [www.pcrb.com](http://www.pcrb.com) in the "Filings" section.



Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, gzhou@pa.gov, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 17-2057. Filed for public inspection December 8, 2017, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurer has requested a hearing as authorized by the act of June 17, 1998 (P.L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile insurance policy. The hearing will be held in accordance with the requirements of Act 68; 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held as follows. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Erie Insurance Exchange; File No. 17-198-216198; Jason Heiser; Doc. No. P17-11-019; January 9, 2018, 10 a.m.

Following the hearing and receipt of the stenographic transcript, the Acting Insurance Commissioner (Acting Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Acting Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Acting Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Human Resources at (717) 783-4308.

JESSICA K. ALTMAN,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 17-2058. Filed for public inspection December 8, 2017, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 1171.8) in connection with the company's termination of the insured's homeowners policy. The hearing will be held in accordance with the requirements of the act; 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part

II (relating to Administrative Rules of Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held as follows. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Alfonso Matrone; File No. 17-119-216079; Travelers Home and Marine Insurance Company; Doc. No. P17-11-006; December 19, 2017, 10 a.m.

Following the hearing and receipt of the stenographic transcript, the Acting Insurance Commissioner (Acting Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Acting Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Acting Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Human Resources at (717) 783-4308.

JESSICA K. ALTMAN,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 17-2059. Filed for public inspection December 8, 2017, 9:00 a.m.]

### Jerome Sacco, Sr.; License Denial Appeal; Doc. No. AG17-11-016

Under Article VI-A of The Insurance Department Act of 1921 (40 P.S. §§ 310.1—310.99a), Jerome Sacco, Sr. has appealed the denial of an application for an insurance producer's license. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to Special Rules of Administrative Practice and Procedure).

A prehearing telephone conference initiated by this office is scheduled for January 3, 2018, at 9:30 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before December 29, 2017. A hearing shall occur on January 17, 2018, in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before December 20, 2017, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to preliminary motions, protests, petitions to intervene or notices of intervention, if any shall be filed on or before December 29, 2017.

Persons with a disability who wish to attend the previously referenced administrative hearing and require



an auxiliary aid, service or other accommodations to participate in the hearing should contact Human Resources (717) 783-4308.

JESSICA K. ALTMAN,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 17-2060. Filed for public inspection December 8, 2017, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Certificate of Public Convenience and Affiliate Interest Agreement

**A-2017-2635618, A-2017-2635620, G-2017-2635622 and G-2017-2635623. Mid-Atlantic Interstate Transmission, LLC and Metropolitan Edison Company** Joint application of Mid-Atlantic Interstate Transmission, LLC (MAIT) and Metropolitan Edison Company (Met-Ed) for: (1) expedited approval of a certificate of public convenience under 66 Pa.C.S. § 1102(a)(3) (relating to enumeration of acts requiring certificate) authorizing the lease of two tracts of land totaling 4.97 acres from Met-Ed to MAIT; and (2) expedited approval of an affiliate interest agreement under 66 Pa.C.S. § 2102 (relating to approval of contracts with affiliated interests) that will govern Met-Ed leasing two tracts of land totaling 4.97 acres to MAIT.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before December 19, 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:* Metropolitan Edison Company; Mid-Atlantic Interstate Transmission, LLC

*Through and By Counsel:* Lauren M. Lepkoski, Esquire, FirstEnergy Service Company, 2800 Pottsville Pike, P.O. Box 16001, Reading, PA 19612-6001

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-2061. Filed for public inspection December 8, 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 Commis-

sion, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by December 26, 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-2017-2615148 (Amended). Obligated Transportation, LLC** (616 East Clementine Street, Philadelphia, Philadelphia County, PA 19134) for the right to transport as a common carrier, nonemergency medical transportation by motor vehicle, persons in paratransit service, from points in the City of Philadelphia, to treatment facilities in Pennsylvania, and return.

**A-2017-2630358. Moscato Coach, LLC** (1437 Brittany Coach Drive, York, York County, PA 17404) persons in group and party service, in vehicles seating between 11 and 15 passengers, including the driver, within a 100-mile radius of the City of York, York County, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

**A-2017-2632643. Peace of Mind Social Service, LLC** (P.O. Box 30271, 7900 Old York Road, Suite 700A, Elkins Park, Montgomery County, PA 19027) for the right to transport as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Berks, Bucks, Chester, Lancaster, Lehigh, Montgomery and Philadelphia, to points in Pennsylvania, and return.

**A-2017-2633045. Connie Kepner** (17156 State Route 44, Allenwood, Lycoming County, PA 17810) persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating a motor vehicle, from points in the Counties of Clinton, Lycoming and Union, to points in Pennsylvania; and return.

**A-2017-2635017. Metro Transportation, LLC** (915 Hamilton Street, # 278, Allentown, Bucks County, PA 18101) persons upon call or demand, in the City of Lancaster, Lancaster County.

### Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights* as described under the application.

**A-2017-2634910. Pennsylvania Corporate Transportation Services, LLC** (167 Keystone Street, Chichester, Chester County, PA 19013) limousine service, between points in Pennsylvania; excluding Allegheny County and areas under the jurisdiction of the Philadelphia Parking Authority, which is to be a transfer of all rights authorized under the certificate issued at A-6410690, to Colonial Limousine Service, Inc., subject to the same limitations and conditions.

