

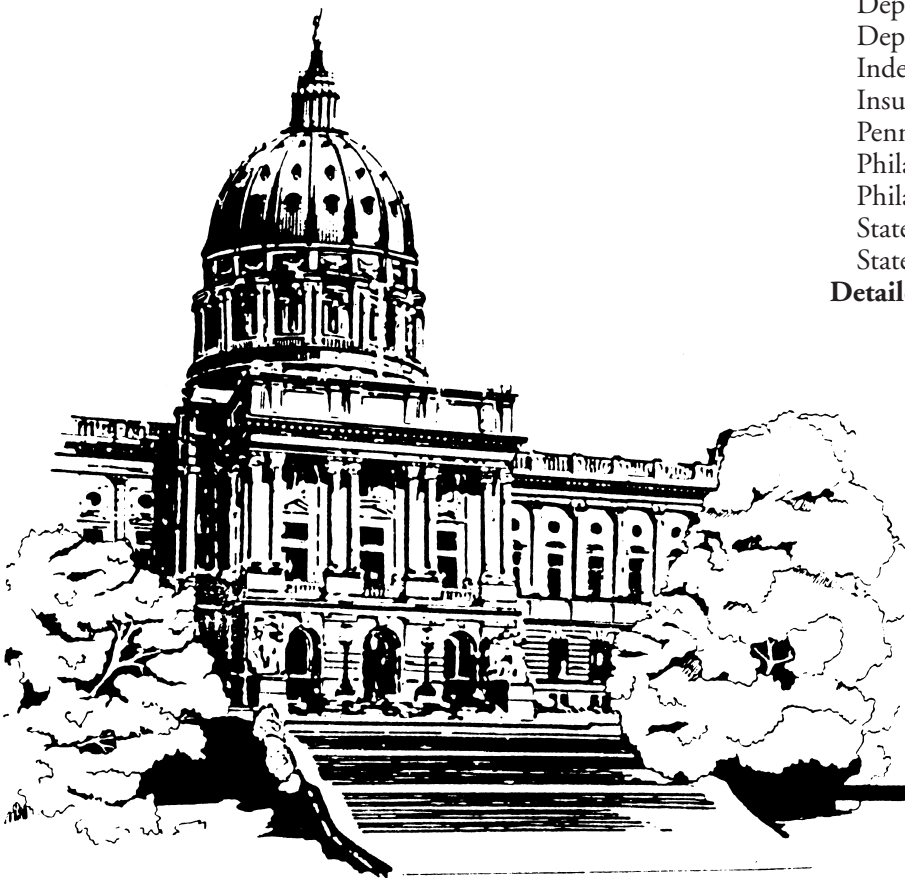
# PENNSYLVANIA BULLETIN

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The Courts  
Department of Banking and Securities  
Department of Environmental Protection  
Department of Health  
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Department of State  
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Independent Regulatory Review Commission  
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(Master Transmittal Sheets):**

**No. 468, November 2013**

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## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

Source Notes give you the history of the documents. 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](http://www.legis.state.pa.us).

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

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Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such 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; and that the fiscal note shall provide 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 five 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 five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

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

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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 2013.

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# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [ 204 PA. CODE CH. 81 ]

#### Amendment of Rules 1.0, 1.1, 1.4, 1.6, 1.17, 1.18, 4.4, 5.3, 5.5, 7.1, 7.2 and 7.3 of the Rules of Professional Conduct; No. 120 Disciplinary Rules Doc.

#### Order

*Per Curiam*

And Now, this 22nd day of October, 2013, upon the recommendation of the Disciplinary Board of The Supreme Court of Pennsylvania; the proposal having been published for public comment in the *Pennsylvania Bulletin*, 43 Pa.B. 1997 (April 13, 2013):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1.0, 1.1, 1.4, 1.6, 1.17, 1.18, 4.4, 5.3, 5.5, 7.1, 7.2 and 7.3 of the Pennsylvania Rules of Professional Conduct are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective in 30 days.

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart A. PROFESSIONAL RESPONSIBILITY

#### CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

##### Subchapter A. RULES OF PROFESSIONAL CONDUCT

#### § 81.4. Rules of Professional Conduct.

The following are the Rules of Professional Conduct:

#### CLIENT-LAWYER RELATIONSHIP

##### Rule 1.0. Terminology.

\* \* \* \* \*

(n) "Writing" or "written" denotes a tangible or electronic record of a communication or representation, including handwriting, typewriting, printing, [ **Photostating** ] **photostating**, photography, audio or video recording, and [ **e-mail** ] **electronic communications**. A "signed" writing includes an electronic sound, symbol or process attached to or logically associated with a writing and executed or adopted by a person with the intent to sign the writing.

#### Comment:

\* \* \* \* \*

*Screened*

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(9) The purpose of screening is to assure the affected parties that confidential information known by the personally disqualified lawyer remains protected. The personally disqualified lawyer should acknowledge the obligation not to communicate with any of the other lawyers in the firm with respect to the matter. Similarly, other lawyers in the firm who are working on the matter should be informed that the screening is in place and that they may not communicate with the personally disqualified lawyer with respect to the matter. Additional screening measures that are appropriate for the particular matter will depend on the circumstances. To implement, reinforce and remind all affected lawyers of the presence of the screening, it may be appropriate for the firm to undertake such procedures as a written undertaking by the screened lawyer to avoid any communication with other firm personnel and any contact with any firm files or other [ **materials** ] **information, including information in electronic form**, relating to the matter, written notice and instructions to all other firm personnel forbidding any communication with the screened lawyer relating to the matter, denial of access by the screened lawyer to firm files or other [ **materials** ] **information, including information in electronic form**, relating to the matter, and periodic reminders of the screen to the screened lawyer and all other firm personnel.

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##### Rule 1.1. Competence.

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#### Comment:

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#### *Thoroughness and Preparation*

(5) Competent handling of particular matter includes inquiry into and analysis of the factual and legal elements of the problem, and use of methods and procedures meeting the standards of competent practitioners. It also includes adequate preparation. The required attention and preparation are determined in part by what is at stake; major litigation and complex transactions ordinarily require more extensive treatment than matters of lesser complexity and consequence. An agreement between the lawyer and the client regarding the scope of the representation may limit the matters for which the lawyer is responsible. See Rule 1.2(c).

#### *Retaining or Contracting With Other Lawyers*

(6) **Before a lawyer retains or contracts with other lawyers outside the lawyer's own firm to provide or assist in the provision of legal services to a client, the lawyer must reasonably believe that the other lawyers' services will contribute to the competent and ethical representation of the client. See also Rules 1.2, 1.4, 1.6, and 5.5(a). The reasonableness of the decision to retain or contract with other lawyers outside the lawyer's own firm will depend upon the circumstances, including the education, experience and reputation of the nonfirm lawyers; the nature of the services assigned to the nonfirm lawyers; and the legal protections, professional conduct rules, and ethical environments of the jurisdictions in which the services will be performed, particularly relating to confidential information.**

(7) When lawyers from more than one law firm are providing legal services to the client on a particular matter, the lawyers ordinarily should consult with each other and the client about the scope of their respective representations and the allocation of responsibility among them. See Rule 1.2. When making allocations of responsibility in a matter pending before a tribunal, lawyers and parties may have additional obligations that are a matter of law beyond the scope of these Rules.

*Maintaining Competence*

[ (6) ] (8) To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, **including the benefits and risks associated with relevant technology**, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject.

**Rule 1.4. Communication.**

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**Comment:**

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*Communicating with Client*

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(4) A lawyer's regular communication with clients will minimize the occasions on which a client will need to request information concerning the representation. When a client makes a reasonable request for information, however, paragraph (a)(4) requires prompt compliance with the request, or if a prompt response is not feasible, that the lawyer, or a member of the lawyer's staff, acknowledge receipt of the request and advise the client when a response may be expected. **[ Client telephone calls should be promptly returned or acknowledged. ]** A lawyer should promptly respond to or acknowledge client communications.

\* \* \* \* \*

**Rule 1.6. Confidentiality of Information.**

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(c) A lawyer may reveal such information to the extent that the lawyer reasonably believes necessary:

\* \* \* \* \*

(6) to effectuate the sale of a law practice consistent with Rule 1.17[ . ]; or

**(7) to detect and resolve conflicts of interest from the lawyer's change of employment or from changes in the composition or ownership of a firm, but only if the revealed information would not compromise the attorney-client privilege or otherwise prejudice the client.**

**(d) A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.**

(e) The duty not to reveal information relating to representation of a client continues after the client-lawyer relationship has terminated.

**Comment:**

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*[ Disclosure Adverse to Client ] Detection of Conflicts of Interest*

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(19) Paragraph (c)(7) recognizes that lawyers in different firms may need to disclose limited information to each other to detect and resolve conflicts of interest, such as when a lawyer is considering an association with another firm, two or more firms are considering a merger, or a lawyer is considering the purchase of a law practice. See Rule 1.17, Comment (4). Under these circumstances, lawyers and law firms are permitted to disclose limited information, but only once substantive discussions regarding the new relationship have occurred. Any such disclosure should ordinarily include no more than the identity of the persons and entities involved in a matter, a brief summary of the general issues involved, and information about whether the matter has terminated. Even this limited information, however, should be disclosed only to the extent reasonably necessary to detect and resolve conflicts of interest that might arise from the possible new relationship. Moreover, the disclosure of any information is prohibited if it would compromise the attorney-client privilege or otherwise prejudice the client (e.g., the fact that a corporate client is seeking advice on a corporate takeover that has not been publicly announced; that a person has consulted a lawyer about the possibility of divorce before the person's intentions are known to the person's spouse; or that a person has consulted a lawyer about a criminal investigation that has not led to a public charge). Under those circumstances, paragraph (a) prohibits disclosure unless the client or former client gives informed consent. A lawyer's fiduciary duty to the lawyer's firm may also govern a lawyer's conduct when exploring an association with another firm and is beyond the scope of these Rules.

(20) Any information disclosed pursuant to paragraph (c)(7) may be used or further disclosed only to the extent necessary to detect and resolve conflicts of interest. Paragraph (c)(7) does not restrict the use of information acquired by means independent of any disclosure pursuant to paragraph (c)(7). Paragraph (c)(7) also does not affect the disclosure of information within a law firm when the disclosure is otherwise authorized, see Comment (6), such as when a lawyer in a firm discloses information to another lawyer in the same firm to detect and resolve conflicts of interest that could arise in connection with undertaking a new representation.

(21) A lawyer may be ordered to reveal information relating to the representation of a client by a court or by another tribunal or governmental entity claiming authority pursuant to other law to compel the disclosure. Absent informed consent of the client to do otherwise, the lawyer should assert on behalf of the client all nonfrivolous claims that the order is not authorized by other law or that the information sought is protected against disclosure by the attorney-client privilege or other applicable law. In the event of an adverse ruling, the lawyer must consult with the client about the possibility of appeal to the extent required by Rule 1.4.

[ (20) ] (22) Paragraph (c) permits disclosure only to the extent the lawyer reasonably believes the disclosure is necessary to accomplish one of the purposes specified.

Where practicable, the lawyer should first seek to persuade the client to take suitable action to obviate the need for disclosure. In any case, a disclosure adverse to the client's interest should be no greater than the lawyer reasonably believes necessary to accomplish the purpose. If the disclosure will be made in connection with a judicial proceeding, the disclosure should be made in a manner that limits access to the information to the tribunal or other persons having a need to know it and appropriate protective orders or other arrangements should be sought by the lawyer to the fullest extent practicable.

[ (21) ] (23) Paragraph (c) permits but does not require the disclosure of information relating to a client's representation to accomplish the purposes specified in paragraphs (c)(1) through [ (c)(6) ] (c)(7). In exercising the discretion conferred by this Rule, the lawyer may consider such factors as the nature of the lawyer's relationship with the client and with those who might be injured by the client, the lawyer's own involvement in the transaction and factors that may extenuate the conduct in question. A lawyer's decision not to disclose as permitted by paragraph (c) does not violate this Rule. Disclosure may be required, however, by other Rules. Some Rules require disclosure only if such disclosure would be permitted by paragraph (c). See Rules 1.2(d), 4.1(b), 8.1 and 8.3. Rule 3.3, on the other hand, requires disclosure in some circumstances regardless of whether such disclosure is permitted by this Rule. See Rule 3.3(c).

#### *Withdrawal*

[ (22) ] (24) If the lawyer's services will be used by the client in materially furthering a course of criminal or fraudulent conduct, the lawyer must withdraw, as stated in Rule 1.16(a)(1). After withdrawal the lawyer is required to refrain from making disclosure of the client's confidences, except as otherwise provided in Rule 1.6. Neither this Rule nor Rule 1.8(b) nor Rule 1.16(d) prevents the lawyer from giving notice of the fact of withdrawal, and the lawyer may also withdraw or disaffirm any opinion, document, affirmation, or the like. Where the client is an organization, the lawyer may be in doubt whether contemplated conduct will actually be carried out by the organization. Where necessary to guide conduct in connection with this Rule, the lawyer may make inquiry within the organization as indicated in Rule 1.13(b).

#### *Acting Competently to Preserve Confidentiality*

[ (23) A lawyer must ] (25) Paragraph (d) requires a lawyer to act competently to safeguard information relating to the representation of a client against **unauthorized access by third parties and against** inadvertent or unauthorized disclosure by the lawyer or other persons who are participating in the representation of the client or who are subject to the lawyer's supervision. See Rules 1.1, 5.1 and 5.3. **The unauthorized access to, or the inadvertent or unauthorized disclosure of, information relating to the representation of a client does not constitute a violation of paragraph (d) if the lawyer has made reasonable efforts to prevent the access or disclosure. Factors to be considered in determining the reasonableness of the lawyer's efforts include, but are not limited to, the sensitivity of the information, the likelihood of disclosure if additional safeguards are not employed, the cost of employing additional safeguards, the difficulty of implementing the safeguards, and the extent to which the safeguards adversely affect the lawyer's**

**ability to represent clients (e.g., by making a device or important piece of software excessively difficult to use). A client may require the lawyer to implement special security measures not required by this Rule or may give informed consent to forgo security measures that would otherwise be required by this Rule. Whether a lawyer may be required to take additional steps to safeguard a client's information in order to comply with other law, such as state and federal laws that govern data privacy or that impose notification requirements upon the loss of, or unauthorized access to, electronic information, is beyond the scope of these Rules. For a lawyer's duties when sharing information with nonlawyers outside the lawyer's own firm, see Rule 5.3, Comments (3)—(4).**

[ (24) ] (26) When transmitting a communication that includes information relating to the representation of a client, the lawyer must take reasonable precautions to prevent the information from coming into the hands of unintended recipients. This duty, however, does not require that the lawyer use special security measures if the method of communication affords a reasonable expectation of privacy. Special circumstances, however, may warrant special precautions. Factors to be considered in determining the reasonableness of the lawyer's expectation of confidentiality include the sensitivity of the information and the extent to which the privacy of the communication is protected by law or by a confidentiality agreement. A client may require the lawyer to implement special security measures not required by this Rule or may give informed consent to the use of a means of communication that would otherwise be prohibited by this Rule. **Whether a lawyer may be required to take additional steps in order to comply with other law, such as state and federal laws that govern data privacy, is beyond the scope of these Rules.**

#### *Former Client*

[ (25) ] (27) The duty of confidentiality continues after the client-lawyer relationship has terminated. See Rule 1.9(c)(2). See Rule 1.9(c)(1) for the prohibition against using such information to the disadvantage of the former client.

#### *Lobbyists*

[ (26) ] (28) A lawyer who acts as a lobbyist on behalf of a client may disclose information relating to the representation in order to comply with any legal obligation imposed on the lawyer-lobbyist by the Legislature, the Executive Branch or an agency of the Commonwealth, or a local government unit which are consistent with the Rules of Professional Conduct. Such disclosure is explicitly authorized to carry out the representation. The Disciplinary Board of the Supreme Court shall retain jurisdiction over any violation of this Rule.

#### **Rule 1.17. Sale of Law Practice.**

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#### **Comment:**

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#### *Client Confidences, Consent and Notice*

(4) Negotiations between seller and prospective purchaser prior to disclosure of information relating to a specific representation of an identifiable client no more violate the confidentiality provisions of Rule 1.6 than do preliminary discussions concerning the possible association of another lawyer or mergers between firms, with

respect to which client consent is not required. See Rule 1.6(c)(6) and (7). Providing the purchaser access to the client-specific **detailed** information relating to the representation [ **and to the** ], such as the client's file, however, requires client consent. The Rule provides that before such information can be disclosed by the seller to the purchaser the client must be given actual written notice of the contemplated sale and file transfer including the identity of the purchaser and any proposed change in the terms of future representation, and must be told that the decision to consent or make other arrangements must be made within 60 days. If actual notice is given, and the client makes no response within the 60 day period, client consent to the sale will be presumed.

\* \* \* \* \*

#### Rule 1.18. Duties to Prospective Clients.

(a) A person who [ **discusses** ] **consults** with a lawyer **about** the possibility of forming a client-lawyer relationship with respect to a matter is a prospective client.

(b) Even when no client-lawyer relationship ensues, a lawyer who has [ **had discussions with** ] **learned information from** a prospective client shall not use or reveal information which may be significantly harmful to that person [ **learned in the consultation** ], except as Rule 1.9 would permit with respect to information of a former client.

(c) A lawyer subject to paragraph (b) shall not represent a client with interests materially adverse to those of a prospective client in the same or a substantially related matter if the lawyer [ **received** ] **learned** information from the prospective client that could be significantly harmful to that person in the matter, except as provided in paragraph (d). If a lawyer is disqualified from representation under this paragraph, no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter, except as provided in paragraph (d).

(d) When a lawyer has [ **received disqualifying** ] **learned** information as defined in paragraph (c), representation is permissible if:

(1) both the affected client and the prospective client have given informed consent, or;

(2) all of the following apply:

(i) the disqualified lawyer took reasonable measures to avoid exposure to more disqualifying information than was reasonably necessary to determine whether to represent the prospective client;

(ii) the disqualified lawyer is screened from any participation in the matter and is apportioned no part of the fee therefrom; and

(iii) written notice is promptly given to the prospective client.

#### Comment:

(1) Prospective clients, like clients, may disclose information to a lawyer, place documents or other property in the lawyer's custody, or rely on the lawyer's advice. A lawyer's [ **discussions** ] **consultations** with a prospective client usually are limited in time and depth and leave both the prospective client and the lawyer free (and sometimes required) to proceed no further. Hence, prospective clients should receive some but not all of the protection afforded clients.

(2) [ **Not all persons who communicate information to a lawyer are entitled to protection under this Rule. A person who communicates information, such as an unsolicited e-mail or other communication, ] A person becomes a prospective client by consulting with a lawyer about the possibility of forming a client-lawyer relationship with respect to a matter. Whether communications, including written, oral, or electronic communications, constitute a consultation depends on the circumstances. For example, a consultation is likely to have occurred if a lawyer, either in person or through the lawyer's advertising in any medium, specifically requests or invites the submission of information about a potential representation without clear and reasonably understandable warnings and cautionary statements that limit the lawyer's obligations, and a person provides information in response. See also Comment (4). In contrast, a consultation does not occur if a person provides information to a lawyer, such as in an unsolicited e-mail or other communication, in response to advertising that merely describes the lawyer's education, experience, areas of practice, and contact information, or provides legal information of general interest. Such a person communicates information unilaterally to a lawyer[ , ] without any reasonable expectation that a client-lawyer relationship will be established, and is thus not a "prospective client" [ **within the meaning of paragraph (a)** ]. A person who participates in an initial consultation, or communicates information, with the intent to disqualify a lawyer from representing a client with materially adverse interests is not entitled to the protections of paragraphs (b) or (c) of this Rule. A person's intent to disqualify may be inferred from the circumstances.**

(3) It is often necessary for a prospective client to reveal information to the lawyer during an initial consultation prior to the decision about formation of a client-lawyer relationship. The lawyer often must learn such information to determine whether there is a conflict of interest with an existing client and whether the matter is one that the lawyer is willing to undertake. Paragraph (b) prohibits the lawyer from using or revealing significantly harmful information, except as permitted by Rule 1.9, even if the client or lawyer decides not to proceed with the representation. The duty exists regardless of how brief the initial conference may be.

(4) In order to avoid acquiring disqualifying information from a prospective client, a lawyer considering whether or not to undertake a new matter should limit the initial [ **interview** ] **consultation** to only such information as reasonably appears necessary for that purpose. Where the information indicates that a conflict of interest or other reason for non-representation exists, the lawyer should so inform the prospective client or decline the representation. If the prospective client wishes to retain the lawyer, and if consent is possible under Rule 1.7, then consent from all affected present or former clients must be obtained before accepting the representation.

(5) A lawyer may condition [ **conversations** ] a **consultation** with a prospective client on the person's informed consent that no information disclosed during the consultation will prohibit the lawyer from representing a different client in the matter. See Rule 1.0(e) for the definition of informed consent. If the agreement expressly

so provides, the prospective client may also consent to the lawyer's subsequent use of information received from the prospective client.

(6) Even in the absence of an agreement, under paragraph (c) the lawyer is not prohibited from representing a client with interests adverse to those of the prospective client in the same or a substantially related matter unless the lawyer has received from the prospective client information that could be significantly harmful if used in the matter.

(7) Under paragraph (c), the prohibition in this Rule is imputed to other lawyers as provided in Rule 1.10, but, under paragraph (d)(1), imputation may be avoided if the lawyer obtains the informed consent of both the prospective and affected clients. In the alternative, imputation may be avoided if the conditions of paragraph (d)(2) are met and all disqualified lawyers are timely screened and written notice is promptly given to the prospective client. See Rule 1.0(k) (requirements for screening procedures). Paragraph (d)(2)(ii) does not prohibit the screened lawyer from receiving a salary or partnership share established by prior independent agreement, but that lawyer may not receive compensation directly related to the matter in which the lawyer is disqualified.

(8) Notice, including a description of the screened lawyer's prior representation and of the screening procedures employed, generally should be given as soon as practicable after the need for screening becomes apparent.

(9) For the duty of competence of a lawyer who gives assistance on the merits of a matter to a prospective client, see Rule 1.1. For a lawyer's duties when a prospective client entrusts valuables or papers to the lawyer's care, see Rule 1.15.

#### TRANSACTIONS WITH PERSONS OTHER THAN CLIENTS

##### Rule 4.4. Respect for Rights of Third Persons.

(a) In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person.

(b) A lawyer who receives a document, **including electronically stored information**, relating to the representation of the lawyer's client and knows or reasonably should know that the document, **including electronically stored information**, was inadvertently sent shall promptly notify the sender.

##### Comment:

(1) Responsibility to a client requires a lawyer to subordinate the interests of others to those of the client, but that responsibility does not imply that a lawyer may disregard the rights of third persons. It is impractical to catalogue all such rights, but they include legal restrictions on methods of obtaining evidence from third persons and unwarranted intrusions into privileged relationships, such as the client-lawyer relationship.

(2) Paragraph (b) recognizes that lawyers sometimes receive [ documents, ] a document, **including electronically stored information**, that [ were ] was mistakenly sent or produced by opposing parties or their lawyers. A document, **including electronically stored information**, is inadvertently sent when it is accidentally transmitted, such as when an email or letter is misaddressed or a document, **including**

**electronically stored information**, is accidentally included with information that was intentionally transmitted. If a lawyer knows or reasonably should know that such a document, **including electronically stored information**, was sent inadvertently, then this Rule requires the lawyer to promptly notify the sender in order to permit that person to take protective measures. Whether the lawyer is required to take additional steps, such as returning the [ original document ] document, **including electronically stored information**, is a matter of law beyond the scope of these Rules, as is the question of whether the privileged status of a document, **including electronically stored information**, has been waived. Similarly, this Rule does not address the legal duties of a lawyer who receives a document, **including electronically stored information**, that the lawyer knows or reasonably should know may have been [ wrongfully ] inappropriately obtained by the sending person. For purposes of this Rule, "document, **including electronically stored information**" includes [ e-mail or other electronic modes of transmission subject to being read or put into readable form ], in addition to paper documents, email and other forms of electronically stored information, including embedded data (commonly referred to as "metadata"), that is subject to being read or put into readable form. Metadata in electronic documents creates an obligation under this Rule only if the receiving lawyer knows or reasonably should know that the metadata was inadvertently sent to the receiving lawyer.

(3) Some lawyers may choose to return a document or delete electronically stored information unread, for example, when the lawyer learns before receiving [ the document ] it that it was inadvertently sent [ to the wrong address ]. Where a lawyer is not required by applicable law to do so, the decision to voluntarily return such a document or delete electronically stored information is a matter of professional judgment ordinarily reserved to the lawyer. See Rules 1.2 and 1.4.

#### LAW FIRMS AND ASSOCIATIONS

##### Rule 5.3. Responsibilities Regarding Nonlawyer [ Assistants ] Assistance.

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##### Comment:

(1) [ Lawyers generally employ assistants in their practice, including secretaries, investigators, law student interns, and paraprofessionals. Such assistants, whether employees or independent contractors, act for the lawyer in rendition of the lawyer's professional services. A lawyer must give such assistants appropriate instruction and supervision concerning the ethical aspects of their employment, particularly regarding the obligation not to disclose information relating to representation of the client, and should be responsible for their work product. The measures employed in supervising nonlawyers should take account of the fact that they do not have legal training and are not subject to professional discipline.

(2) Paragraph (a) requires lawyers with managerial authority within a law firm to make reasonable efforts to establish internal policies and procedures designed to provide reasonable assurance that nonlawyers in the firm will act in a way compatible

with the Rules of Professional Conduct. See Comment (1) to Rule 5.1. Paragraph (b) applies to lawyers who have supervisory authority over the work of a nonlawyer. Paragraph (c) specifies the circumstances in which a lawyer is responsible for conduct of a nonlawyer that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer. ]

Paragraph (a) requires lawyers with managerial authority within a law firm to make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that nonlawyers in the firm and nonlawyers outside the firm who work on firm matters act in a way compatible with the professional obligations of the lawyer. See Comment (6) to Rule 1.1 and Comment (1) to Rule 5.1. Paragraph (b) applies to lawyers who have supervisory authority over such nonlawyers within or outside the firm. Paragraph (c) specifies the circumstances in which a lawyer is responsible for the conduct of such nonlawyers within or outside the firm that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer.

*Nonlawyers Within the Firm*

(2) Lawyers generally employ assistants in their practice, including secretaries, investigators, law student interns, and paraprofessionals. Such assistants, whether employees or independent contractors, act for the lawyer in rendition of the lawyer's professional services. A lawyer must give such assistants appropriate instruction and supervision concerning the ethical aspects of their employment, particularly regarding the obligation not to disclose information relating to representation of the client, and should be responsible for their work product. The measures employed in supervising nonlawyers should take account of the fact that they do not have legal training and are not subject to professional discipline.

*Nonlawyers Outside the Firm*

(3) A lawyer may use nonlawyers outside the firm to assist the lawyer in rendering legal services to the client. Examples include the retention of an investigative or paraprofessional service, hiring a document management company to create and maintain a database for complex litigation, sending client documents to a third party for printing or scanning, and using an Internet-based service to store client information. When using such services outside the firm, a lawyer must make reasonable efforts to ensure that the services are provided in a manner that is compatible with the lawyer's professional obligations. The extent of this obligation will depend upon the circumstances, including the education, experience and reputation of the nonlawyer; the nature of the services involved; the terms of any arrangements concerning the protection of client information; and the legal and ethical environments of the jurisdictions in which the services will be performed, particularly with regard to confidentiality. See also Rules 1.1, 1.2, 1.4, 1.6, 5.4(a), and 5.5(a). When retaining or directing a nonlawyer outside the firm, a lawyer should communicate directions appropriate under the circumstances to give reasonable assurance that the nonlawyer's conduct is compatible with the professional obligations of the lawyer.

(4) Where the client directs the selection of a particular nonlawyer service provider outside the firm, the lawyer ordinarily should agree with the client concerning the allocation of responsibility for monitoring as between the client and the lawyer. See Rule 1.2. When making such an allocation in a matter pending before a tribunal, lawyers and parties may have additional obligations that are a matter of law beyond the scope of these Rules.

Rule 5.5. Unauthorized Practice of Law; Multijurisdictional Practice [ **Of** ] of Law.

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**Comment:**

(1) A lawyer may practice law only in a jurisdiction in which the lawyer is authorized to practice. A lawyer may be admitted to practice law in a jurisdiction on a regular basis or may be authorized by court rule or order or by law to practice for a limited purpose or on a restricted basis. Paragraph (a) applies to unauthorized practice of law by a lawyer, whether through the lawyer's direct action or by the lawyer assisting another person. **For example, a lawyer may not assist a person in practicing law in violation of the rules governing professional conduct in that person's jurisdiction.**

\* \* \* \* \*

(21) Paragraphs (c) and (d) do not authorize communications advertising legal services [ **to prospective clients** ] in this jurisdiction by lawyers who are admitted to practice in other jurisdictions. Whether and how lawyers may communicate the availability of their services [ **to prospective clients** ] in this jurisdiction is governed by Rules 7.1 to 7.5.

**INFORMATION ABOUT LEGAL SERVICES**

Rule 7.1. Communications Concerning a Lawyer's [ **Service** ] Services.

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**Comment:**

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(3) An advertisement that truthfully reports a lawyer's achievements on behalf of clients or former clients may be misleading if presented so as to lead a reasonable person to form an unjustified expectation that the same results could be obtained for other clients in similar matters without reference to the specific factual and legal circumstances of each client's case. Similarly, an unsubstantiated comparison of the lawyer's services or fees with the services or fees of other lawyers may be misleading if presented with such specificity as would lead a reasonable person to conclude that the comparison can be substantiated. The inclusion of an appropriate disclaimer or qualifying language may preclude a finding that a statement is likely to create unjustified expectations or otherwise mislead [ **a prospective client** ] the public.

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Rule 7.2. Advertising.

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**Comment:**

(1) To assist the public in **learning about and** obtaining legal services, lawyers should be allowed to make known their services not only through reputation but also through organized information campaigns in the form of



advertising. Advertising involves an active quest for clients, contrary to the tradition that a lawyer should not seek clientele. However, the public's need to know about legal services can be fulfilled in part through advertising. This need is particularly acute in the case of persons of moderate means who have not made extensive use of legal services. The interest in expanding public information about legal services ought to prevail over considerations of tradition. Nevertheless, advertising by lawyers entails the risk of practices that are misleading or overreaching.

(2) This Rule permits public dissemination of information concerning a lawyer's name or firm name, address, **email address, website,** and telephone number; the kinds of services the lawyer will undertake; the basis on which the lawyer's fees are determined, including prices for specific services and payment and credit arrangements; a lawyer's foreign language ability; names of references and, with their consent, names of clients regularly represented; and other information that might invite the attention of those seeking legal assistance.

(3) Questions of effectiveness and taste in advertising are matters of speculation and subjective judgment. Some jurisdictions have had extensive prohibitions against television **and other forms of** advertising, against advertising going beyond specified facts about a lawyer, or against "undignified" advertising. Television **[ is now one of ], the Internet, and other forms of electronic communication are now among** the most powerful media for getting information to the public, particularly persons of low and moderate income; prohibiting television, **Internet, and other forms of electronic** advertising, therefore, would impede the flow of information about legal services to many sectors of the public. Limiting the information that may be advertised has a similar effect and assumes that the bar can accurately forecast the kind of information that the public would regard as relevant. **[ Similarly, electronic media, such as the Internet, can be an important source of information about legal services, and lawful communication by electronic mail is permitted by this Rule. ]** But see Rule 7.3(a) for the prohibition against **[ the solicitation of a prospective client ] a solicitation** through a real-time electronic exchange **[ that is not initiated by the prospective client ] initiated by the lawyer.**

\* \* \* \* \*

#### *Paying Others to Recommend a Lawyer*

(6) Subject to the limitations set forth under **[ paragraph ] paragraphs (c) and (j),** a lawyer is allowed to pay for advertising permitted by this Rule, but otherwise is not permitted to pay another person for **recommending the lawyer's services or for** channeling professional work **in a manner that violates Rule 7.3. A communication contains a recommendation if it endorses or vouches for a lawyer's credentials, abilities, competence, character, or other professional qualities.** Paragraph (c)(1), however, allows a lawyer to pay for advertising and communications permitted by this Rule, including the cost of print, directory listings, on-line directory listings, newspaper ads, television and radio air time, domain-name registrations, sponsorship fees, **[ banner ads ] Internet-based advertisements,** and group advertising. A lawyer may compensate employees, agents and vendors who are engaged to provide marketing or client-development services, such as publicists, public-relations personnel, business-develop-

ment staff and website designers. **Moreover, a lawyer may pay others for generating client leads, such as Internet-based client leads, as long as the lead generator does not recommend the lawyer, any payment to the lead generator is consistent with Rules 1.5(e) and 5.4, and the lead generator's communications are consistent with Rule 7.1. To comply with Rule 7.1, a lawyer must not pay a lead generator that states, implies, or creates a reasonable impression that it is recommending the lawyer, is making the referral without payment from the lawyer, or has analyzed a person's legal problems when determining which lawyer should receive the referral.** See also Rule 5.3 for the duties of lawyers and law firms with respect to the conduct of non-lawyers **[ who prepare marketing materials for them ] and Rule 8.4(a).** This restriction does not prevent an organization or person other than the lawyer from advertising or recommending the lawyer's services. Thus, a legal aid agency or prepaid legal services plan may pay to advertise legal services provided under its auspices. Likewise, a lawyer may participate in lawyer referral programs and pay the usual fees charged by such programs. Paragraph (c) does not prohibit paying regular compensation to an assistant, such as a secretary, to prepare communications permitted by this Rule.

\* \* \* \* \*

#### Rule 7.3. **[ Direct Contact with Prospective ] Solicitation of Clients.**

(a) A lawyer shall not solicit in-person or by intermediary professional employment from a **[ prospective client ] person** with whom the lawyer has no family or prior professional relationship when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain, unless the person contacted is a lawyer or has a family, close personal, or prior professional relationship with the lawyer. The term "solicit" includes contact in-person, by telephone or by real-time electronic communication, but, subject to the requirements of Rule 7.1 and Rule 7.3(b), does not include written communications, which may include targeted, direct mail advertisements.

(b) A lawyer may contact, or send a written communication to, **[ a prospective client ] the target of the solicitation** for the purpose of obtaining professional employment unless:

(1) the lawyer knows or reasonably should know that the physical, emotional or mental state of the person is such that the person could not exercise reasonable judgment in employing a lawyer;

(2) the person has made known to the lawyer a desire not to receive communications from the lawyer; or

(3) the communication involves coercion, duress, or harassment.

#### **Comment:**

(1) **A solicitation is a targeted communication initiated by the lawyer that is directed to a specific person and that offers to provide, or can reasonably be understood as offering to provide, legal services. In contrast, a lawyer's communication typically does not constitute a solicitation if it is directed to the general public, such as through a billboard, an Internet banner advertisement, a website or a television commercial, or if it is in response to a request for information or is automatically generated in response to Internet searches.**

(2) There is a potential for abuse [ **inherent in direct solicitation, including** ] when a solicitation involves direct in-person, live telephone or real-time electronic [ **communication, by a lawyer of prospective clients** ] contact by a lawyer with someone known to need legal services. These forms of contact subject [ **the lay person** ] a person to the private importuning of a trained advocate, in a direct interpersonal encounter. The [ **prospective client,** ] person who may already feel overwhelmed by the circumstances giving rise to the need for legal services, may find it difficult fully to evaluate all available alternatives with reasoned judgment and appropriate self-interest in the face of the lawyer's presence and insistence upon being retained immediately. The situation is fraught with the possibility of undue influence, intimidation, and over-reaching.

[ (2) ] (3) This potential for abuse inherent in direct in-person, live telephone or real-time electronic solicitation [ **of prospective clients** ] justifies its prohibition, particularly since [ **lawyer advertising and written communication permitted under Rule 7.2 offer** ] lawyers have alternative means of conveying necessary information to those who may be in need of legal services. [ **Advertising and written communications, which may be mailed, or autodialed** ] In particular, communications can be mailed or transmitted by email or other electronic means that do not involve real-time contact and do not violate other laws governing solicitations. These forms of communications and solicitations make it possible for [ **a prospective client** ] the public to be informed about the need for legal services, and about the qualifications of available lawyers and law firms, without subjecting [ **the prospective client** ] the public to direct in-person, telephone or real-time electronic persuasion that may overwhelm [ **the client's** ] a person's judgment.

[ (3) ] (4) The use of general advertising and written, recorded or electronic communications to transmit information from lawyer to [ **prospective client** ] the public, rather than direct in-person, live telephone or real-time electronic contact, will help to assure that the information flows cleanly as well as freely. The contents of advertisements and communications permitted under Rule 7.2 can be permanently recorded so that they cannot be disputed and may be shared with others who know the lawyer. This potential for informal review is itself likely to help guard against statements and claims that might constitute false and misleading communications, in violation of Rule 7.1. The contents of direct in-person, live telephone or real-time electronic [ **conversations between a lawyer and prospective client** ] contact can be disputed and may not be subject to third-party scrutiny. Consequently, they are much more likely to approach (and occasionally cross) the dividing line between accurate representations from those that are false and misleading.

[ (4) ] (5) There is far less likelihood that a lawyer would engage in abusive practices against [ **an individual who is** ] a former client, or a person with whom the lawyer has a close personal or family relationship, or in situations in which the lawyer is motivated by considerations other than the lawyer's pecuniary gain. Nor is there a serious potential for abuse when the person contacted is a lawyer. Consequently, the general prohibi-

tion in Rule 7.3(a) is not applicable in those situations. Also, paragraph (a) is not intended to prohibit a lawyer from participating in constitutionally protected activities of public or charitable legal-service organizations or bona fide political, social, civic, fraternal, employee or trade organizations whose purposes include providing or recommending legal services to [ **its** ] their members or beneficiaries.

[ (5) ] (6) But even permitted forms of solicitation can be abused. Thus, any solicitation which contains information which is false or misleading within the meaning of Rule 7.1, which involves coercion, duress or harassment within the meaning of Rule 7.3(b)(3), or which involves contact with [ **a prospective client** ] someone who has made known to the lawyer desire not to be solicited by the lawyer within the meaning of Rule 7.3(b)(2) is prohibited. Moreover, if after sending a letter or other communication [ **to a client** ] as permitted by Rule 7.2 the lawyer receives no response, any further effort to communicate with the [ **prospective client** ] recipient of the communication may violate the provisions of Rule 7.3(b).

[ (6) ] (7) This Rule is not intended to prohibit a lawyer from contacting representatives of organizations or groups that may be interested in establishing a group or prepaid legal plan for their members, insureds, beneficiaries or other third-parties for the purposes informing such entities of the availability of and details concerning the plan or arrangement which the lawyer or lawyer's firm is willing to offer. This form of communication is not directed to [ **a prospective client** ] people who are seeking legal services for themselves. Rather, it is usually addressed to an individual acting in a fiduciary capacity seeking a supplier of legal services for others who may, if they choose, become prospective clients of the lawyer. Under these circumstances, the activity which the lawyer undertakes in communicating with such representatives and the type of information transmitted to the individual are functionally similar to and serve the same purpose as advertising permitted under Rule 7.2.

[Pa.B. Doc. No. 13-2099. Filed for public inspection November 8, 2013, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [ 231 PA. CODE CH. 200 ]

#### Order Amending Rules 206.1, 206.4 and 206.5 of the Rules of Civil Procedure; No. 588 Civil Procedural Rules Doc.

#### Order

#### *Per Curiam*

And Now, this 21st day of October, 2013, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been published for public comment at 39 Pa.B. 7183 (December 26, 2009):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 206.1, 206.4, and 206.5 are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective November 21, 2013.

**Annex A**

**TITLE 231. RULES OF CIVIL PROCEDURE**

**PART I. GENERAL**

**CHAPTER 200. BUSINESS OF COURTS**

**Rule 206.1. Petition. Definition. Content. Form.**

(a) As used in this chapter, "petition" means

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

\* \* \* \* \*

(b) A petition shall specify the relief sought and state the material facts which constitute the grounds therefor. **All grounds for relief, whether to strike or open a default judgment, shall be asserted in a single petition.**

\* \* \* \* \*

**Rule 206.4. Rule to Show Cause. Alternative Procedures. Exception.**

(a)(1) [A] **Except as provided by subparagraph (2),** a petition shall proceed upon a rule to show cause, the issuance of which shall be discretionary with the court as provided by Rule 206.5 unless the court by local rule adopts the procedure of Rule 206.6 providing for issuance as of course.

**Official Note:** See Rule 440 requiring service of the petition upon every other party to the action.

**(2) A judgment shall be stricken without the issuance of a rule to show cause when there is a defect on the face of the record that constitutes a ground for striking a default judgment.**

(b) The procedure following issuance of the rule to show cause shall be in accordance with Rule 206.7.

**Official Note:** Subdivisions (b) through (e) of Rule 239.2 require every court to promulgate Local Rule 206.4(c) describing the court's procedures for the issuance of a rule to show cause. Local Rule 206.4(c) shall be published on the Pennsylvania Judiciary's Web Application Portal (<http://ujportal.pacourts.us>).

**Rule 206.5. Rule to Show Cause. Discretionary Issuance. Stay. Form of Order. Rule Inapplicable to Petition to Strike Default Judgment.**

\* \* \* \* \*

(d) The form of order required by subdivision (b) shall be substantially in the following form:

\* \* \* \* \*

**(e) A judgment shall be stricken without the issuance of a rule to show cause when there is a defect on the face of the record that constitutes a ground for striking a default judgment.**

**Explanatory Comment**

The amendment of Rule 206.1 governing petitions, and Rules 206.4 and 206.5 governing rules to show cause requires that all grounds for relief from a default judgment, whether to strike off or to open, be raised in a single petition. Under current case law, a judgment debtor is not required to raise all grounds for relief from a default judgment in a single petition. The amendment is intended to bring the practice involving default judg-

ments in line with other areas of the rules of civil procedure in which all grounds must be raised at the same time, such as striking off or opening confessed judgments pursuant to Rule 2959(a) or raising all preliminary objections at the same time pursuant to Rule 1028(b).

*By the Civil Procedural Rules Committee*

DIANE W. PERER,  
*Chair*

[Pa.B. Doc. No. 13-2100. Filed for public inspection November 8, 2013, 9:00 a.m.]

**Title 234—RULES OF CRIMINAL PROCEDURE**

[ 234 PA. CODE CHS. 1 AND 2 ]

**Order Amending Rules 203, 209 and 212 and Revision of the Comments to Rules 113, 205 and 210 of the Rules of Criminal Procedure; No. 438 Criminal Procedural Rules Doc.**

**Order**

*Per Curiam*

*And Now*, this 22nd day of October, 2013, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 40 Pa.B. 2394 (May 8, 2010), and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 967), and a Final Report to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the amendments to Pennsylvania Rules of Criminal Procedure 203, 209, and 212 are adopted and the revisions to the Comments to Pennsylvania Rules of Criminal Procedure 113, 205, and 210 are approved in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective January 1, 2014.

**Annex A**

**TITLE 234. RULES OF CRIMINAL PROCEDURE**

**CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES**

**PART A. Business of the Courts**

**Rule 113. Criminal Case File and Docket Entries.**

(A) The clerk of courts shall maintain the criminal case file for the court of common pleas. The criminal case file shall contain all original records, papers, and orders filed in the case, and copies of all court notices. These records, papers, orders, and copies shall not be taken from the custody of the clerk [ or ] of court without order of the court. Upon request, the clerk shall provide copies at reasonable cost.

\* \* \* \* \*

**Comment**

\* \* \* \* \*

Paragraph (C)(4) recognizes that occasionally disposition of oral motions presented in open court should be

reflected in the docket, such as motions and orders related to omnibus pretrial motions (Rule 578), motions for a mistrial (Rule 605), motions for changes in bail (Rule 529), and oral motions for extraordinary relief (Rule 704(B)).

**Unexecuted search warrants are not public records, see Rule 212(B), and therefore are not to be included in the criminal case file nor are they to be docketed.**

**Official Note:** Former Rule 9024 adopted October 21, 1983, effective January 1, 1984; amended March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994; renumbered Rule 9025 June 2, 1994, effective September 1, 1994. New Rule 9024 adopted June 2, 1994, effective September 1, 1994; renumbered Rule 113 and amended March 1, 2000, effective April 1, 2001; rescinded March 3, 2004 and replaced by Rule 114(C), effective July 1, 2004. New Rule 113 adopted March 3, 2004, effective July 1, 2004; amended July 31, 2012, effective November 1, 2012; **Comment revised October 22, 2013; effective January 1, 2014.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the October 22, 2013 revisions to the Comment regarding the unexecuted search warrants published with the Court's Order at 43 Pa.B. 6652 (November 9, 2013).**

**CHAPTER 2. INVESTIGATIONS  
PART A. Search Warrant**

**Rule 203. Requirements for Issuance.**

\* \* \* \* \*

(F) A search warrant may be issued in anticipation of a prospective event as long as the warrant is based upon an affidavit showing probable cause that at some future time, but not currently, certain evidence of a crime will be located at a specified place.

(G) **When a search warrant is issued, the issuing authority shall provide the original search warrant to the affiant and the issuing authority shall retain a contemporaneously prepared copy.**

**Comment**

\* \* \* \* \*

Paragraph (B) does not preclude oral testimony before the issuing authority, but it requires that such testimony be reduced to an affidavit prior to issuance of a warrant. All affidavits in support of an application for a search warrant must be sworn to before the issuing authority prior to the issuance of the warrant. "Sworn" includes [ **affirmed.** ] "**affirmed.**" See Rule 103. The language "sworn to before the issuing authority" contemplates, when advanced communication technology is used, that the affiant would not be in the physical presence of the issuing authority. See paragraph (C).

\* \* \* \* \*

Paragraph (F) was added to the rule in 2005 to provide for anticipatory search warrants. The rule incorporates the definition of anticipatory search warrants set forth in *Commonwealth v. Glass*, 562 Pa. 187, 754 A.2d 655 (2000).

**Paragraph (G) was added to clarify who must retain possession of the original of the search warrant. When the search warrant is issued using**

**advanced communication technology, the version delivered to the police officer is considered the original for purposes of this rule.**

**Official Note:** Rule 2003 adopted March 28, 1973, effective for warrants issued 60 days hence; renumbered Rule 203 and amended March 1, 2000, effective April 1, 2001; amended May 10, 2002, effective September 1, 2002; amended October 19, 2005, effective February 1, 2006; **amended October 22, 2013, effective January 1, 2014.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the October 22, 2013 amendments regarding the original search warrants published with the Court's Order at 43 Pa.B. 6652 (November 9, 2013).**

**Rule 205. Contents of Search Warrant.**

Each search warrant shall be signed by the issuing authority and shall:

\* \* \* \* \*

(5) direct that the warrant be served in the daytime unless otherwise authorized on the warrant, *provided that*, for purposes of the rules of Chapter 200[ . ] , Part A, the term "daytime" shall be used to mean the hours of 6 a.m. to 10 p.m.;

\* \* \* \* \*

**Comment**

Paragraph (5) supplements the requirement of Rule 203(C) that special reasonable cause must be shown to justify a nighttime search. A warrant allowing a nighttime search may also be served in the daytime.

**[ Paragraph (6) is intended to prevent delays that might otherwise occur if the particular issuing authority who issued the warrant is not on duty at the time a return thereon is ready. Thus, the warrant may be returned to the issuing authority who succeeded the first on duty. ]**

Paragraph (6) anticipates that the warrant will list the correct judicial officer to whom the warrant should be returned. There may be some instances in which the judicial officer who issues the warrant may not be the one to whom the warrant will be returned. For example, it is a common practice in many judicial districts to have an "on-call" magisterial district judge. This "on-call" judge would have the authority to issue search warrants anywhere in the judicial district but may not be assigned to the area in which the search warrant would be executed. There may be cases when the warrant is incorrectly returned to the judge who originally issued the warrant. In such cases, the issuing judge should forward the returned search warrant to the correct judicial officer. Thereafter, that judicial officer should administer the search warrant and supporting documents as provided for in these rules, including the Rule 210 requirement to file the search warrant and supporting documents with the clerk of courts.

Paragraph (8) implements the notice requirement in Rule 211(C). When the affidavit(s) is sealed pursuant to Rule 211, the justice or judge issuing the warrant must certify on the face of the warrant that there is good cause

shown for sealing the affidavit(s) and must also state how long the affidavit will be sealed.

**Official Note:** Rule 2005 adopted October 17, 1973, effective 60 days hence; amended November 9, 1984, effective January 2, 1985; amended September 3, 1993, effective January 1, 1994; renumbered Rule 205 and amended March 1, 2000, effective April 1, 2001; amended October 19, 2005, effective February 1, 2006; **Comment revised October 22, 2013, effective January 1, 2014.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the October 22, 2013 revisions to the Comment regarding the return of the search warrant published at 43 Pa.B. 6652 (November 9, 2013).**

#### **Rule 209. Return With Inventory.**

(A) The law enforcement officer executing the search warrant shall return the search warrant promptly after the search is completed, along with any inventory required under paragraph (C), to the issuing authority.

(B) Unexecuted warrants shall be returned promptly to the issuing authority once the period of time authorized for execution of the warrant has expired. The affiant shall retain a copy of the returned unexecuted search.

(C) An inventory of items seized shall be made by the law enforcement officer serving a search warrant. The inventory shall be made in the presence of the person from whose possession or premises the property was taken, when feasible, or otherwise in the presence of at least one witness. The officer shall sign a statement on the inventory that it is a true and correct listing of all items seized, and that the signer is subject to the penalties and provisions of 18 Pa.C.S. § 4904(b)—Unsworn Falsification To Authorities. The inventory shall be returned to and filed with the issuing authority.

[ (B) ] (D) The judicial officer to whom the return was made shall, upon request, cause a copy of the inventory to be delivered to the applicant for the warrant and to the person from whom, or from whose premises, the property was taken.

[ (C) ] (E) When the search warrant affidavit(s) is sealed pursuant to Rule 211, the return shall be made to the justice or judge who issued the warrant.

#### **[ Comments ] Comment**

The inventory is required to ensure that all items seized are accounted for in the return to the issuing authority. It thus differs from the receipt required by Rule 208, which is for the personal records of those from whose possession or from whose premises property was taken. In some cases, however, the list in the receipt may be sufficiently detailed so as to also be sufficient for use in the inventory. The inventory need not be sworn to before the issuing authority; however, the officer is subject to statutory penalties for unsworn falsification.

The rule was amended in 2013 specifically to require that the executed warrant be returned to the issuing authority. This amendment reflects a procedure with a long-standing practice but one that had not been codified in the rules.

See Rule 205(6) regarding the circumstances under which the issuing authority to whom the warrant is returned may differ from the one that issued the warrant.

As provided in Rule 205(4), search warrants generally authorize execution within a period not to exceed two days. Paragraph (B) requires that an unexecuted warrant be returned to the issuing authority upon expiration of this period.

Unexecuted search warrants are not public records, see Rule 212(B), and therefore are not to be included in the criminal case file nor are they to be docketed.

For the obligation of the Commonwealth to disclose exculpatory evidence, see Rule 573 and its Comment.

**Official Note:** Rule 2009 adopted October 17, 1973, effective 60 days hence; amended April 26, 1979, effective July 1, 1979; amended September 3, 1993, effective January 1, 1994; renumbered Rule 209 and amended March 1, 2000, effective April 1, 2001; **amended October 22, 2013, effective January 1, 2014.**

*Committee Explanatory Reports:*

Report explaining the September 3, 1993 amendments published at 21 Pa.B. 3681 (August 17, 1991).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [ 1477 ] 1478 (March 18, 2000).

**Final Report explaining the October 22, 2013 amendments related to the return of the search warrant published with the Court's Order at 43 Pa.B. 6652 (November 9, 2013).**

#### **Rule 210. Return of Papers to Clerk.**

The judicial officer to whom the warrant was returned shall file the search warrant, all supporting affidavits, and the inventory with the clerk of the court of common pleas of the judicial district in which the property was seized.

#### **Comment**

See Rule 211 for the procedures when the search warrant affidavit(s) has been sealed.

Unexecuted search warrants are not public records, see Rule 212(B), and therefore are not to be included in the criminal case file nor are they to be docketed.

**Official Note:** Rule 210 adopted October 17, 1973, effective 60 days hence; amended September 3, 1993, effective January 1, 1994; renumbered Rule 210 and Comment revised March 1, 2000, effective April 1, 2001; **amended October 22, 2013, effective January 1, 2014.**

*Committee Explanatory Reports:*

Report explaining the September 3, 1993 amendments published at 21 Pa.B. 3681 (August 17, 1991).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [ 1477 ] 1478 (March 18, 2000).

**Final Report explaining the October 22, 2013 revisions to the Comment regarding unexecuted search warrants published with the Court's Order at 43 Pa.B. 6652 (November 9, 2013).**

#### **Rule 212. Dissemination of Search Warrant Information.**

(A) The issuing authority shall not make any search warrants and any affidavit(s) of probable cause available for public inspection or dissemination until the warrant

has been executed[ , but in no case shall the delay be longer than 48 hours after the warrant has been issued ] .

**(B) Unexecuted warrants and the associated affidavits of probable cause are not public records and upon return to the issuing authority the unexecuted warrants and affidavit(s) shall be destroyed by the issuing authority.**

#### Comment

Execution of search warrants carries the potential risk of hazard and premature dissemination of the intention to execute a warrant may greatly increase that risk. For this reason, this rule was adopted in 2008 to delay the dissemination of search warrant information to the general public until after execution [ **or no longer than 48 hours after issuance, whichever is sooner** ]. This rule does not deny disclosure of **any** search warrant information [ **to the public** ] **to which the public is entitled**, but rather, temporarily delays the dissemination of that information in order to protect public safety.

Once the warrant is executed, the information may be disseminated unless sealed pursuant to Rule 211.

**The rule was amended in 2013 to clarify that unexecuted search warrants are not public records. This change recognizes that often search warrants may be issued that are never executed. This non-execution may arise from many factors, including a discovery that the information that formed the basis of the original issuance of the search warrant was inaccurate. Given the potential harm to the subject of a search warrant as well as potential disruption to public safety and investigations, information related to such expired warrants must remain confidential. See *PG Publishing Co. v. Commonwealth*, 532 Pa. 1, 614 A.2d 1106 (1992) (“The *ex parte* application for the issuance of a search warrant and the issuing authority’s consideration of the application are not subject to public scrutiny. The need for secrecy will ordinarily expire once the search warrant has been executed.”).**

**Official Note:** Rule 212 adopted June 23, 2008, effective August 1, 2008; amended October 22, 2013, effective January 1, 2014.

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the October 22, 2013 amendment providing that expired unexecuted warrants are not public records published with the Court’s Order at 43 Pa.B. 6652 (November 9, 2013).**

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

***Amendments to Pa.Rs.Crim.P. 203, 209, and 212, and Comment Revisions to Pa.Rs.Crim.P. 113, 205, and 210***

#### Return of Search Warrants

On October 22, 2013, effective January 1, 2014, upon the recommendation of the Criminal Procedural Rules Committee, the Court adopted amendments to Rules 203, 209, and 212 and revisions to the Comments to Rules 113, 205, and 210 to: (1) clarify the requirement to return search warrants to the issuing authority promptly; (2)

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

provide that unexecuted warrants do not constitute public records; and (3) clarify who retains the original search warrant.

#### *Return of Executed Warrants*

The Committee began examining the need to specify procedures for the return of executed search warrants because of a reported problem with a municipal police force that was refusing to return search warrants to the magisterial district judge (MDJ) after the warrants had been executed, resulting in the MDJ being unable to forward the case to the clerk of courts because the MDJ did not have all of the case documents required by Rule 210.

Although Rules 205(6) and 209 mention the concept of a return of the warrant, there are no rules that specifically direct the police officer to return the search warrant to the designated judicial officer after it is executed<sup>2</sup>. The Committee concluded that an explicit mention in the rules of the requirement to return the warrants after execution would emphasize the need for the return.

The Committee examined procedures from other jurisdictions that provide provisions for the return of search warrants. Some, such as Alabama, contain general provisions while others, like Maryland, are more specific including time limits for the return. The Committee favored the more general model. The Committee rejected setting a time limit for the return, concluding that any time period selected would be arbitrary and there would be no practical sanctions that could be imposed on the police for failing to abide by the limit. Therefore, a new paragraph (A) has been added to Rule 209 that requires the search warrant and inventory to be returned promptly after execution to the issuing authority. Additionally, a cross-reference to Rule 205(6) and its Comment has been added to the Rule 209 Comment to indicate that there may be circumstances under which the issuing authority that issued the warrant may differ from the issuing authority to whom the warrant is returned, *e.g.*, when the warrant was issued by a “duty” issuing authority.

#### *Return of Unexecuted Warrants*

The Committee also examined the more complex issue of whether to include a provision for the return of unexecuted warrants. There was a good deal of debate over the need for such a provision given that an unexecuted warrant will ultimately expire. The Committee concluded that, since the warrant is a court document, the court has an interest in its ultimate resolution. The members reasoned having unexecuted warrants returned upon expiration provides notice to the issuing authority that the search warrant was not executed and no longer is effective. Accordingly, unexecuted warrants have been included in the requirement that the warrants be returned. The requirement to return the unexecuted search warrant upon expiration has been added as a new paragraph (B) to Rule 209 along with explanatory revisions to the Comment.

The requirement to return unexecuted warrants raised a concern that once these documents have been returned to the issuing authority, they would be considered public records. The Committee recognized that public disclosure of these unexecuted documents could cause problems such as the destruction of evidence or the endangerment of officers serving subsequent warrants. More importantly,

<sup>2</sup> Rule 209 requires the officer who executed the warrant to return the inventory of items seized.

there are occasions when the information supporting a search warrant is discovered to be inaccurate or even fraudulent prior to the execution of the warrant so the search warrant will remain unexecuted. However, public disclosure of the information contained in the affidavits supporting these warrants could prove embarrassing or dangerous to the subject of the warrant and therefore constitute a severe harm to that individual's privacy interests.

To resolve this problem, the Committee at first considered a provision that a returned unexecuted warrant should be considered sealed. However, it was clear that such a statement raised a great many more questions, such as the duration of such a sealing order, than could be addressed with a simple statement.

This led to a discussion regarding whether unexecuted warrants are in fact public documents. Pennsylvania strongly favors public access to search warrant information, based on both an Eight Amendment and common law rationale. The clearest pronouncement of this view is found in *PG Publishing Co. v. Commonwealth*, 532 Pa. 1, 614 A.2d 1106 (1992). However, while noting with approval the process of sealing executed search warrants by court order, the Court specifically distinguished the pre-execution situation, stating, "The *ex parte* application for issuance of a search warrant and the issuing authority's consideration of the application are not subject to public scrutiny. The need for secrecy will ordinarily expire once the search warrant has been executed." 532 Pa. at 6, 614 A.2d at 1108.

The most recent decision on the question of search warrant records as public records is found in *Commonwealth v. Upshur*, 592 Pa. 273, 924 A.2d 642 (2007), where the Court stated that:

Certainly, however, any item that is filed with the court as part of the permanent record of a case and relied on in the course of judicial decision-making will be a public judicial record or document. *See, e.g., Fenstermaker*, 515 Pa. at 510, 530 A.2d at 419 (arrest warrant affidavits filed with a magistrate); *PG Publishing Co. v. Commonwealth*, 532 Pa. 1, 6, 614 A.2d 1106, 1108 (1992) (search warrants and supporting affidavits).

However, *Upshur* cites *PG Publishing* for the general proposition that the search warrant and affidavits are to be considered public records but does not note the specific exclusion of unexecuted warrants from this analysis. Additionally, while the language used in citing *PG Publishing* talks of a document relied on in the course of "judicial decision-making," it is unlikely that the probable cause determination is of a type of judicial decision-making contemplated by the Court. Such determinations are *ex-parte* proceedings and there is no public right to be present during a probable cause determination. If the search warrant is not utilized in any further proceedings, especially if it is never executed, the probable cause determination would not be reviewable in the public arena.

The Committee concluded that unexecuted search warrants and the associated affidavits of probable cause do not constitute public records until execution, and unexecuted search warrants and their supporting documentation should remain confidential even after return. A statement to that effect has been added as new paragraph (B) to Rule 212. Additionally, because an unexecuted warrant now would never be publically disseminated, the original language in paragraph (A) stating

that the warrant would remain undisclosed for no "longer than 48 hours after the warrant has been issued" would contradict the provisions of new paragraph (B) and therefore has been deleted. Cross-references to the Rule 212 concept of an unexecuted warrant not being a public record have been added to the Comments to Rules 113, 209, and 210 along with the notation that the returned unexecuted search warrants would not be included in the criminal case file nor docketed.

Once this concept was introduced into the rules, the question then became how best to handle the documents themselves. The returned unexecuted search warrant will be expired and therefore will never be executed. In most cases, the returned warrant would not be a filing in a case and would therefore require separate treatment. Rather than burden the issuing authority with the need to create separate storage arrangements for these documents, the unexecuted search warrant documentation would be destroyed upon return. This procedure also will eliminate the possibility that information harmful to the privacy interests of an individual is made public when it has not resulted in any criminal charges.

This concept was borrowed from Maryland Criminal Procedure Rule 4-601 that states that the "judge to whom an unexecuted search warrant is returned may destroy the search warrant and related papers or make any other disposition the judge deems proper."

#### *Brady Implications*

The Committee also considered the potential implications of *Brady v. Maryland*, 373 U.S. 83 (1963) on the proposed new language in Rule 212 that would require the destruction of returned unexecuted warrants. In *Brady v. Maryland*, 373 U.S. 83, 87 (1963), the U.S. Supreme Court held that "the suppression by the prosecution of evidence favorable to an accused . . . violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution."

The provisions in Rule 212 that provide for the destruction of unexecuted search warrants deal with documents from unexecuted search warrants that had been returned to the issuing authority. Since *Brady* and its progeny were concerned with information in the possession of the prosecution, the initial question in the Committee's consideration of this issue was whether the same obligation to preserve and disclose exculpatory information extended to the courts.

In Pennsylvania, there is a limited obligation for such disclosure by the courts when the information is exclusively in the possession of the court. In *Commonwealth v. Santiago*, 405 Pa. Super. 56, 591 A.2d 1095 (1991), a highly publicized case involving the murder of a police officer, the trial judge conducted pre-trial interviews with potential trial witnesses *in camera* without either counsel being present. The defendant argued that because neither he nor the prosecution was aware of the contents of such testimony, the trial court owed him a duty of disclosing favorable testimony offered during these interviews. A plurality of the Superior Court held:

In sum, therefore, we conclude that where a trial court is in the sole possession of materially exculpatory evidence, it must disclose that evidence to the defense. We note that the duty here is quite limited in practical effect. Ordinarily, prosecution or defense counsel will be privy to any information available to the judge; hence, the need for judicial disclosure will be obviated. When a judge has exclusive knowledge of such evidence, as here or as in

*Pennsylvania v. Ritchie*, *supra*, (480 U.S. 39 (1987)) then the duty will arise. Moreover, materiality is another significant limitation. It is only when a miscarriage of justice is threatened that due process requires judicial intervention through *sua sponte* disclosure. 405 Pa. Super at 91, 591 A.2d at 1113.

The fact pattern in *Santiago* was fairly unique and the potentially exculpatory evidence was entirely within the possession of the court, the prosecution being excluded from the witness interviews. Similarly, in *Pennsylvania v. Ritchie*, the U.S. Supreme Court case cited in *Santiago* above, the trial court conducted an *in camera* examination of the defendant's child and youth file to determine which portions of the record could be released.

The question raised by the Committee was whether a search warrant is similarly in the exclusive possession of the court. The Committee considered the circumstances under which exculpatory evidence might be found through an unexecuted search warrant. The most likely, albeit rare, scenario is the situation in which the defendant asserts that another individual had committed the offense. In that situation, the fact that the police had at one point sought a search warrant for that individual might bolster such a claim.

Arguably, the requirement to return the unexecuted warrant to the issuing authority places the search warrant within the possession of the court. On the other hand, the law enforcement agency that had requested the search warrant also would be in possession of information related to another individual being targeted as a suspect in the crime with which the defendant is charged as well as copies of the search warrant information.

Furthermore, the Committee questioned how materially exculpatory a search warrant that police never executed, especially in comparison to investigative materials in the possession of the police or prosecution, would be. In other words, any exculpatory materials that might be within the possession of the court would be duplicative of much fuller exculpatory information that was in the possession of the Commonwealth which has an unquestionable duty to provide it to the defendant.

The Committee concluded that the destruction of the search warrant information would not encompass the destruction of any exculpatory evidence since the original form of it would be in the possession of the police or prosecution. However, the Committee did not underestimate the importance of preserving potentially exculpatory evidence. To facilitate the maintenance of unexecuted search warrants that might have *Brady* implications, a sentence has been included in new paragraph (B) of Rule 209 that requires a copy of the returned unexecuted search warrant to be retained by the affiant. Additionally, a cross-reference reading "for the obligation of the Commonwealth to disclose exculpatory evidence, see Rule 573 and its Comment" has been added to the Rule 209 Comment.

#### *Possession of Original Search Warrant*

The Committee also received reports of an ongoing dispute in some counties regarding whether the original search warrant document should be given to the requesting police officers or retained by the issuing authority. Some issuing authorities had concluded that the issuing authority should retain the original search warrant and provide the police with copies. Other than the Rule 208 requirement that the police leave a copy of the warrant and affidavits at the premises that was searched, the rules did not address who retains the original search

warrant. The Committee concluded that some clarification of this question would be helpful.

The Committee concluded that the more proper method would be to have the serving officer be able to display the actual warrant to the owner of the premises to be searched and so should be given the original of the warrant. However, the Committee recognizes that the rules authorize providing a search warrant to the officer via advanced communications technology (ACT) and did not want to undo that capability.

Therefore, a new paragraph (G) has been added to Rule 203 that would provide that the original of a search warrant be given to the executing police officer. Additionally, language has been added to the Comment that, when the search warrant is obtained using ACT, the version delivered to the police officer should be considered the original.

[Pa.B. Doc. No. 13-2101. Filed for public inspection November 8, 2013, 9:00 a.m.]

### [ 234 PA. CODE CH. 1 ]

## Order Adopting New Rule 151 and Approving the Revision of the Comment to Rule 150 of the Rules of Criminal Procedure; No. 439 Criminal Procedural Rules Doc.

### Order

*Per Curiam*

And Now, this 24th day of October, 2013, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 42 Pa.B. 5164 (August 11, 2012), and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 967), and a Final Report to be published with this Order:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that new Pennsylvania Rule of Criminal Procedure 151 is adopted and the revision to the Comment to Pennsylvania Rule of Criminal Procedure 150 is approved in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective January 1, 2014.

### Annex A

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

### PART E. Miscellaneous Warrants

#### Rule 150. Bench Warrants.

\* \* \* \* \*

#### Comment

This rule addresses only the procedures to be followed after a bench warrant is executed, and does not apply to execution of bench warrants outside the Commonwealth, which are governed by the extradition procedures in 42 Pa.C.S. § 9101 *et seq.*, or to warrants issued in connection with probation or parole proceedings.

**For the bench warrant procedures when a witness is under the age of 18 years, see Rule 151.**



Paragraph (A)(2) permits the bench warrant hearing to be conducted using two-way simultaneous audio-visual communication, which is a form of advanced communication technology. *See* Rule 103. Utilizing this technology will aid the court in complying with this rule, and in ensuring individuals arrested on bench warrants are not detained unnecessarily.

\* \* \* \* \*

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

*Committee Explanatory Reports:*

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

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

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

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

(A) In a court case when a bench warrant for a witness under the age of 18 years is executed, except as provided in this rule, the case is to proceed in accordance with the procedures in Rule 150.

(B) Upon execution of the warrant for a minor witness, the arresting officer immediately shall inform the proper judicial officer and a parent or guardian of the minor witness of the arrest of the minor witness.

*(C) Execution of Bench Warrant in County of Issuance*

(1) If the judicial officer who issued the bench warrant, or another judicial officer designated by the president judge or by the president judge's designee, is not available to conduct the bench warrant hearing without unnecessary delay, the minor witness shall be taken before the on-call judge of the court of common pleas.

(a) The on-call judge shall determine whether to release the witness or to detain the witness pending the bench warrant hearing. If the bench warrant specifically orders detention of the minor witness, the on-call judge shall not release the witness.

(b) If the on-call judge determines the witness must be detained, the witness shall be detained in a detention facility. The on-call judge shall notify the parent or guardian of the minor witness of the detention.

(2) The minor witness shall not be detained without a bench warrant hearing on that bench warrant longer than 24 hours, or the close of the next business day if the 24 hours expires on a non-business day.

*(D) Execution of Bench Warrant Outside County of Issuance*

(1) The minor witness shall be taken before a common pleas court judge of the county of arrest without unnecessary delay and in no case later than the end of the next business day.

(2) The judge shall identify the minor witness as the subject of the bench warrant, decide whether detention as a minor witness is necessary, and order that arrangements be made immediately to transport the minor witness to the county of issuance.

(3) If transportation cannot be arranged immediately, the minor witness shall be released unless the bench warrant specifically orders detention of the witness. In this case, the minor witness shall be detained in an out-of-county detention facility.

(4) If detention is ordered, the minor witness shall be brought to the county of issuance within 72 hours from the execution of the bench warrant.

(5) If the time requirements of this paragraph are not met, the minor witness shall be released.

**Comment**

This rule was adopted in 2013 to establish the procedures when a witness subject to a bench warrant is under the age of 18. The procedures following the execution of a bench warrant set forth in Rule 150 apply to cases when the witness is under the age of 18, except as otherwise provided in this rule.

Paragraph (B) ensures that the judicial officer who issued the bench warrant is aware that the minor witness has been arrested, and that a parent or guardian of the arrested minor witness is notified of the arrest.

The procedures in paragraph (C) for cases in which the bench warrant is executed in the county of issuance, recognize the need, when the issuing judicial officer is unavailable, to conduct the bench warrant hearing, for the common pleas court judge who is on call to determine whether a minor witness may be released or must be detained. If the minor witness is detained, the bench warrant hearing must be held no later than the end of the next business day. If the bench warrant hearing is not conducted within this time period, the minor witness must be released.

The minor witness may not be detained in an adult facility pending a bench warrant hearing.

In cases in which the bench warrant is executed outside the county of issuance, the minor witness must be transported to the county of issuance within 72 hours of the execution of the bench warrant, and the bench warrant hearing must be conducted by the end of the next business day.

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

**Official Note:** Adopted October 24, 2013, effective January 1, 2014.

*Committee Explanatory Reports:*

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

**FINAL REPORT<sup>1</sup>**

**Adoption of New Pa.R.Crim.P. 151, and Approval of Revisions to the Comment to Pa.R.Crim.P. 150**

**Bench Warrant Procedures for Witnesses Who Are Under the Age of 18 Years**

On October 24, 2013, effective January 1, 2014, upon the recommendation of the Criminal Procedural Rules Committee ("Criminal Committee"), the Court adopted

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

new Rule of Criminal Procedure 151 (Bench Warrant Procedures When Witness is Under Age of 18 Years) and approved the revision of the Comment to Pa.R.Crim.P. 150 (Bench Warrants). The new rule and correlative Comment revision establish new procedures for court cases after the execution of a bench warrant that was issued for a witness who is under the age of 18 years.

For the past several years, the Committee has been examining procedures governing the use of subpoenas in the courts of common pleas and in magisterial district courts.<sup>2</sup> The Committee agreed a comparable procedure should be included in the proposed changes to Rule 107 that were being developed. Correlative to this discussion, the Committee also discussed procedures for the issuance of bench warrants for witnesses under the age of 18 who have failed to appear when issued a subpoena. The Committee reviewed the provisions for bench warrants in Juvenile Rule 140 (Bench Warrants for Failure to Appear at Hearings), specifically in paragraph (D) for witnesses. The Committee agreed there should be comparable special procedures for bench warrants for minor witnesses in the Rules of Criminal Procedure, and that these special procedures should be set forth in a separate rule, new Rule 151.

Rule 151 sets forth the procedures after a bench warrant for a witness who is under the age of 18 years is issued and executed. Paragraph (A) establishes that, except as provided in Rule 151, the bench warrant procedures in Rule 150 govern cases in which the bench warrant is for a witness under the age of 18 years. Paragraph (B) requires the arresting officer to notify the judicial officer that the minor witness has been arrested on the bench warrant. The arresting officer also is required to notify the parent or guardian of the minor witness. This parental notification requirement is comparable to the requirements in Juvenile Rule 140(D)(3).

The Committee discussed at length the procedure when a minor witness is arrested on a bench warrant and the issuing judicial officer is not available. The issue was whether magisterial district judges (MDJs) are permitted to lodge juveniles in detention facilities. The consensus was that MDJs do not have the authority to lodge juveniles in a detention facility on these bench warrants.

The Committee also discussed the issue of detention of underage witnesses in common pleas court cases in judicial districts without easy access to detention facilities. The members opined that alternatives to detention should be considered such as release on an electronic monitor.

The Committee concluded that the best resolution of issues related to the detention of a minor witness when the issuing judicial officer is not available, whether the bench warrant was issued by an MDJ or by a common pleas court judge, is to require that the minor witness be taken before the on-call common pleas court judge for a bail decision, including release on an electric monitoring unit, or a detention decision. Paragraph (C)(1) and para-

graph (C)(1)(a) require the minor witness to be taken to the on-call common pleas court judge for a determination whether to set bail or to detain the witness pending the bench warrant hearing if the judicial officer who issued the bench warrant, or, another judicial officer designated by the president judge or by the president judge's designee, is not available to conduct the bench warrant hearing without unnecessary delay. Paragraph (C)(1)(a) also limits the on-call judge's ability to release when the bench warrant specifically orders the detention of the minor witness. *See also* Juvenile Rule 140(D)(1)(b). If the on-call judge determines that the minor witness must be detained, paragraph (C)(1)(b) requires that the witness be detained in a detention facility.

Paragraph (C)(2) is taken from Juvenile Rule 140(D)(2) (Prompt Hearing) that requires the bench warrant hearing to be conducted "by the next business day" when the minor witness is detained, and if the hearing is not conducted within this time frame, the witness must be released. This language has been modified slightly in Rule 151(C)(2) to provide that the hearing be conducted "before the end of the next business day." The Committee believes this language is clearer.

Paragraph (D) (Execution of Bench Warrant Outside County of Issuance) is taken from Juvenile Rule 140(D)(4) (Out-of-County Custody). Rule 140(D)(4)(a) is addressed in Rule 151(B) by the requirement that the arresting officer notify the proper judicial officer of the arrest of the minor witness.

Paragraphs (D)(2), (D)(3), (D)(4), and (D)(5) follow the requirements in Rule 140(D)(4)(b), (c), (d), (e), (f), and (g). When a minor witness is arrested on a bench warrant out of the county of issuance, paragraph (D)(1) requires the minor witness to be taken before a judge of the county of arrest without unnecessary delay. In no case may there be a delay longer than the end of the next business day. When the minor witness appears before the judge, the judge is required to confirm that the minor witness is the subject of the bench warrant, must decide whether to detain the minor witness, and make arrangements to transport the minor witness to the county of issuance. If the judge is not able to arrange transport, the minor witness must be released unless the bench warrant specifically orders detention. In these cases, the minor witness must be brought to the county of issuance within 72 hours from the execution of the bench warrant or be released.

Because Rule 151 is a court case rule and not a Juvenile Court rule, the Committee did not include the provisions in Juvenile Rule 140(D) for a master or for an "other order of court." Rule 151 applies only to bench warrants issued in court cases unlike the bench warrants that are issued pursuant to Juvenile Rule 140.

The Rule 151 Comment elaborates on the provisions of the new rule and includes a cross-reference to Rule 150. The fourth paragraph explains that a minor witness may not be detained in an adult facility pending the bench warrant hearing.

The Rule 150 Comment has been revised to include a cross-reference to new Rule 151.

[Pa.B. Doc. No. 13-2102. Filed for public inspection November 8, 2013, 9:00 a.m.]

<sup>2</sup> See Committee explanatory Report at 35 Pa.B. 1557 (March 5, 2005) and Supplemental Report at 35 Pa.B. 5677 (October 15, 2005). During these discussions, Rule of Juvenile Court Procedure ("Juvenile Rule") 123 was amended to require parental notification when a subpoena is issued for a minor witness. The Committee also looked at Act 98 of 2008 that amended 42 Pa.C.S. § 6333 to require notice to a parent or guardian of the subpoena issued to any witness who is under the age of 18 years. Changes correlative to this statutory provision also have been added to Civil Rule 234.2 and MDJ Rule 214. Although the Committee's work on Rule 107 is continuing, the members have agreed a comparable procedure should be included in the final version of any changes to Rule 107 that would be proposed.

[ 234 PA. CODE CH. 10 ]

**Order Amending Rule 1013 of the Rules of Criminal Procedure; No. 440 Criminal Procedural Rules Doc.**

**Order**

*Per Curiam*

And Now, this 24th day of October, 2013, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interests of justice and efficient administration, and a Final Report to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the amendment to Pennsylvania Rule of Criminal Procedure 1013 is adopted as in the following form.

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

**Annex A**

**TITLE 234. RULES OF CRIMINAL PROCEDURE**

**CHAPTER 10. RULES OF CRIMINAL PROCEDURE FOR THE PHILADELPHIA MUNICIPAL COURT AND THE PHILADELPHIA TRAFFIC COURT**

**PART A. Philadelphia Municipal Court Procedures**

**Rule 1013. Prompt Trial—Municipal Court.**

(A) (1) [ Trial in a Municipal Court case in which a preliminary arraignment is held after June 30, 1974, but before July 1, 1975, shall commence no later than 210 days from the date on which the preliminary arraignment is held.

(2) ] Trial in a Municipal Court case shall commence no later than 180 days from the date on which the preliminary arraignment is held.

[ (3) ] (2) Trial in a Municipal Court case in which the defendant appears pursuant to a summons shall commence no later than 180 days from the date on which the complaint is filed.

[ (4) ] (3) Trial in a case that commenced as a Common Pleas Court case but was later ordered to be tried in Municipal Court shall commence no later than 180 days from the date on which the preliminary arraignment is held or 60 days from the date on which the order is made, whichever is greater.

[ (5) ] (4) Trial in a case which is transferred from the juvenile court to the Municipal Court shall commence no later than 180 days from the date of filing the transfer order.

\* \* \* \* \*

**Comment**

For a discussion of the general principles underlying this rule and for other explanatory comments applicable to it, see the Comment to Rule 600. It should be noted, however, that in several technical respects the text of this rule differs from that of Rule 600.

Paragraph [ (A)(3) ] (A)(2) is intended to apply only when a defendant appears in compliance with a summons. It is not intended to apply when a defendant is arrested after non-compliance with or return of a summons.

Paragraph [ (A)(4) ] (A)(3) is intended to provide a minimum 60-day period for trial of those cases which become Municipal Court cases when, at the preliminary hearing, in court, or otherwise after preliminary arraignment, all offenses punishable by more than five years imprisonment are discharged.

The time for trial in cases that originate as Court of Common Pleas cases and are transferred to the Municipal Court but are subsequently transferred back to the Court of Common Pleas are governed by Rule 600. *See Commonwealth v. Far*, 616 Pa. 149, 46 A.3d 709 (2012).

“Order requiring the retrial,” as used in paragraph (H) is intended to include, for example, the declaration of a mistrial, or the withdrawal, rejection of, or successful challenge to a guilty plea.

**Official Note:** Rule 6013 adopted June 28, 1974, effective prospectively as set forth in paragraphs (A)(1) and (A)(2) of this rule; amended July 1, 1980, effective August 1, 1980; amended October 22, 1981, effective January 1, 1982; the amendment to paragraph (D) as it regards exclusion of defense-requested continuances was specifically made effective as to continuances requested on or after January 1, 1982, and paragraph (H), which provides the time for retrials, was specifically made effective as to retrials required by orders entered on or after January 1, 1982; amended September 3, 1993, effective January 1, 1994; renumbered Rule 1013 and amended March 1, 2000, effective April 1, 2001; amended August 8, 2002, effective January 1, 2003; amended June 26, 2003, effective July 1, 2003; Comment revised July 1, 2013, effective August 1, 2013; **amended October 24, 2013, effective immediately.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the October 24, 2013 amendment deleting paragraph (A)(1) as obsolete published with the Court’s Order at 43 Pa.B. 6657 (November 9, 2013).**

**FINAL REPORT<sup>1</sup>**

**Amendment to Pa.R.Crim.P. 1013**

On October 24, 2013, effective immediately, upon the recommendation of the Criminal Procedural Rules Committee, the Court adopted the amendment of Rule of Criminal Procedure 1013 (Prompt Trial—Municipal Court), removing paragraph (A)(1) of Rule 1013 as no longer necessary. Paragraph (A)(1) states:

(A)(1) Trial in a Municipal Court case in which a preliminary arraignment is held after June 30, 1974, but before July 1, 1975, shall commence no later than 210 days from the date on which the preliminary arraignment is held.

Paragraph (A)(1) was part of then-Rule 6013 when it was first adopted on June 28, 1974 to provide guidance in determining what time limit for prompt trials should be applied to cases then pending in the Philadelphia Municipal Court. The Committee is not aware of any case to which this provision would apply that is still open and

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

concluded that this provision is obsolete. Therefore, the paragraph has been deleted from the rule.

[Pa.B. Doc. No. 13-2103. Filed for public inspection November 8, 2013, 9:00 a.m.]

# Title 237—JUVENILE RULES

## PART I. RULES

[ 237 PA. CODE CHS. 11, 12 AND 16 ]

Order Amending Rules 1120, 1150, 1151, 1200, 1608, 1609 and 1613, Renumbering Rule 1613 to 1631 and Adopting New Rules 1610, 1611, 1634 and 1635 of the Rules of Juvenile Court Procedure; No. 616 Supreme Court Rules Doc.

### Order

*Per Curiam*

And Now, this 21st day of October, 2013, upon the recommendation of the Juvenile Court Procedural Rules Committee; the proposal having been published for public comment before adoption at 42 Pa.B. 7257 (December 1, 2012), in the *Atlantic Reporter* (Third Series Advance Sheets, Vol. 54, No. 3, November 30, 2012), and on the Supreme Court’s web-page, and an Explanatory Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the modifications to Rules 1120, 1150, 1151, 1200, 1608, 1609, and 1613; the renumbering of Rule 1613 to Rule 1631; and the adoption of new Rules 1610, 1611, 1634, and 1635 of the Rules of Juvenile Court Procedure are approved in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective December 1, 2013.

### Annex A

## TITLE 237. JUVENILE RULES

### PART I. RULES

#### Subpart B. DEPENDENCY MATTERS

#### CHAPTER 11. GENERAL PROVISIONS

#### PART A. BUSINESS OF COURTS

#### Rule 1120. Definitions.

\* \* \* \* \*

CHILD is a person who:

1) is under the age of eighteen [ **who** ] and is the subject of the dependency petition [ , or **who** ]; or

2) is under the age of twenty-one; and

a) was adjudicated dependent before reaching the age of eighteen [ **years and who, while engaged in a course of instruction or treatment, requests** ];

b) has requested the court to retain jurisdiction [ **until the course has been completed, but in no event shall remain in a course of instruction or treatment past the age of twenty-one years.** ]; and

c) who remains under the jurisdiction of the court or for whom jurisdiction has been resumed as

a dependent child because the court has determined that the child is one of the following:

i) completing secondary education or an equivalent credential;

ii) enrolled in an institution which provides post-secondary or vocational education;

iii) participating in a program actively designed to promote or remove barriers to employment;

iv) employed for at least eighty hours per month; or

v) incapable of doing any of the activities as prescribed above in (2)(c)(i)—(iv) due to a medical or behavioral health condition, which is supported by regularly updated information in the permanency plan for the child.

\* \* \* \* \*

### Comment

In 2013, the definition of “child” was expanded to include those children who have requested the court to resume jurisdiction after juvenile court supervision had been previously terminated. This rule change followed the changes to the definition of “child” in the Juvenile Act pursuant to Act of July 5, 2012 (P. L. 880, No. 91). See 42 Pa.C.S. § 6302.

A party to the proceedings is not to function as the clerk of courts. Because the clerk of courts maintains the official court record, this person is to remain neutral and unbiased by having no personal connection to the proceedings. The county agency is a party to the proceeding and is not to function as the “Clerk of Courts.”

The definition of [ “clerk of courts” ] “Clerk of Courts” should not necessarily be interpreted to mean the office of clerk of courts as set forth in 42 Pa.C.S. § 102, but instead refers to that official who maintains the official court record and docket regardless of the person’s official title in each judicial district. It is to be determined locally which official is to maintain these records and the associated docket.

\* \* \* \* \*

**Official Note:** Rule 1120 adopted August 21, 2006, effective February 1, 2007. Amended March 19, 2009, effective June 1, 2009. Amended December 24, 2009, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended May 20, 2011, effective July 1, 2011. Amended June 24, 2013, effective January 1, 2014. Amended October 21, 2013, effective December 1, 2013.

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the amendments to Rule 1120 published with the Court’s Order at 43 Pa.B. 6658 (November 9, 2013).**

### PART B(2). COUNSEL

#### Rule 1150. Attorneys—Appearances and Withdrawals.

\* \* \* \* \*

### Comment

\* \* \* \* \*

See also Rule 1613 for termination of court supervision.

See the Comment to Rule 1634 for assisting children in filing resumption of jurisdiction motions. It

is best practice for the court to appoint the guardian *ad litem* or legal counsel who was previously assigned to the child as legal counsel in the reopened case. If there are extenuating circumstances preventing the attorney from representing the child, the attorney should make this known at the time of the filing of the motion for resumption of jurisdiction so the court can assign a new attorney.

**Official Note:** Rule 1150 adopted August 21, 2006, effective February 1, 2007. Amended October 21, 2013, effective December 1, 2013.

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the amendments to Rule 1150 published with the Court's Order at 43 Pa.B. 6658 (November 9, 2013).**

**Rule 1151. Assignment of Guardian Ad Litem and Counsel.**

\* \* \* \* \*

B. *Counsel for child.* The court shall appoint legal counsel for a child:

1) if a proceeding has been commenced pursuant to Rule 1200 alleging a child to be dependent who:

\* \* \* \* \*

d) has been formerly adjudicated dependent, and is under the jurisdiction of the court, subject to its conditions or placements and who commits an act which is defined as ungovernable in paragraph (B)(1)(b); [ or ]

e) has been referred pursuant to section 6323 (relating to informal adjustment), and who commits an act which is defined as ungovernable in paragraph (B)(1)(b); or

**f) has filed a motion for resumption of jurisdiction pursuant to Rule 1634; or**

2) upon order of the court.

\* \* \* \* \*

**Comment**

See 42 Pa.C.S. §§ 6302, 6311, and 6337.

The guardian *ad litem* for the child may move the court for appointment as legal counsel and assignment of a separate guardian *ad litem* when, for example, the information that the guardian *ad litem* possesses gives rise to the conflict and can be used to the detriment of the child. To the extent 42 Pa.C.S. § 6311(b)(9) is inconsistent with this rule, it is suspended. See Rule 1800. See also Pa.R.P.C. 1.7 and 1.8.

**Pursuant to paragraph (B)(1)(f), the court is to appoint legal counsel when a motion for resumption of jurisdiction has been filed. It is best practice to appoint the guardian *ad litem* or legal counsel who was previously assigned to the child as legal counsel.**

Under paragraph (C), legal counsel represents the legal interests of the child and the guardian *ad litem* represents the best interests of the child.

\* \* \* \* \*

**Official Note:** Rule 1151 adopted August 21, 2006, effective February 1, 2007. Amended February 20, 2007, effective immediately. Amended May 12, 2008, effective

immediately. Amended April 29, 2011, effective July 1, 2011. Amended October 21, 2013, effective December 1, 2013.

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the amendments to Rule 1151 published with the Court's Order at 43 Pa.B. 6658 (November 9, 2013).**

**CHAPTER 12. COMMENCEMENT OF PROCEEDINGS, EMERGENCY CUSTODY, AND PRE-ADJUDICATORY PLACEMENT**

**PART A. COMMENCING PROCEEDINGS**

**Rule 1200. Commencing Proceedings.**

Dependency proceedings within a judicial district shall be commenced by:

- 1) the filing of a dependency petition;
- 2) the submission of an emergency custody application;
- 3) the taking of the child into protective custody pursuant to a court order or statutory authority;
- 4) the court accepting jurisdiction of a resident child from another state; [ or ]
- 5) the court accepting supervision of child pursuant to another state's order [ . ]; or

**6) the filing of a motion for resumption of jurisdiction pursuant to Rule 1634.**

**Comment**

\* \* \* \* \*

For proceedings that have already been commenced in another judicial district, see Rule 1302 for inter-county transfer of the case.

**For resumption of jurisdiction, see Rules 1634 and 1635 & 42 Pa.C.S. §§ 6302 and 6351(j).**

**The clerk of courts and the county agency should have form motions available for children who want to file for resumption of juvenile court jurisdiction. These forms are available at <http://www.pacourts.us/Forms/dependency.htm>.**

**The clerk of courts or county agency is to assist any child who requests assistance in completing the form and the clerk of courts is to accept all filings for resumption of juvenile court jurisdiction regardless of whether the motions meet the standard for legal filings or there are objections by other parties. This is to ensure these children have easy access to the court. See also Rule 1126.**

**Official Note:** Rule 1200 adopted August 21, 2006, effective February 1, 2007. Amended October 21, 2013, effective December 1, 2013.

*Committee Explanatory Reports:*

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**Final Report explaining the amendments to Rule 1200 published with the Court's Order at 43 Pa.B. 6658 (November 9, 2013).**

**CHAPTER 16. POST-DISPOSITIONAL PROCEDURES**

**PART B(2). PERMANENCY HEARING**

**Rule 1608. Permanency Hearing.**

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**Comment**

See Rule 1136 regarding *ex parte* communications.

**See Rule 1610 for permanency hearing for children over the age of eighteen.**

**Official Note:** Rule 1608 adopted August 21, 2006, effective February 1, 2007. Amended December 18, 2009, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. **Amended October 21, 2013, effective December 1, 2013.**

*Committee Explanatory Reports:*

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**Final Report explaining the amendments to Rule 1608 published with the Court's Order at 43 Pa.B. 6658 (November 9, 2013).**

**Rule 1609. Permanency Hearing Orders.**

\* \* \* \* \*

**Comment**

\* \* \* \* \*

Pursuant to the Juvenile Act, the court has authority to order a physical or mental examination of a child and medical or surgical treatment of a minor, who is suffering from a serious physical condition or illness which requires prompt treatment in the opinion of a physician. The court may order the treatment even if the guardians have not been given notice of the pending hearing, are not available, or without good cause inform the court that they do not consent to the treatment. 42 Pa.C.S. § 6339(b).

**See Rule 1611 for permanency hearing orders for children over the age of eighteen.**

**Official Note:** Rule 1609 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011. **Amended October 21, 2013, effective December 1, 2013.**

*Committee Explanatory Reports:*

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**Final Report explaining the amendments to Rule 1609 published with the Court's Order at 43 Pa.B. 6658 (November 9, 2013).**

(*Editor's Note:* Rule 1610 and 1611 are new and printed in regular type to enhance readability.)

**Rule 1610. Permanency Hearing for Children over Eighteen.**

A. *Purpose and timing of hearing.* For every case for children over the age of eighteen, the court shall conduct a permanency hearing at least every six months for purposes of determining:

- (1) whether the child continues to meet the definition of child under Rule 1120 and has requested the court to retain dependency jurisdiction;
- (2) whether the transition plan of the child is consistent with Rule 1631 (E)(2);
- (3) the date by which the goal of permanency for the child might be achieved; and
- (4) whether the placement continues to be best suited to the safety, protection, and physical, mental, and moral welfare of the child.

B. *Recording.* The permanency hearing shall be recorded.

C. *Evidence.* Any evidence helpful in determining the appropriate course of action, including evidence that was not admissible at the adjudicatory hearing, shall be presented to the court.

D. *Court's findings.* At the permanency hearing, the court shall enter its findings and conclusions of law into the record and enter an order pursuant to Rule 1611.

**Comment**

See 42 Pa.C.S. §§ 6341, 6351.

To the extent practicable, the judge or master who presided over the adjudicatory and original dispositional hearing for a child should preside over the permanency hearings for the same child. In resumption of jurisdiction cases, to the extent practicable, the judge or master who presided over the original case should preside over the re-opened case.

Pursuant to paragraph (A), courts are to conduct a permanency hearing every six months. Courts are strongly encouraged to conduct more frequent permanency hearings, such as every three months, when possible.

A three-month hearing or conference is considered best practice for dependency cases and is highly recommended. The court should not wait until six months has elapsed to determine if the transition plan is progressing. Time to achieve permanency is critical in dependency cases. In order to seek reimbursement under Title IV-E of the Social Security Act, 42 U.S.C. § 601 *et seq.*, a full permanency hearing is to be conducted every six months.

In addition to the permanency hearing contemplated by this rule, courts may also conduct additional and/or more frequent intermittent review hearings or status conferences, which address specific issues based on the circumstances of the case, and which assist the court in ensuring timely transition.

See 42 U.S.C. § 675 (5)(A)—(H) for development of a transition plan.

See Rule 1128 regarding presence at proceedings and Rule 1136 regarding *ex parte* communications.

When the court has resumed jurisdiction pursuant to Rule 1635, the court is to schedule regular permanency hearings. The county agency is to develop a new transition plan for the child.

**Official Note:** Adopted October 21, 2013, effective December 1, 2013.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1610 published with the Court's Order at 43 Pa.B. 6658 (November 9, 2013).

**Rule 1611. Permanency Hearing Orders for Children over Eighteen.**

A. *Court order.* After every permanency hearing for children over the age of eighteen, the court shall issue a written order, which provides whether the transition plan is best suited to the safety, protection, and physical, mental, and moral welfare of the child.

B. *Determinations made.* The court's order shall reflect the determinations made pursuant to Rule 1610(D).

C. *Orders concerning education.* The court's order shall address the stability and appropriateness of the child's

education, if applicable, including whether an educational decision maker is appropriate.

*D. Orders concerning health care and disability.*

1) The court's order shall identify, monitor, and address the child's needs concerning health care and disability; and

2) The court's orders may authorize evaluations and treatment.

**Comment**

When issuing a permanency order, the court should issue an order that is "best suited to the safety, protection, and physical, mental, and moral welfare of the child." 42 Pa.C.S. § 6351(a). *See In re S.J.*, 906 A.2d 547, 551 (Pa. Super. Ct. 2006) (citing *In re Tameka M.*, 525 Pa. 348, 580 A.2d 750 (1990)), for issues addressing a child's mental and moral welfare.

Pursuant to paragraph (C), the court's order is to address the child's educational stability, including the right to an educational decision maker. The intent of this paragraph is to ensure that the inquiry regarding the appointment of an educational decision maker is considered. Federal and state law requires educational decision makers until the age of twenty-one if an educational decision maker is necessary. *See* Comment to Rule 1609(D) and 34 C.F.R. § 300.320(c).

Pursuant to paragraph (D), the court's order is to address the child's needs concerning health care and disability. *See* Comment to Rule 1609(E).

**Official Note:** Adopted October 21, 2013, effective December 1, 2013.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1611 published with the Court's Order at 43 Pa.B. 6658 (November 9, 2013).

**PART (C). POST-DISPOSITIONAL PROCEDURES**

Rule 1613. [ Termination of Court Supervision ] (Reserved).

[ **A. Concluding Supervision.** Any party, or the court on its own motion, may move for the termination of supervision when court-ordered services from the county agency are no longer needed and:

1) the child has remained with the guardian and the circumstances which necessitated the dependency adjudication have been alleviated;

2) the child has been reunified with the guardian and the circumstances which necessitated the dependency adjudication and placement have been alleviated;

3) the child has been placed with a ready, willing, and able parent who was not previously identified by the county agency;

4) the child has been adopted and services from the county agency are no longer needed;

5) the child has been placed in the custody of a permanent legal custodian and services from the county agency are no longer needed;

6) the child has been placed in the physical and legal custody of a fit and willing relative and services from the county agency are no longer needed;

7) the child has been placed in another living arrangement intended to be permanent and services from the county agency are no longer needed and a hearing has been held pursuant to paragraph (E) for a child who is age eighteen or older;

8) the child has been adjudicated delinquent and services from the county agency are no longer needed because all dependency issues have been resolved;

9) the child has been emancipated by the court;

10) the child is eighteen years of age or older and a hearing has been held pursuant to paragraph (E);

11) the child has died;

12) a court in another county of this Commonwealth has accepted jurisdiction; or

13) a court in another state has accepted jurisdiction.

**B. Ready, willing, and able parent.** When services from the county agency are no longer necessary because the court has determined that the child is not dependent pursuant to paragraph (A)(3) because a non-custodial parent has been found by the court to be able and available, the court shall enter an order awarding custody to that parent and the court order shall have the effect and be docketed as a decision entered pursuant to Pa.R.C.P.

**C. Objection.** Any party may object to a motion under paragraph (A) and request a hearing.

**D. Hearing.** If objections have been made under paragraph (C), the court shall hold a hearing and give each party an opportunity to be heard before the court enters its final order.

**E. Children eighteen years of age or older.**

1) Before the court can terminate its supervision of a child who is eighteen years of age or older, a hearing shall be held at least ninety days prior to termination.

2) Prior to the hearing, the child shall have the opportunity to make decisions about the transition plan and confer with the county agency about the details of the plan. The transition plan shall, at a minimum, include:

a) the specific plans for housing;

b) a description of the child's source of income;

c) the specific plans for pursuing educational or vocational training goals;

d) the child's employment goals and whether the child is employed;

e) a description of the health insurance plan that the child is expected to obtain and any continued health or behavioral health needs of the child;

f) a description of any available programs that would provide mentors or assistance in establishing positive adult connections;

g) verification that all vital identification documents and records have been provided to the child; and

h) a description of any other needed support services.

3) At the hearing, the court shall review the transition plan for the child. If the court is not

satisfied that the requirements of paragraph (E)(2) have been met, a subsequent hearing shall be scheduled.

4) The court shall not terminate its supervision of the child without approving an appropriate transition plan, unless the child, after an appropriate transition plan has been offered, is unwilling to consent to the supervision and the court determines termination is warranted.

**F. Cessation of services.** When all of the above listed requirements have been met, the court may discharge the child from its supervision and close the case.

#### Comment

For procedures on motions, see Rule 1344. For procedures on the dispositional order, see Rule 1515.

For guidelines under paragraph (A), see 42 Pa.C.S. §§ 6301(b) & 6351(f.1).

Pursuant to paragraph (A)(8), if a child has been adjudicated delinquent, the court may terminate court supervision unless dependency is necessary for placement. *In re Deanna S.*, 422 Pa. Super. 439, 619 A.2d 758 (1993). The court may also decide to retain dependency jurisdiction regardless of the delinquency adjudication because the child still needs dependency services.

If dependency issues have not been resolved, the case should be kept open and services ordered. The court should ensure that services are not discontinued solely because the child was adjudicated delinquent. The county agency and the juvenile probation are to collaborate on the case and resolve all outstanding issues. If a child is in a delinquency placement, the court is to ensure that the county agency and the juvenile probation office have collaborated to ensure appropriate services are in place.

For procedures on emancipation pursuant to paragraph (A)(9), see *Berks County Children and Youth Services v. Rowan*, 428 Pa. Super. 448, 631 A.2d 615 (1993). See also, 22 Pa. Code § 11.11, 55 Pa. Code § 145.62.

Pursuant to paragraph (A)(10), a child who was adjudicated dependent prior to reaching the age of eighteen and who, while engaged in a course of instruction or treatment, requests the court to retain jurisdiction until the course has been completed, may remain in the course of instruction or treatment until the age of twenty-one. 42 Pa.C.S. § 6302. See also, 55 Pa. Code §§ 3130.5 & 3130.87; *In re S.J.*, 906 A.2d 547 (Pa. Super. Ct. 2006).

The court may not terminate jurisdiction solely because the dependent child is a runaway. *In re Deanna S.*, 422 Pa. Super. 439, 619 A.2d 758 (1993).

A child whose non-custodial parent is ready, willing, and able to provide adequate care for the child may not be found dependent. *In re M.L.*, 562 Pa. 646, 757 A.2d 849 (2000). See paragraph (B).

Pursuant to 42 Pa.C.S. § 6351(a)(2.1), a court may transfer permanent legal custody to a person found by the court to be qualified to receive and care for the child. 42 Pa.C.S. § 6351(a)(2.1). See also *Justin S.*, 375 Pa. Super. 88, 543 A.2d 1192 (1988).

Pursuant to paragraph (E)(2), the county agency is to assist the child and provide all the support necessary in developing a transition plan. See 42 U.S.C. § 675 (5)(A)–(H).

Pursuant to paragraph (E)(3), the court is to approve a transition plan that is suitable for the child and that has been personalized at the direction of the child.

**Official Note:** Rule 1613 adopted August, 21, 2006, effective February 1, 2007. Amended July 29, 2009, effective immediately. Amended April 29, 2011, effective July 1, 2011.

#### Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1613 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1613 published with the Court's Order at 39 Pa.B. 4887 (August 15, 2009).

Final Report explaining the amendments to Rule 1613 published with the Court's Order at 41 Pa.B. 2430 (May 14, 2011). ]

#### Comment

This rule was renumbered from Rule 1613 to Rule 1631 on October 21, 2013. See Rule 1631.

### PART D. CESSATION OR RESUMPTION OF COURT SUPERVISION OR JURISDICTION

Rule	
1631.	Termination of Court Supervision.
1634.	Motion for Resumption of Jurisdiction.
1635.	Hearing on Motion for Resumption of Jurisdiction.

Rule [ 1613 ] 1631. Termination of Court Supervision.

A. *Concluding Supervision.* Any party, or the court on its own motion, may move for the termination of supervision when court-ordered services from the county agency are no longer needed and:

1) the child has remained with the guardian and the circumstances which necessitated the dependency adjudication have been alleviated;

2) the child has been reunified with the guardian and the circumstances which necessitated the dependency adjudication and placement have been alleviated;

3) the child has been placed with a ready, willing, and able parent who was not previously identified by the county agency;

4) the child has been adopted and services from the county agency are no longer needed;

5) the child has been placed in the custody of a permanent legal custodian and services from the county agency are no longer needed;

6) the child has been placed in the physical and legal custody of a fit and willing relative and services from the county agency are no longer needed;

7) the child has been placed in another living arrangement intended to be permanent and services from the county agency are no longer needed and a hearing has been held pursuant to paragraph (E) for a child who is age eighteen or older;

8) the child has been adjudicated delinquent and services from the county agency are no longer needed because all dependency issues have been resolved;

9) the child has been emancipated by the court;



10) the child is eighteen years of age or older and a hearing has been held pursuant to paragraph (E);

11) the child has died;

12) a court in another county of this Commonwealth has accepted jurisdiction; or

13) a court in another state has accepted jurisdiction.

**B. Ready, willing, and able parent.** When services from the county agency are no longer necessary because the court has determined that the child is not dependent pursuant to paragraph (A)(3) because a non-custodial parent has been found by the court to be able and available, the court shall enter an order awarding custody to that parent and the court order shall have the effect and be docketed as a decision entered pursuant to **the Pa.R.C.P.**

**C. Objection.** Any party may object to a motion under paragraph (A) and request a hearing.

**D. Hearing.** If objections have been made under paragraph (C), the court shall hold a hearing and give each party an opportunity to be heard before the court enters its final order.

**E. Children eighteen years of age or older.**

1) Before the court can terminate its supervision of a child who is eighteen years of age or older, a hearing shall be held at least ninety days prior to **[ termination ] the child turning eighteen years of age.**

2) Prior to the hearing, the child shall have the opportunity to make decisions about the transition plan and confer with the county agency about the details of the plan. **The county agency shall provide the transition plan to the court and the plan shall, at a minimum, include:**

- a) the specific plans for housing;
- b) a description of the child's source of income;
- c) the specific plans for pursuing educational or vocational training goals;
- d) the child's employment goals and whether the child is employed;
- e) a description of the health insurance plan that the child is expected to obtain and any continued health or behavioral health needs of the child;
- f) a description of any available programs that would provide mentors or assistance in establishing positive adult connections;
- g) verification that all vital identification documents and records have been provided to the child; **[ and ]**
- h) a description of any other needed support services **[ . ] ; and**

**i) notice to the child that the child can request resumption of juvenile court jurisdiction until the child turns twenty-one years of age if specific conditions are met.**

3) At the hearing, the court shall review the transition plan for the child. If the court is not satisfied that the requirements of paragraph (E)(2) have been met, a subsequent hearing shall be scheduled.

4) The court shall not terminate its supervision of the child without approving an appropriate transition plan, unless the child, after an appropriate transition plan has been offered, is unwilling to consent to the supervision and the court determines termination is warranted.

**F. Cessation of services.** When all of the above listed requirements have been met, the court may discharge the child from its supervision and close the case.

#### Comment

For procedures on motions, see Rule 1344. For procedures on the dispositional order, see Rule 1515.

For guidelines under paragraph (A), see 42 Pa.C.S. §§ 6301(b) & 6351(f.1).

Pursuant to paragraph (A)(8), if a child has been adjudicated delinquent, the court may terminate court supervision unless dependency is necessary for placement. *In re Deanna S.*, 422 Pa. Super. 439, 619 A.2d 758 (1993). The court may also decide to retain dependency jurisdiction regardless of the delinquency adjudication because the child still needs dependency services.

If dependency issues have not been resolved, the case should be kept open and services ordered. The court should ensure that services are not discontinued solely because the child was adjudicated delinquent. The county agency and the juvenile probation are to collaborate on the case and resolve all outstanding issues. If a child is in a delinquency placement, the court is to ensure that the county agency and the juvenile probation office have collaborated to ensure appropriate services are in place.

For procedures on emancipation pursuant to paragraph (A)(9), see *Berks County Children and Youth Services v. Rowan*, 428 Pa. Super. 448, 631 A.2d 615 (1993). *See also*, 22 Pa. Code § 11.11, 55 Pa. Code § 145.62.

Pursuant to paragraph (A)(10), a child who was adjudicated dependent prior to reaching the age of eighteen and who, while engaged in a course of instruction or treatment, requests the court to retain jurisdiction until the course has been completed, may remain in the course of instruction or treatment until the age of twenty-one. 42 Pa.C.S. § 6302. *See also*, 55 Pa. Code §§ 3103.5 & 3130.87; *In re S.J.*, 906 A.2d 547 (Pa. Super. Ct. 2006).

The court may not terminate jurisdiction solely because the dependent child is a runaway. *In re Deanna S.*, 422 Pa. Super. 439, 619 A.2d 758 (1993).

A child whose non-custodial parent is ready, willing, and able to provide adequate care for the child may not be found dependent. *In re M.L.*, 562 Pa. 646, 757 A.2d 849 (2000). *See* paragraph (B). **Paragraph (B) does not apply to resumption of jurisdiction cases.**

Pursuant to 42 Pa.C.S. § 6351(a)(2.1), a court may transfer permanent legal custody to a person found by the court to be qualified to receive and care for the child. 42 Pa.C.S. § 6351(a)(2.1). *See also Justin S.*, 375 Pa. Super. 88, 543 A.2d 1192 (1988).

Pursuant to paragraph (E)(2), the county agency is to assist the child and provide all the support necessary in developing a transition plan. *See* 42 U.S.C. § 675 (5)(A)—(H).

Pursuant to paragraph (E)(3), the court is to approve a transition plan that is suitable for the child and that has been personalized at the direction of the child.

**If the court has resumed jurisdiction pursuant to Rule 1635, a new transition plan is to be developed for the child. Before the court can terminate supervision, the requirements of paragraph (E) are to be followed. In no case is a juvenile over twenty-one to remain under juvenile court supervision. See Rule 1635(E). See also Rule 1635(E) for termination of juvenile court jurisdiction if the court denies the motion for resumption of jurisdiction.**

**Official Note:** Rule 1613 adopted August, 21, 2006, effective February 1, 2007. Amended July 29, 2009, effective immediately. Amended April 29, 2011, effective July 1, 2011. **Amended October 21, 2013 and renumbered from Rule 1613 to Rule 1631, effective December 1, 2013.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1613 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1613 published with the Court's Order at 39 Pa.B. 4887 (August 15, 2009).

Final Report explaining the amendments to Rule 1613 published with the Court's Order at 41 Pa.B. 2430 (May 14, 2011).

**Final Report explaining the amendments to Rule 1631 published with the Court's Order at 43 Pa.B. 6658 (November 9, 2013).**

*(Editor's Note: Rules 1634 and 1635 are new and printed in regular type to enhance readability.)*

**Rule 1634. Motion for Resumption of Jurisdiction.**

A. *Venue.* A motion to resume jurisdiction shall be filed with the court that terminated court supervision of the child pursuant to Rule 1631.

B. *Contents.* The motion for resumption of jurisdiction shall aver:

- 1) dependency jurisdiction was previously terminated:
  - a) within ninety days prior to the child's eighteenth birthday; or
  - b) on or after the child's eighteenth birthday; and
- 2) the child:
  - a) is under twenty-one years of age;
  - b) was adjudicated dependent prior to turning eighteen years of age;
  - c) has requested the court to resume jurisdiction; and
  - d) is:
    - i) completing secondary education or an equivalent credential;
    - ii) enrolled in an institution which provides postsecondary or vocational education;
    - iii) participating in a program actively designed to promote or prevent barriers to employment;
    - iv) employed for at least eighty hours per month; or
    - v) incapable of doing any of the activities as prescribed in paragraphs (B)(2)(d)(i)—(iv) due to a medical or behavioral health condition, which is supported by regularly updated information in the permanency plan for the child;
- 3) whether the child would like his or her guardian or other interested adult involved in the court proceedings;
- 4) that a verification has been signed by the child attesting the above requirements have been met; and
- 5) whether an expedited hearing for placement and services is being requested due to the child's current living arrangement.

C. *Service.* A copy of the motion shall be served upon:

- 1) the county agency;

- 2) the attorney for the county agency;
- 3) the child;
- 4) the child's attorney; and

5) the guardian or other interested adult if the child requesting resumption of jurisdiction would like the guardian or other interested adult involved in the case as averred in paragraph (B)(3).

**Comment**

A motion to resume jurisdiction can be filed by the child, county agency, or attorney for the child. At the request of the child, if the county agency or previous attorney is approached by the child concerning the court reopening the child's case, the county agency or attorney is to assist the child in the filing of the motion.

Pursuant to paragraph (A), the motion is to be filed in the county that terminated juvenile court jurisdiction. If the juvenile has moved to another county, the juvenile may request the court to transfer jurisdiction pursuant to Rule 1302 at any time after the filing of the motion to resume jurisdiction, including prior to the hearing on the motion. *See* Rules 1302 and 1635.

If the child does not have an attorney at the time of the filing of the motion, the court is to assign legal counsel pursuant to Rule 1151 and immediately order service of the motion to resume jurisdiction on the child's attorney. It is best practice to appoint the guardian *ad litem* or legal counsel who was previously assigned to the child as legal counsel. *See* Rule 1151.

If the child is the party filing the motion, the President Judge of each judicial district is to designate a person to serve the other parties for the child. If the county agency or attorney is filing the motion, they should serve the other parties.

If the child has averred that the child desires the involvement of a guardian or other interested adult in their case, this person is to be served with the motion and given notice of any subsequent hearings if the court orders such involvement. Notice does not confer standing upon the guardian or other interested adult. *See* Rule 1635(B)(5) and Comment.

*See* 42 Pa.C.S. §§ 6302 & 6351(j).

*See also* Rule 1300 for change of venue and Rule 1302 for inter-county transfer of the case.

**Official Note:** Adopted October 21, 2013, effective December 1, 2013.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1634 published with the Court's Order at 43 Pa.B. 6658 (November 9, 2013).

**Rule 1635. Hearing on Motion for Resumption of Jurisdiction.**

A. *Time for hearing.* Within thirty days of receiving a motion for resumption of jurisdiction, the court shall conduct a hearing to determine whether it will resume juvenile court jurisdiction.

B. *Notice.* Notice of the date, time, place, and purpose of the hearing shall be given to:

- 1) the county agency;
- 2) the attorney for the county agency;
- 3) the child;
- 4) the child's attorney;

5) any other persons, including the guardian or other interested adult, as directed by the court.

C. *Hearing.* At the hearing, the court shall state its findings and conclusions of law on the record in open court as to whether:

- 1) dependency jurisdiction was previously terminated:
  - a) within ninety days prior to the child's eighteenth birthday; or
  - b) on or after the child's eighteenth birthday but before the child turns twenty-one years of age; and
- 2) the child continues to meet the definition of child pursuant to 42 Pa.C.S. § 6302 because the child:
  - a) is under twenty-one years of age;
  - b) was adjudicated dependent prior to turning eighteen years of age;
  - c) has requested the court to resume jurisdiction; and
  - d) is:
    - i) completing secondary education or an equivalent credential;
    - ii) enrolled in an institution which provides postsecondary or vocational education;
    - iii) participating in a program actively designed to promote or prevent barriers to employment;
    - iv) employed for at least eighty hours per month; or
    - v) incapable of doing any of the activities as prescribed in paragraphs (C)(2)(d)(i)—(iv) due to a medical or behavioral health condition, which is supported by regularly updated information in the permanency plan for the child;
- 3) reasonable efforts were made by the county agency to prevent the return of the child to juvenile court jurisdiction unless, due to the child's immediate need for assistance, such lack of efforts was reasonable;
- 4) it will exercise jurisdiction pursuant to 42 Pa.C.S. § 6351(j) because it is best suited to the protection and physical, mental, and moral welfare of the child;
- 5) a guardian or other interested adult should be involved in the child's case;
- 6) there are any health or educational needs of the child; and
- 7) the county agency has developed an appropriate transition plan.

#### D. *Orders.*

- 1) After a hearing, the court shall enter an order granting or denying the motion to resume juvenile court jurisdiction.
- 2) If the court resumes jurisdiction, the court shall order:
  - a) that resumption of jurisdiction is best suited to the protection and physical, mental, and moral welfare of the child;
  - b) any findings as to the transition plan for the child;
  - c) regular scheduling of permanency hearings pursuant to Rule 1608;
  - d) any designations of custody and/or placement of the child; and
  - e) any evaluations, tests, or treatments for the health and educational needs of the child.

E. *Termination of court supervision in resumption cases.*

1) Once the goals in the transition plan have been accomplished for a child which, at a minimum, includes the requirements pursuant to Rule 1631(E)(2), or the child has refused to cooperate with the plan, a party may move for termination of court supervision pursuant to Rule 1631.

2) In no event shall a child remain under juvenile court supervision once the child has turned twenty-one years of age.

F. *Advanced Communication Technology.* The provisions of Rule 1129 shall apply to this proceeding.

#### Comment

The court may decide whether a guardian or other interested adult will participate in the child's case. The court is to consider the preferences of the child when making an order for participation. See Rule 1634(B)(3) for notation of child's preference and 42 Pa.C.S. § 6310 for guardian involvement. Notice or invitation to participate does not confer standing upon the guardian or other interested adult.

See 42 Pa.C.S. §§ 6302 & 6351(j).

A master may conduct these hearings. See Rule 1187.

**Official Note:** Adopted October 21, 2013, effective December 1, 2013.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1635 published with the Court's Order at 43 Pa.B. 6658 (November 9, 2013).

### EXPLANATORY REPORT

#### OCTOBER 2013

The Supreme Court of Pennsylvania has adopted the amendments to Rules 1120, 1150, 1151, 1200, 1608, 1609, and 1613, and renumbered Rule 1613 to Rule 1631, and adopted new Rules 1610, 1611, 1634, and 1635. The amendments are effective December 1, 2013.

#### *Rule discussion*

With the enactment of the Act of July 5, 2012 (P.L. 880, No. 91, Cl. 18), a child may request the court to resume juvenile court jurisdiction if specific requirements are met.

#### *Rule 1120*

The definition of a child now includes those children who are under twenty-one years of age and were adjudicated dependent prior to turning eighteen years of age and who are requesting the court to resume juvenile court jurisdiction after jurisdiction had been previously terminated.

In addition, these children must be: 1) completing secondary education or an equivalent credential; 2) enrolled in an institution which provides postsecondary or vocational education; 3) participating in a program actively designed to promote or prevent barriers to employment; 4) employed for at least eighty hours per month; or 5) incapable of doing any of the activities as prescribed above due to a medical or behavioral health condition, which is supported by regularly updated information in the permanency plan for the child. See 42 Pa.C.S. § 6302.

#### *Rules 1150 and 1151*

Courts should easily be accessible to children requesting the court to resume jurisdiction of their cases. If the

child contacts the previously assigned attorney, the attorney should assist the child in filing a motion for resumption of jurisdiction. If extenuating circumstances exist and the attorney cannot represent the child, the attorney should still file the motion for the child but explain the circumstances to the court and ask not to be reappointed.

The court is to appoint counsel for the child in the new resumption of jurisdiction case. The Comment to Rule 1151 provides that it is best practice for the court to assign the previous attorney as counsel for the child if they are available.

#### *Rule 1200*

Dependency proceedings commence when a motion for resumption of jurisdiction pursuant to Rule 1634 has been filed.

If the court grants the motion for resumption of jurisdiction, dependency proceedings would continue and regular permanency hearings would occur for children over eighteen pursuant to Rule 1611.

#### *Rules 1608 & 1609*

References to the new rules for permanency hearings and permanency hearing orders for children over eighteen have been placed in the Comments.

#### *Rule 1610*

This is a new separate rule for permanency hearing for children over eighteen. The Committee thought it was important to have a different rule for these children because the purpose of the hearing is slightly different. There is only a transition plan for these children with no permanency plan.

Paragraph (A) provides the purpose and the timing of the hearing. The court must conduct hearings every six months. The child must appear in person at the six-month hearing. *See* Rules 1128 and 1129.

Paragraph (B) provides that the hearing must be recorded and paragraph (C) sets forth the evidentiary standard for the hearing.

Paragraph (D) provides the findings and conclusions of law that the court must enter into the record in open court.

#### *Rule 1611*

This is a new separate rule that governs the permanency hearing orders for children over eighteen.

#### *Rule 1631*

The Comment to the Rule explains that a new transition plan is to be developed for the child if the court resumes jurisdiction. Before those cases can be terminated, the requirements of paragraph (E) must be met.

All dependency cases must be terminated when the child turns twenty-one. *See* Rules 1120 and 42 Pa.C.S. § 6302 for definition of “child” and Comments to Rules 1631 and 1635.

#### *Rule 1634*

This new rule governs venue, the contents of the motion for resumption of jurisdiction, and service of the motion.

If the child meets the definition of “child,” a motion for resumption of jurisdiction must be filed with the court that terminated court supervision. There would be no record of the case in any other court. The Comment to Rule 1634 provides that if the juvenile has moved to another county, the court may transfer the case pursuant

to Rule 1302 at any time after the filing of the motion, including prior to the hearing on the motion. *See* paragraph (A).

Paragraph (B) governs the contents of the motion, including whether the child wants his or her parent, guardian, or other interested adult involved in the court proceedings. There may be instances in which the court would want to order parental involvement even when the child does not desire to have the parents present or involved in the case. *See* 42 Pa.C.S. § 6310 for parental participation.

Paragraph (C) provides for service of the motion. If the child is filing the motion, the President Judge is to designate a person to serve the other parties. *See* Comment.

The Comment to the rule provides that the child, county agency, or attorney for the child may file the motion for resumption of jurisdiction. The clerk of courts must accept all resumption motions. *See* Comment to Rule 1200. Children should have access to the court and all parties approached by the child should assist the child in the filing of the motion. Counties may have form motions available for the child to fill out at the clerk of courts’ and county agency’s offices.

#### *Rule 1635*

This new rule provides for the hearing on the resumption of jurisdiction. Within thirty days of receiving a motion to resume juvenile court jurisdiction, the court must conduct a hearing on the motion. *See* paragraph (A).

Pursuant to paragraph (B), notice of the date, time, place, and purpose of the hearing must be given to the county agency, the attorney for the county agency, the child, the child’s attorney, and any other persons as directed by the court.

After the court has determined whether jurisdiction can be resumed and has made findings and conclusions of law on the record in open court pursuant to paragraph (C), the court must enter an order pursuant to paragraph (D).

Paragraph (E) governs termination of court supervision in resumption cases. Because a resumption of jurisdiction case is commenced upon the filing of a motion, if the court denies the motion for resumption of jurisdiction, an order terminating supervision must be entered to close the case.

Advanced communication technology may be utilized pursuant to paragraph (F); however, the court must see the child in person every six months. *See* Rules 1128 and 1129.

[Pa.B. Doc. No. 13-2104. Filed for public inspection November 8, 2013, 9:00 a.m.]

## **Title 25—LOCAL COURT RULES**

### **GREENE COUNTY**

#### **Local Rule of Court G5220; C.A. No. 2, 2013**

#### **Order**

*And Now*, this 23rd day of October, 2013, the Court *Amends* Local Rule G5002 to read as follows:

All persons are prohibited from smoking or using tobacco products in the Greene County Courthouse, and are prohibited from use, possession, or influence of alcoholic beverages or other drugs in the Greene County Courthouse, **except for celebratory or holiday functions held after normal court hours when approved in writing by the President Judge.**

This Amendment shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

The Court Administrator shall distribute two certified copies of this Order and a copy of the rule on computer diskette or CD-Rom to the Legislative Reference Bureau for publication with the *Pennsylvania Bulletin*.

The Court Administrator shall distribute one certified copy of this Order to the Administrative Office of Pennsylvania Courts.

WILLIAM R. NALITZ,  
*President Judge*

[Pa.B. Doc. No. 13-2105. Filed for public inspection November 8, 2013, 9:00 a.m.]

### LANCASTER COUNTY

**Adoption of New Local Rules of Criminal Procedure 120, 311A, 570A, 570B, 570C, 570D, 571, 590 and Rescinding Existing Local Rules of Criminal Procedure 3, 4, 5, 6 and 10; CPJ. No. 7, Page 1357; No. 18 AD 2013**

#### Administrative Order

*And Now*, this 30th day of September, 2013, it is hereby Ordered that new or revised Lancaster County Rules of Criminal Procedure 120, 311A, 570A, 570B, 570C, 570D, 571, 590 are adopted and existing Lancaster County Rules of Criminal Procedure 3, 4, 5, 6 and 10, are rescinded as set forth as follows:

The Court Administrator is directed to:

1. File one (1) certified copy of this Order and Rules with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified paper copies and one (1) diskette or CD-ROM containing this Order and Rules with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Publish a copy of this Order and Rules on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.

4. Keep continuously available for public inspection copies of the Order and Rule in the Prothonotary and Clerk of Courts Office.

This order shall become effective 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

JOSEPH C. MADENSPACHER,  
*President Judge*

Rule 2. Business Judge [ **Trial List** ].

[ **Rule 3. Call of the List** ] Rescinded.

[ **Rule 4. Continuances During Trial Term** ] Rescinded.

[ **Rule 5. Trial Priority List** ] Rescinded.

[ **Rule 6. Guilty Pleas During Trial Term** ] Rescinded.

[ **Rule 10. Business Judge** ] Rescinded.

**Rule 120. Attorneys—Appearances and Withdrawals.**

#### (A) *Entry of Appearance*

(1) Counsel for defendant shall file an entry of appearance with the Clerk of Courts promptly after being retained, and serve a copy of the entry of appearance on the attorney for the Commonwealth.

(a) If a firm name is entered, the name of an individual lawyer shall be designated as being responsible for the conduct of the case.

(b) The entry of appearance shall include the attorney's address, phone number, attorney ID number, and e-mail address.

(2) When counsel is appointed pursuant to Pa.R.Crim.P. 122 (Appointment of Counsel), the filing of the appointment order shall enter the appearance of appointed counsel.

(3) Counsel shall not be permitted to represent a defendant following a preliminary hearing unless an entry of appearance is filed with the clerk of courts.

(4) An attorney who has been retained or appointed by the court shall continue such representation through direct appeal or until granted leave to withdraw by the court pursuant to paragraph (B).

(5) After a case has been returned to the Court of Common Pleas, the filing of any motion or petition on behalf of the defendant shall be deemed to be an entry of appearance by the filing attorney on behalf of the defendant as to all matters pertaining to the case in which the filing is made, notwithstanding any statement contained in the filing which purports to limit the scope of the filing attorney's representation.

#### (B) *Withdrawal of Appearance*

(1) Counsel for a defendant may not withdraw his or her appearance except by leave of court.

(2) A motion to withdraw shall be:

(a) filed with the clerk of courts, and a copy concurrently served on the attorney for the Commonwealth and the defendant; or

(b) made orally on the record in open court in the presence of the defendant.

(3) Upon granting leave to withdraw, the court shall determine whether new counsel is entering an appearance, new counsel is being appointed to represent the defendant, or the defendant is proceeding without counsel.

#### **Rule 311A. ARD Application Process.**

A. Accelerated Rehabilitative Disposition (ARD) applications shall be submitted to the Office of the District Attorney using the approved form. A defendant shall simultaneously submit a Motion for Trial Continuance and Waiver using the approved form. A defendant shall be notified by first class United States mail of acceptance or rejection. A defendant whose application has been accepted shall be listed for an ARD hearing on the first

available date. A defendant whose application has been rejected shall be placed on the next Pretrial conference list.

B. Application for non-DUI related ARD may be made at any time [ **prior to formal arraignment** ], but no later than the date of the Status Conference.

C. Applications for DUI related ARD shall be submitted to the Office of the District Attorney within thirty days of the filing of the criminal complaint. Additionally, within thirty days of the filing of the criminal complaint, a defendant shall waive the preliminary hearing and schedule a Court Reporting Network evaluation. Qualification information and further application requirements may be obtained by contacting the Office of the District Attorney.

#### **Rule 570A. Status Conference.**

##### *A. Scheduling of Status Conference*

1. Within 45 days of the arraignment conducted in accordance with Local Rule 571, each case in which an Information has been issued and which has not already been disposed of by or scheduled for a plea, nolle prosequi, or other final action, shall be reviewed by the court at a status conference scheduled by the District Court Administrator.

2. The District Court Administrator shall provide notice of the status conference to counsel no later than seven days before the conference and shall provide notice to pro se defendants pursuant to Pa.R.Crim.P. 114.

3. The appearance of the assigned attorney for the Commonwealth and the defense attorney or the pro se defendant shall be mandatory. The status conference shall take place in open court, unless agreed by the defendant to be in chambers.

4. No status conference may be continued or rescheduled absent compelling reasons and with the approval of the judge before whom the case has been scheduled.

##### *B. Information Provided at Status Conference*

1. The general purpose of the status conference is to determine the likely disposition of the assigned case prior to the Pretrial conference conducted in accordance with Local Rule 570B. Accordingly, at the time of the status conference the parties shall be prepared to provide, at a minimum, the following information: (1) whether the case is scheduled, or will be scheduled, for a guilty plea or Accelerated Rehabilitative Disposition; (2) whether all discovery has been provided in accordance with the Pennsylvania Rules of Criminal Procedure; (3) whether all Pretrial motions have been timely filed; and (4) any additional information necessary for the court to complete the Status Conference Order.

2. A pro se defendant who does not intend to remain pro se throughout the pendency of the case shall advise the court at the status conference of the status of the defendant's efforts to secure legal representation.

##### *C. Failure to Appear for Status Conference*

1. If a pro se defendant fails to appear for a duly scheduled and noticed status conference, the court may, in its discretion, issue a bench warrant and forfeit bail.

2. If an attorney for the Commonwealth or defense attorney fails to appear for a duly scheduled and noticed status conference, the court may take such disciplinary action as it deems appropriate, including, but not limited to, disciplinary action under the Rules of Professional Conduct or instituting proceedings for contempt.

##### **D. Order Following Status Conference**

1. At the conclusion of the status conference the court shall enter a Status Conference Order reflecting the disposition of the case as represented by the parties (e.g., guilty plea, nolle contendere plea, ARD or nolle prosequi), or if the matter shall be scheduled for a Pretrial conference pursuant to Local Rule 570B, or if the matter is to be listed for trial, or if a bench warrant has been issued and bail has been forfeit.

2. The completed Status Conference Order shall be filed with the Clerk of Courts at the conclusion of the status conference.

#### **Rule 570B. Pretrial Conference.**

##### *A. Scheduling of Pretrial Conference*

1. Within 6 weeks of the status conference held pursuant to Local Rule 570A, any case designated on the Status Conference Order as requiring a pretrial conference, or any case which has not been disposed of by plea, ARD or nolle prosequi, shall be reviewed by the court at a Pretrial conference scheduled by the District Court Administrator.

2. The District Court Administrator shall provide notice of the pretrial conference to counsel no later than seven days before the conference and shall provide notice to pro se defendants pursuant to Pa.R.Crim.P. 114.

3. The appearance of the assigned attorney for the Commonwealth, the defense attorney, and the defendant, whether pro se or represented by legal counsel, shall be mandatory. The pretrial conference shall take place in open court, unless agreed by the defendant to be in chambers.

4. No pretrial conference may be continued or rescheduled absent compelling reasons and with the approval of the judge before whom the case has been scheduled.

##### *B. Information Provided at Pretrial Conference*

1. The general purpose of the pretrial conference is to apply and enforce the letter and spirit of Pa.R.Crim.P. 570, and the comments thereto, and to ascertain the information contemplated thereby, in order to determine the readiness of a criminal case for trial or the likelihood of and timeframe for a non-trial disposition. Accordingly, at the time of the pretrial conference, the parties shall be prepared to provide, at a minimum, the information enumerated in Pa.R.Crim.P. 570, and the official comment thereto.

2. A Pretrial Conference Memorandum in the form approved by the President Judge shall be submitted to the court by the assigned attorney for the Commonwealth and by the defense attorney at the time of the pretrial conference. At the discretion of the court, a pro se defendant who intends to remain pro se throughout the pendency of the case may also be required to complete and submit a Pretrial Conference Memorandum.

3. A pro se defendant who has not yet retained legal counsel and does not intend to remain pro se throughout the pendency of the case shall advise the court at the Pretrial conference of the status of the defendant's efforts to secure legal representation. Absent compelling circumstances, a continuance to obtain legal representation shall not be granted more than once.

4. The approved form of Pretrial Conference Memorandum shall be published as a part of these Local Rules as Local Rule 570B-1.

#### C. Failure to Comply

1. If a pro se defendant fails to appear for a duly scheduled and noticed pretrial conference, the court may, in the discretion, issue a bench warrant and forfeit bail.

2. If an attorney for the Commonwealth or defense attorney fails to appear for a duly scheduled and noticed Pretrial conference or fails to provide the Pretrial Conference Memorandum required by this rule, the court may take such disciplinary action as it deems appropriate, including, but not limited to, disciplinary action under the Rules of Professional Conduct or instituting proceedings for contempt.

#### D. Order Following Pretrial Conference

1. At the conclusion of the pretrial conference, the court shall enter a Pretrial Conference Order indicating the disposition of the case as represented by the parties (e.g., guilty plea, nolo contendere plea, ARD or nolle prosequi), or if the matter will be scheduled for an additional pretrial conference pursuant to this Local Rule, or if the matter is to be listed for trial, or if a bench warrant has been issued and bail has been forfeit.

2. If the case is to be disposed of by guilty plea, nolo contendere plea, ARD or nolle prosequi, the parties shall advise the court of the date of such proceeding at the pretrial conference.

3. If a case is certified as trial ready by the pretrial conference judge, the case shall be assigned to a trial judge by the District Court Administrator. The assigned trial judge shall determine the trial date and schedule, as well as the need for any pretrial case management conferences. Absent compelling circumstances, cases assigned to a trial judge for trial shall remain with that judge until final disposition.

4. Absent compelling circumstances, a definitive non-trial disposition (with dates certain) or trial certification is expected no later than the pretrial conference. Cases will not be continued to a second or subsequent pretrial conference absent good cause shown, and, if the continuance is requested by defense counsel, with the knowledge and concurrence of the individual defendant.

5. The Pretrial Conference Memoranda and the Pretrial Conference Order shall be filed with the Clerk of Courts at the conclusion of the pretrial conference.

#### Rule 570C. Trial Priority List.

All cases are deemed to be trial ready when certified for trial at the Pretrial conference and

will be listed in a priority established by the trial judge to whom the case is assigned by the District Court Administrator.

#### Rule 570D. Assignment and Trial of Homicide Cases.

B. Homicide cases shall be assigned to a trial judge by the President Judge. All matters thereafter shall be the responsibility of the assigned trial judge [ and shall not be included on the regularly scheduled criminal Pretrial conference lists ].

C. Status, Pretrial, and case management conferences shall be scheduled at the discretion of the assigned trial judge.

D. The trial judge shall issue a final Pretrial order establishing a firm trial date and containing any further final instructions. Once set, the firm trial date shall not be continued except for extraordinary circumstances. Copies of all Pretrial orders shall be provided to the President Judge, the District Court Administrator and counsel.

#### Rule 571. Arraignment.

D. The District Attorney shall provide a written Arraignment Rights form to each defendant, whether represented or not, who appears at arraignment. The approved Arraignment Rights form required by this Rule shall be published as a part of these Local Rules as Local Rule 571-1.

#### Rule 590. Pleas and Plea Agreements.

A. Guilty pleas and pleas of nolo contendere shall be scheduled through the [ with the guilty plea secretary in ] the Office of the District Attorney using the forms designated by that office for the scheduling of pleas. When scheduling the [ guilty ] plea, counsel shall inform the District Attorney guilty plea secretary if and where the defendant is incarcerated. [ Once a guilty plea date is obtained, the defendant or counsel must file with the District Attorney a Request to Schedule a Guilty Plea in the form provided by the District Attorney. ]

B. A completed Plea Scheduling Form, the form of which shall be published as a part of these Local Rules as Local Rule 590-1, shall be presented to the District Attorney before a plea is scheduled.

C. Once a plea is scheduled, it may only be rescheduled by submitting a completed Request to Reschedule Plea form to the judge before whom the plea is scheduled. [ It may be removed from the guilty plea list at anytime up to seven days before the scheduled date by notifying the guilty plea secretary. If the defendant or counsel elects to remove the guilty plea from the list within seven days of the scheduled date, the defendant must personally appear on the scheduled date to request a continuance from the Court. ] If the request to reschedule is granted by the judge before whom the plea is scheduled, the form will be forwarded to the District Court Administrator, who will schedule the matter on that judge's next available plea date or on the date specified by the judge and indicated on the Request to Reschedule Plea form.

D. Any plea which is withdrawn shall be placed on the trial list of the judge before whom the plea was scheduled at the time it was withdrawn. The

case will be deemed to be trial ready and will be assigned a trial date by the judge, who shall determine trial priority in accordance with Local Rule 570C.

E. Rejected pleas shall be handled as follows:

1. If the case has not previously had a pretrial conference under Rule 570B, the District Court Administrator shall schedule the case for a pretrial conference on the next available date with a judge other than the judge who rejected the plea.

2. If the case has previously had a pretrial conference, the plea shall be rescheduled. Counsel shall note on the Request to Reschedule Plea form that

the plea was rejected, the form will be forwarded to the District Court Administrator and the plea will be rescheduled by the District Court Administrator with a different judge on the next available plea date.

[ C. ] F. Prior to entering a guilty plea or plea of nolo contendere, a defendant shall complete and sign a written [ guilty ] plea colloquy on the form provided by the District Attorney. The form shall be presented to the Court at the time of the [ guilty ] plea hearing, together with the completed Plea Scheduling form required by this Rule.

L.C.R.Crim.P.No. 570B-1

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA  
CRIMINAL

COMMONWEALTH OF PENNSYLVANIA

vs.

No. \_\_\_\_\_

PRETRIAL CONFERENCE MEMORANDUM

Attorney for Commonwealth

\_\_\_\_\_  
Print Name/Signature

\_\_\_\_\_  
Attorney ID No.

Attorney for Defendant

\_\_\_\_\_  
Print Name/Signature

\_\_\_\_\_  
Attorney ID No.

Related Cases:

Defendant

Docket Number

Prior Continuances:

Commonwealth - \_\_\_\_\_

Defense - \_\_\_\_\_

Discovery:

Provided - \_\_\_\_\_

Received - \_\_\_\_\_

Disputed: \_\_\_\_\_

Motions: Filed/To be Filed: \_\_\_\_\_

Defenses: (insanity, alibi) Notice Filed - \_\_\_\_\_

Anticipated Trial Issues:

Expert witnesses: \_\_\_\_\_

Scheduling: \_\_\_\_\_

Pretrial Hearings: \_\_\_\_\_

Other: \_\_\_\_\_

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



**ARRAIGNMENT  
(ARREGLO)**

- (1) I have been advised of the charges against me.
- (2) I have been advised of the following time periods in which I must begin discovery on these charges:
  - (a) Bill of Particulars must be filed within seven (7) days following this Arraignment;
  - (b) Motion for Inspection and Discovery must be filed within fourteen (14) days following this Arraignment; and
  - (c) Omnibus Pre-Trial Motion must be filed within thirty (30) days after this arraignment.
- (3) I understand that I have the right to counsel and that if I am unable to afford an attorney the Court will appoint an attorney to represent me.
- (4) A Status Conference on my case will be held within 45 days of this Arraignment. I understand that I will receive written notice of the Status Conference date at least 7 days prior to the date of the Status Conference. I understand that if I am not represented by an attorney and I fail to appear at the Status Conference, a bench warrant may be issued and my bail may be forfeit.
- (5) If my case has not already been disposed of by trial, plea or dismissal, I understand that a Pretrial Conference on my case will be held within 6 weeks of the Status Conference. I understand that I will receive written notice of the Pretrial Conference date at least 7 days prior to the date of the Status Conference. I understand that my attendance at the Pretrial Conference is mandatory, even if I am represented by an attorney. I understand that if I fail to appear at the Pretrial Conference, a bench warrant may be issued and my bail may be forfeit.
- (6) I have read the above and understand my rights.

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Signature of Defendant's Counsel

\_\_\_\_\_  
Date signed

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA  
CRIMINAL

COMMONWEALTH OF PENNSYLVANIA :  
 :  
 vs. : No. \_\_\_\_\_  
 :  
 \_\_\_\_\_ :  
 :

PLEA SCHEDULING FORM

I. I certify that I have reviewed the case file, the Defendant's prior record, and have consulted with the prosecuting officer and victim(s), if necessary.

The Commonwealth's plea offer is as follows (a summary memorandum, Tentative Plea Negotiation form or proposed Plea Agreement may be attached):

Charge Terms

This plea offer is withdrawn unless accepted by \_\_\_\_\_ .

\_\_\_\_\_  
Attorney for Commonwealth -Print Name/Signature/Attorney ID No. Date

II. I certify that I have discussed the above plea offer with my client and advised my client of his/her rights under Pa. R. Crim. P. 600, and my client has authorized me to accept this Plea Agreement and the Commonwealth's plea offer on his/her behalf and to schedule the plea.

\_\_\_\_\_  
Attorney for Defendant -Print Name/Signature/Attorney ID No. Date

III. I certify that I have discussed the above plea agreement with my attorney and I have authorized my attorney to accept this agreement on my behalf and to schedule the plea. I have been advised of my rights under Rule 600 of the Pennsylvania Rules of Criminal Procedure understand that by scheduling this plea I am waiving my right to be brought to trial on these charges within 180 or 365 days, as applicable. I specifically agree that the time period for beginning trial under Rule 600 shall be expanded beyond the 180 or 365 days, as applicable, and will include the time period from the date of my signing this Plea Agreement to the date the plea is scheduled, pursuant to Pa. R. Crim. P. 600(c).

\_\_\_\_\_  
Defendant -Print Name/Signature (OR signature of attorney for Defendant if Defendant is not available) Date

If this agreement is not signed by the Defendant, explain (e.g., Defendant incarcerated outside/resides outside Lancaster County, etc.):

\_\_\_\_\_  
\_\_\_\_\_

FOR DA SCHEDULING USE ONLY:

IV. Scheduling

\_\_\_\_\_  
Date Time Courtroom Judge

[Pa.B. Doc. No. 13-2106. Filed for public inspection November 8, 2013, 9:00 a.m.]

## SCHUYLKILL COUNTY

## Amended Criminal Rules of Procedure; MD-1099-2013

## Order of Court

*And Now*, this 21st day of October, 2013, at 8:30 a.m., Schuylkill County Criminal Rule of Procedure, Rule 570.1 is amended for use in the Court of Common Pleas of Schuylkill County, Pennsylvania, Twenty-First Judicial District, Commonwealth of Pennsylvania, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The Clerk of Courts of Schuylkill County is Ordered and Directed to do the following:

- 1) File seven (7) certified copies of this Order and Rule with the Administrative Office of Pennsylvania Courts.
- 2) File two (2) certified copies of this Order and Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a diskette reflecting the text in the hard copy version.
- 3) File one (1) certified copy of this Order and Rule with the Pennsylvania Criminal Procedural Rules Committee.
- 4) Forward one (1) copy to the Law Library of Schuylkill County for publication in the *Schuylkill Legal Record*.
- 5) Keep continuously available for public inspection copies of this Order and Rule.

It is further *Ordered* that said rule as it existed prior to the amendment is hereby repealed and annulled on the effective date of said rule as amended, but no right acquired thereunder shall be disturbed.

WILLIAM E. BALDWIN,  
*President Judge*

## Schuylkill County Court of Common Pleas

**Rule 570.1. Certification of Trial List/Pre-Trial Conference.**

On or before the date established by the Court Calendar, the District Attorney shall submit the Trial List consisting of those cases to be attached for trial during the next Criminal Term. The Court will promptly enter an order for each case on the list, attaching the parties and counsel for trial and giving notice of the important dates for the Criminal Term for which the case is attached. A Defendant may, by motion filed with the Clerk of Courts, at any time request that a case be added to the next available Trial List. (*Note:* Cases in which the Commonwealth has charged murder as defined in 18

Pa.C.S.A. § 2502 shall not be included on the Trial List, but shall, instead, proceed pursuant to Sch.R.Crim.P. 560(f).)

Motions for continuances shall be heard and pretrial conferences shall be conducted on the dates and times established by the Court Calendar. The pretrial conference with a member of the Court shall be conducted for all cases that were attached for trial and not removed by the granting of a continuance, the filing of a timely guilty plea petition or motion for an A.R.D., or by entry of an order of Court removing the case. For those cases remaining on the Trial List, the conference shall be attended by the attorneys who will try the case and by the defendants.

It shall be the duty of each party, **prior to the pretrial conference**, to verify the availability of all necessary witnesses for trial and to notify the Court at the conference of all scheduling problems, contemplated motions and other matters that may affect the scheduling of the trial. The Court may decline to consider scheduling problems and requests which are not brought to the Court's attention at the pretrial conference.

[Pa.B. Doc. No. 13-2107. Filed for public inspection November 8, 2013, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that Roger M. Roisman, having been suspended from the practice of law in the State of New York for a period of 1 year by Order of the Supreme Court of New York, Appellate Division, First Judicial Department, dated October 18, 2011; the Supreme Court of Pennsylvania issued an Order dated October 25, 2013 suspending Roger M. Roisman from the practice of law in this Commonwealth for a period of 1 year. 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*.

ELAINE M. BIXLER,  
*Secretary*

*The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 13-2108. Filed for public inspection November 8, 2013, 9:00 a.m.]

# PROPOSED RULEMAKING

## PHILADELPHIA PARKING AUTHORITY

[ 52 PA. CODE CH. 1013 ]

### Taxicab Medallion Sales by the Authority

The Philadelphia Parking Authority (Authority), on September 25, 2013, adopted a proposed rulemaking order to provide for the sale of Philadelphia taxicab medallions by the Authority.

*Proposed Rulemaking Order; Philadelphia Taxicab and Limousine Regulations; Doc. No. 126-6*

#### Proposed Rulemaking Order

*By the Authority:*

In accordance with of the act of July 16, 2004, (P. L. 758, No. 94), as amended, 53 Pa.C.S. §§ 5701 et seq., (the “act”),<sup>1</sup> the Authority formally commences its rulemaking process to promulgate regulations to provide regulations related to the sale of taxicab medallions by the Authority. The Authority seeks comments from all interested parties on these proposed regulations, which are found at Annex A to this Order.

#### A. Background and discussion.

Pursuant to Section 23 of the Act, the Authority initiated regulatory oversight of taxicab and limousine service providers in Philadelphia on April 10, 2005. The Authority’s regulations may be found at 52 Pa. Code Part II. The Authority has been authorized by the Legislature through the act of July 5, 2012, (P. L. 1022, No. 119) (“Act 119”) to issue up to 150 new taxicab medallions over the next 10 years<sup>2</sup>, including medallions designated only for use on wheelchair accessible vehicles.<sup>3</sup> When the Authority assumed regulatory responsibility over all taxicabs and limousines in Philadelphia from the Pennsylvania Public Utility Commission (“PUC”) in 2005, all statutorily authorized medallions had already been sold by the PUC. The Authority seeks to promulgate this regulation to provide procedures for the sale of medallions.<sup>4</sup>

#### B. The regulation.

##### Subchapter C. Medallions Sales by the Authority.

We propose amending Chapter 1013 “Medallion Taxicabs” to add a new subchapter titled Medallion Sales by the Authority. When the Authority initiated regulation of taxicabs and limousines in 2005, all of the statutorily authorized taxicab medallions had already been issued by the PUC. The Authority’s regulations already provide extensive procedures related to the sale of medallions and other transferable rights between regulated parties, but contain no provisions related to the sale of medallions by the Authority. This regulation is intended to fill that void.

##### § 1013.31. Purpose and definitions.

We propose adding this section to identify the purpose of the proposed subchapter and to provide certain definitions.

<sup>1</sup> See 53 Pa.C.S. §§ 5722 and 5742.

<sup>2</sup> See 53 Pa.C.S. § 5711(c)(2).

<sup>3</sup> See 53 Pa.C.S. § 5711(c)(2.1).

<sup>4</sup> The Authority may sell medallions by bid or public auction. 53 Pa.C.S. § 5717(b)(1).

The term “bidder” identifies those who may purchase a medallion from the Authority through the submission of a bid. The term is restricted to existing medallion owners and those who have submitted an application to become a medallion owner as provided in § 1013.32 (relating to bidder qualifications). We believe that existing medallion owners and those who have been prequalified, or at least previewed, before the bidding date will have a higher likelihood of successfully completing the sale process and otherwise comply with the requirements of the act and the regulations.

Most medallion owners are small corporations and many of those corporations are controlled through stock or other forms of ownership by only a few individuals. For purposes of transparency the term “bidder” includes a person with a controlling interest in an entity that is a bidder. The term person with a controlling interest is defined in § 1011.2 (relating to definitions) and used here as anticipated in Section 5717(b)(5)(ii) of the act.

The term “closing deadline” identifies the date that the sale of a medallion through the bid process must be completed. The purpose of setting a deadline is to hasten the deployment of the medallions into service following the bid date. The closing deadline will be identified in the notice of the bidding date, which will be published in the *Pennsylvania Bulletin*.

The term “special restrictions” identifies requirements that may be placed on a medallion prior to sale, such as a requirement that the medallion only be attached to a wheelchair accessible vehicle. Special restrictions related to a given medallion will be included in the notice of the bidding date related to the respective medallion.

The term “upset price” identifies the minimum bid that will be accepted for a medallion.

##### § 1013.32. Bidder qualifications.

We propose adding this section to establish bidder threshold requirements. In order to participate in a public bid for a medallion, the bidder must be an existing medallion owner or have already submitted an application for that certification. We believe that existing medallion owners and those who have been prequalified, or at least previewed, before the bidding date will have a higher likelihood of successfully completing the sale process and otherwise comply with the requirements of the act and the regulations. The bidder must be in good standing with the Authority, meaning they are otherwise eligible to obtain or renew a medallion certificate of public convenience. Bids submitted by unqualified bidders will be considered non-responsive.

##### § 1013.33. General Provisions.

We propose adding this section to clarify that Authority sales of medallions will be through sealed public bids and that medallions may be sold with special restrictions, such as the need to be attached to a wheelchair accessible vehicle as anticipated in Section 5717(c)(1) of the act.

##### § 1013.34. Notice of medallion sale by the Authority.

We propose adding this section to identify the minimum information that will be provided in a notice of a medallion sale. The notice is required by section 5717(b)(1) and

must be published in the *Pennsylvania Bulletin* at least 60 days before bids are due.

§ 1013.35. *Procedures for Bidding.*

We propose adding this section to identify bidding procedures. The regulation is specific as to the manner in which the sealed bid must be submitted and what must be enclosed with the bid, including a non-refundable \$5,000 deposit charged to the highest conforming bidder and which will be applied to the successful bidder's purchase price. The regulation also specifically identifies criteria for the immediate identification of a bid as "non-responsive."

§ 1013.36. *Bid Opening.*

We propose adding this section to provide procedures related to the opening of sealed bids. Bids will be opened at the time and location designated in the notice required by § 1013.34. The procedure for dealing with high bids is also provided. All bidders or a qualified representative of the bidder must be present at the bid opening. Successful bidders will be specifically identified in a list published on the Authority's website. Unsuccessful bidders will also be identified in descending order from highest bid.

§ 1013.37. *Medallion bid approval process and closing on sale.*

We propose adding this section to identify the process through which successful bidders will be vetted for final approval of the medallion sale. The review process will proceed in a substantially similar manner to that applied to any buyer of a medallion (from a third party) as provided in this part. The proposed sale will be published in the *Pennsylvania Bulletin*, subject to protest and require Board approval before closing may be scheduled. Medallions will be sold with the anticipation that the buyers intend to use them as required by law and these regulations. Rapid turn around sales or "flipping" are discouraged. The proposed regulation is intended to discourage this behavior through graduated fee transfer disincentives during the first 3 years after purchase, with certain specified exemptions to address cases in which the sale is at no fault or design of the owner.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 29, 2013, the Authority submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Urban Affairs Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposed rulemaking, the Commission provided IRRC and will provide the Committees with a copy of a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

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

*Conclusion*

The Authority, therefore, formally commences its rule-making process to promulgate this regulation to become part of 52 Pa. Code Part II in a manner consistent with Annex A to this Order. The Authority seeks comments from all interested parties on this proposed body of regulations, which are found at Annex A to this Order. The Authority hereby advises that all comments submitted in response to this Order will be posted, without redaction of name, address, or other personal information or comment provided, on the website of the Independent Regulatory Review Commission, which may be reached at 717-783-5417.

Accordingly, under sections 13 and 17 of the Act (53 Pa.C.S. §§ 5722 and 5742); section 5505(d) of the Parking Authorities Act, act of June 19, 2001 (P. L. 287, No. 22), as amended (53 Pa.C.S. §§ 5505(d)(17), (d)(23) and (d)(24)); 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 at 1 Pa. Code §§ 7.1, 7.2, and 7.5; section 204(b) of the Commonwealth Attorneys Act (71 P. S. § 732.204(b)); section 745.5 of the Regulatory Review Act (71 P. S. § 745.5), and section 612 of The Administrative Code of 1929 (71 P. S. § 232), and the regulations promulgated at 4 Pa. Code §§ 7.231—7.234 the Authority proposes adoption of the regulations set forth in Annex A; *Therefore,*

*It Is Ordered That:*

1. A proposed rulemaking be opened to consider the regulation set forth in Annex A.
2. The Executive Director shall submit this proposed rulemaking Order and Annex A to the Office of Attorney General for review as to form and legality.
3. The Executive Director shall submit this proposed rulemaking Order and Annex A for review and comments to the Independent Regulatory Review Commission and the Legislative Standing Committees.
4. The Secretary of the Board shall certify this proposed rulemaking Order and Annex A and that the Executive Director shall deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.
5. An original and 15 copies of any written comments referencing the docket number of the proposed regulation be submitted within 30 days of publication in the *Pennsylvania Bulletin* to the Philadelphia Parking Authority, Attn: General Counsel, 701 Market Street, Suite 5400, Philadelphia, PA 19106.
6. A copy of this proposed rulemaking Order and Annex A shall be served on the City of the First Class Taxicab and Limousine Advisory Committee and a copy shall be posted on the Authority's website at [www.philapark.org/tld](http://www.philapark.org/tld).
7. The contact person for this proposed rulemaking is James R. Ney, Director, Taxicab and Limousine Division, (215)-683-9417.

VINCENT J. FENERTY, Jr.,  
*Executive Director*

**Fiscal Note:** 126-6. No fiscal impact; (8) recommends adoption.

## Annex A

## TITLE 52. PUBLIC UTILITIES

## PART II. PHILADELPHIA PARKING AUTHORITY

## Subpart B. TAXICABS

## CHAPTER 1013. MEDALLION TAXICABS

## Subchapter C. MEDALLION SALES BY THE AUTHORITY

Sec.

- 1013.31. Purpose and definitions.
- 1013.32. Bidder qualifications.
- 1013.33. General provisions.
- 1013.34. Notice of medallion sale by the Authority.
- 1013.35. Procedures for bidding.
- 1013.36. Bid opening.
- 1013.37. Medallion bid approval process and closing on sale.

**§ 1013.31. Purpose and definitions.**

(a) This subchapter establishes the public bidding process through which the Authority will sell taxicab medallions as authorized by the act.

(b) The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

*Bidder*—A person qualified under § 1013.32 (relating to bidder qualifications) to submit a sealed bid for a taxicab medallion sold by the Authority. The term includes a person with a controlling interest in an entity that submits a bid for one or more medallions.

*Closing deadline*—The date by which a successful bidder shall complete the approval process and the closing on the sale of a medallion.

*Special restriction*—Limitations placed upon a medallion by the Authority in addition to restrictions provided for in the act, this part or an order of the Authority. For example, a medallion sold by the Authority may include a restriction that the medallion only be attached to a wheelchair accessible vehicle.

*Upset price*—The dollar amount below which a medallion will not be sold.

**§ 1013.32. Bidder qualifications.**

(a) To participate as a bidder, a person shall be a medallion taxicab certificate holder or person authorized as provided in subsection (b) and a person in good standing with the Authority. A person in good standing with the Authority:

- (1) Is qualified to buy transferable rights as provided in Chapter 1027 (relating to sale of rights).
- (2) Is qualified to renew a transferable right as provided in § 1011.3 (related to annual rights renewal process).
- (3) Has not sold a medallion in the most recent 365 days.
- (4) Does not currently own and is not a person having a controlling interest in an entity that owns a medallion that is in a suspended status as provided in § 1011.14 (relating to voluntary suspension of certificate).

(b) A person that is not a medallion taxicab certificate holder may submit a bid for a medallion if the person has requested a new medallion taxicab certificate through the filing of an SA-1 application as provided in § 1027.6 (relating to application for sale of transferable rights) and the request has not been denied by the Authority prior to the date bids are due. To qualify to bid as a pending medallion taxicab certificate holder, the SA-1 shall be

filed 45 days or more before the date bids are due. Participation in the bidding process does not guarantee the issuance of the medallion taxicab certificate by the Authority.

(c) Bids submitted in violation of this section will be considered nonresponsive.

**§ 1013.33. General provisions.**

(a) *Sale by sealed bid*. The Authority will sell taxicab medallions by sealed bid.

(b) *Restriction of medallion rights*. A medallion offered for sale by the Authority may have restrictions attached to it that will run with the medallion in perpetuity or for a shorter expressed period. The Authority will issue restrictions by order and identify a medallion to which a restriction will apply in the notice of the sale as provided in section 5717(b)(1) of the act (relating to additional certificates and medallions).

(c) *Separate public sales*. Separate sales may be conducted for each medallion to be sold by the Authority.

**§ 1013.34. Notice of medallion sale by the Authority.**

Notice of a proposed sale of a medallion by the Authority will be published in the *Pennsylvania Bulletin* 60 days or more before the sealed bids are due from bidders. The notice will include:

- (1) The date and time on which bids are due.
- (2) The location where bids are due.
- (3) The number of medallions to be sold.
- (4) Special restrictions that have been attached to a medallion. Restrictions will be identified and linked to the medallion number identified in the public notice.
- (5) The upset price for each medallion.
- (6) The maximum number of medallions a bidder may purchase at each public bidding session.
- (7) The mandatory closing date.
- (8) Other terms of sale.

**§ 1013.35. Procedures for bidding.**

(a) *Bid submissions*. Each bidder shall:

(1) Submit the bid in a 9" x 12" sealed envelope. The exterior of the sealed envelope must identify, in the English language and Arabic numerals, the medallion number for which the bid is intended and additional information identified in the notice provided under § 1013.34 (relating to notice of medallion sale by the Authority). Information required under this paragraph must be in black ink with characters no smaller than 1 inch high and 1/2 inch wide. For example, a sealed bid for medallion 9999 must display the following on the outside of the sealed envelope: "Bid for medallion 9999."

(2) Submit only one bid, rounded to the nearest dollar increment, for one medallion per envelope.

(3) Submit the bid amount on a completed Form No. MA-2 "Bid Cover" in the sealed and marked envelope. Form No. MA-2 is available at [www.philapark.org/tld](http://www.philapark.org/tld).

(4) Include the following with each bid inside the sealed envelope:

(i) A deposit of \$5,000 in a certified check, bank check or money order drawn on a Federally- or State-insured bank payable to the "Philadelphia Parking Authority." The deposit will be nonrefundable as to the highest conforming bidder and credited toward the sale price if the sale is approved.

(ii) A bank statement in the name of the bidder evidencing sufficient funds to purchase the medallion or a letter of commitment for no less than 80% of the bid amount, issued by a bank, credit union or other lender licensed to do business in this Commonwealth.

(5) Submit each sealed bid by hand delivery at the time and place designated in the sale notice as provided in § 1013.34.

(b) *Late bids.* A bid presented to the Authority after the time designated or to a location other than that designated in the sale notice as provided in § 1013.34 will not be accepted.

(c) *Required certifications.* Form No. MA-2 will include provisions through which each bidder shall provide the following information with an accompanying verification:

(1) The bidder has not relied on statements or representations from the Authority in determining the amount of the bid.

(2) The bidder has not colluded, consulted, communicated or agreed in any way with another bidder or prospective bidder for the purpose of restricting competition or of inducing another prospective bidder to submit or not to submit a bid for the purpose of restricting competition.

(3) The bidder has not disclosed a bid price, directly or indirectly, to another bidder for the purpose of restricting competition or of inducing another prospective bidder to submit or not to submit a bid for the purpose of restricting competition.

(4) The bidder is not an owner, partner, member, shareholder, key employee of another bidder and that the bidder is not a person with a controlling influence over another bidder.

(d) *Nonresponsive bids.* The following will be considered nonresponsive bids and rejected:

(1) Bids that do not comply with the requirements of this section.

(2) Bid packages containing bids for more than one medallion.

(3) Bids that are nonresponsive or nonconforming in any other respect.

(4) Bids below the upset price.

(e) *Bids final.* All bids are considered final and a bidder will not be allowed to correct a bid after submission.

#### § 1013.36. Bid opening.

(a) *Opening of bids.* The sealed bids will be opened in public and not before the time designated in the notice of a proposed sale provided under this subchapter.

(1) Each bidder, or an individual authorized as the bidder's representative as provided in § 1001.28 (relating to power of attorney), shall be present at the bid opening to address issues that may arise during the bidding process, including the event of a tie bid.

(2) The winning bid for each medallion will be the highest bid for that medallion that is complete and responsive.

(3) Tie bids will be decided through subsequent sealed bids between only the tied bidders. The sealed bids to break the tie shall be submitted on the same day as the bid opening pursuant to the instructions of the Director.

This process will also be used to determine tie bids for placement on the list as provided in subsection (b).

(4) The winning bids will be announced at the public sale, posted in the lobby of the TLD Headquarters and listed on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld).

(5) The winning bidder will be notified by the Authority of its winning bidder status as provided in § 1001.51(b)(3) (relating to service by the Authority).

(6) The winning bidder shall appear before the Director or a designee at TLD Headquarters within 5 business days of notice of the winning bid to acknowledge acceptance of the medallion and to confirm that all sale documentation has been properly completed and filed as provided in Chapter 1027 (relating to sale of rights).

(b) *Nonsuccessful bid review.*

(1) A list of the responsive, nonsuccessful bids in the order from the highest bid amount will be produced and maintained by the Authority for each medallion subject to sale by the Authority.

(2) If the successful bidder is not approved by the Authority or fails to close on the sale of the medallion by the date designated in § 1013.34 (relating to notice of medallion sale by the Authority), the Director may notify the highest nonsuccessful bidder as provided in § 1001.51(b)(3) and allow the bidder the opportunity to be a successful bidder and complete the sale process as provided in this subchapter.

(3) The highest nonsuccessful bidder shall notify the Director of his decision to become a successful bidder within 5 business days of notice. In the event the noticed nonsuccessful bidder elects not to become a successful bidder, the Director may proceed to notify nonsuccessful bidders in order of highest to lowest bid until a successful bidder is obtained.

(4) The Director may amend the mandatory closing date by a period no greater than the time between the bid date and the date the next highest ranking bidder accepts the Director's invitation to become a successful bidder.

(5) The Director may request authorization from the Board to readvertise the bid process for a medallion after the sale of the medallion to the original successful bidder fails to close by the date designated in § 1013.34.

(c) *Assignment of the winning bid.* A winning bidder may not assign his rights to the winning bid status. An assignment such as this is void.

#### § 1013.37. Medallion bid approval process and closing on sale.

(a) The sale of a medallion to a successful bidder is prohibited if that bidder is not qualified to be a medallion certificate holder under the act and this part.

(b) For purposes of reviewing the potential sale of a medallion, the Authority will consider the successful bidder to be the proposed buyer as provided in this part.

(c) If the Director determines that the successful bidder is qualified as provided in the act, this part or an order of the Authority, a recommendation to approve the sale will be presented to the Board for approval at its next regularly scheduled meeting.

(d) Upon approval of the sale by the Authority, the Director will schedule the parties to meet at a time and location where an Authority staff member will witness the closing of the transaction.

(e) An Authority staff member will witness the execution of each document by the proposed buyer or his designated agent. A closing not witnessed by Authority staff is void as provided in sections 5711(c)(5) and 5718 of the act (relating to power of authority to issue certificates of public convenience; and restrictions).

(f) The Authority will issue a new medallion taxicab certificate to the new medallion owner after the closing process if requested by the proposed buyer as provided in § 1013.32(b) (relating to bidder qualifications.)

(g) Except as provided in subsection (h), a medallion subject to a completed closing after sale by the Authority may not be transferred or sold for 3 years from the date of closing, except as follows:

(1) A medallion sold within 1 year of closing will be subject to a transfer fee 15 times greater than that provided in the Authority's fee schedule as provided in section 5710(a) of the act (relating to fees).

(2) A medallion sold within 2 years of closing will be subject to a transfer fee 12 times greater than that provided in the Authority's fee schedule as provided in section 5710(a) of the act.

(3) A medallion sold within 3 years of closing will be subject to a transfer fee 10 times greater than that provided in the Authority's fee schedule as provided in section 5710(a) of the act.

(h) Subsection (g) does not apply to the sale of a medallion in the following circumstances:

(1) When each person that owns securities of the corporation, partnership, limited liability company or other form of legal entity that owns a medallion sold under this subchapter has died or is declared incapacitated.

(2) When a person that owns securities of the corporation, partnership, limited liability company or other form of legal entity that owns a medallion sold under this subchapter has died or is declared incapacitated and that person's securities are transferred to the medallion owning entity or another owner of securities in the entity that owns the medallion.

[Pa.B. Doc. No. 13-2109. Filed for public inspection November 8, 2013, 9:00 a.m.]



# NOTICES

## DEPARTMENT 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 December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking and Securities 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 October 29, 2013.

Under section 503.E of the Department of Banking and Securities Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking and Securities, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

### BANKING INSTITUTIONS

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
10-25-2013	ESSA Bank and Trust Stroudsburg Monroe County  Application for approval to purchase assets and assume liabilities of two branches of First National Community Bank, Dunmore, PA, located at:  <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">             5120 Milford Road              East Stroudsburg              Monroe County           </div> <div style="width: 45%;">             301 McConnell Street              Stroudsburg              Monroe County           </div> </div>	Approved

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-24-2013	Integrity Bank Camp Hill Cumberland County	2055 Fruitville Pike Manheim Township Lancaster County	Approved

#### Branch Consolidations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-25-2013	ESSA Bank and Trust Stroudsburg Monroe County	<i>Into:</i> 5120 Milford Road East Stroudsburg Monroe County  <i>From:</i> 5801 Milford Road East Stroudsburg Monroe County	Approved
10-25-2013	ESSA Bank and Trust Stroudsburg Monroe County	<i>Into:</i> 5120 Milford Road East Stroudsburg Monroe County  <i>From:</i> 143 Seven Bridge Road Marshalls Creek Monroe County	Approved

#### Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
10-29-2013	Stonebridge Bank Exton Chester County  Amendment to Section 2 of the institution's Articles of Incorporation provides for a change in principal place of business from 629 North Pottstown Pike, Exton, Chester County, PA 19341 to 605 Willowbrook Lane, West Chester, Chester County, PA 19382	Filed

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
10-29-2013	Prudential Savings Bank	Effective
	Amendment to the Bank's Articles of Incorporation to add a new Section 12 which establishes and maintains a liquidation account for the benefit of certain Eligible Account Holders and Supplemental Eligible Account Holders as defined in the Plan of Conversion and Reorganization of Prudential Mutual Holding Company, Prudential Bancorp, Inc. of Pennsylvania, the Corporation and Prudential Savings Bank.	

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
10-25-2013	Hazleton School Employees Credit Union Hazleton Luzerne County	Filed
	Amendment to Article 1 of the institution's Articles of Incorporation provides for a change in principal place of business from 1049 Wilbur Court, Hazleton, Luzerne County, PA 18202 to 1049 Wilbur Court, Hazle Township, Luzerne County, PA 18202	

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

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 13-2110. Filed for public inspection November 8, 2013, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Waste; Discharge into Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. In accordance with 25 Pa. Code § 92a.32(d), the proposed

discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the United States Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for public hearings on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0063088 (Sewage)	Landon Single Family Residence Sewage Treatment Plant (SR STP) 2020 Raubsville Road Hellertown, PA 18055	Northampton County Williams Township	UNT# 3352 to East Branch Saucon Creek (2C)	Y
PA0065102 (Single family sewage treatment Facility)	Ahjum (Formerly Bittenbender) 369 Bossardsville Road Stroudsburg, PA 18360	Monroe County