### 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-2017-2634792. G.I. Haul, LLC** (4716 Ellsworth Avenue, Pittsburgh, Allegheny County, PA 15213) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania.

**Applications of the following for the approval of the right and privilege to *discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.***

**A-2017-2633535. L.A. Lewis, Inc.** (P.O. Box 73-WS, 2401, Luzerne Street, Scranton, Lackawanna County, PA 18504) discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, household goods in use, from points in the Counties of Lackawanna, Susquehanna, Wayne, Pike, Wyoming, Luzerne and Monroe, to points in Pennsylvania, and vice versa, as more thoroughly described in the original ordering paragraphs at A-00097509, F.1, Am-A and Am-B.

**A-2017-2634854. Premier Limousine, LLC** (106 Anderson Road, Curwensville, PA 16833) for the discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, persons in airport transfer service, between points in Blair County and the Altoona-Blair County Airport, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**A-2017-2634916. Hazle Yellow Cab Company, Inc.** (5077 Old Airport Road, Hazleton Township, Luzerne County, PA 18202) discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, persons upon call or demand in the City of Hazleton, Lehigh County, and within an airline distance of 10 statute miles of the limits of said city.

**A-2017-2635005. Limo Now, LLC** (116 East Main Street Rear, Leola, Lancaster County, PA 17540) discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, persons, in limousine service, from points in the Counties of Chester, Lancaster and York, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 17-2062. Filed for public inspection December 8, 2017, 9:00 a.m.]

**Service of Notice of Motor Carrier Formal Complaints**

Formal complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due December 26, 2017, and must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Cordon Blue Management Services, LLC;  
Docket No. C-2017-2629207**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities

within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Cordon Blue Management Services, LLC, (respondent) is under suspension effective October 05, 2017 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 214 South 4th Street, Womelsdorf, PA 19567-1428.

3. That respondent was issued a Certificate of Public Convenience by this Commission on February 23, 2015, at A-8917243.

4. That respondent has failed to maintain evidence of Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8917243 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 10/18/2017

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law

Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

—

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Lok Logistics, LLC; Docket No. C-2017-2627984**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Lok Logistics, LLC, (respondent) is under suspension effective September 26, 2017 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at P.O. Box 5788, Pittsburgh, PA 15208.
3. That respondent was issued a Certificate of Public Convenience by this Commission on December 17, 2015, at A-8918327.
4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

*Wherefore*, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8918327 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.



Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 10/10/2017

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-2063. Filed for public inspection December 8, 2017, 9:00 a.m.]

## STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v.  
Sandra Fitterer Roth, RN; File No. 14-51-01713;  
Doc. No. 0691-51-16**

On September 15, 2017, Sandra Fitterer Roth, RN, Pennsylvania license No. RN543766, last known of Bismarck, ND, had her registered nurse license publicly reprimanded and was assessed a \$500 civil penalty based on receiving disciplinary action by the proper licensing authority of another state and failing to report same to the State Board of Nursing (Board).

Individuals may obtain a copy of the adjudication by writing to Judith Pachter Schulder, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.



This order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

LINDA L. KMETZ, PhD, RN,  
*Chairperson*

[Pa.B. Doc. No. 17-2064. Filed for public inspection December 8, 2017, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v. Dennis R. Wolfe, RN; File No. 13-51-07813; Doc. No. 1940-51-15**

On September 27, 2017, Dennis R. Wolfe, RN, Pennsylvania license No. RN614609, last known of Jupiter, FL, had his registered nurse license revoked based on disciplinary action taken by other states and failing to disclose his criminal conviction.

Individuals may obtain a copy of the adjudication by writing to Ariel E. O'Malley, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

LINDA L. KMETZ, PhD, RN,  
*Chairperson*

[Pa.B. Doc. No. 17-2065. Filed for public inspection December 8, 2017, 9:00 a.m.]

## STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

**Bureau of Professional and Occupational Affairs v. Arsenio T. Northern; Doc. No. 1857-60-17; File No. 17-60-09888**

On September 28, 2017, Arsenio T. Northern, license No. MV219702 York, York County, was suspended for failing to pay a previously imposed civil penalty.

Individuals may obtain a copy of the order by writing to Juan A. Ruiz, Board Counsel, State Board of Vehicle Manufacturers, Dealers and Salespersons, P.O. Box 69523, Harrisburg, PA 17105-2649.

DAN G. MURPHY, III,  
*Chairperson*

[Pa.B. Doc. No. 17-2066. Filed for public inspection December 8, 2017, 9:00 a.m.]

## STATE REAL ESTATE COMMISSION

**Bureau of Professional and Occupational Affairs v. Andrew W. Kopp; Doc. No. 1864-56-17**

On September 28, 2017, Andrew W. Kopp, license No. RS333220, last known of Stewartstown, York County, was suspended under the Order of the Court of Common Pleas of York County dated September 11, 2017, which the court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Cynthia K. Montgomery, Deputy Chief Counsel, State Real Estate Commission, P.O. Box 69523, Harrisburg, PA 17106-9523.

ARMAND FERRARA, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 17-2067. Filed for public inspection December 8, 2017, 9:00 a.m.]



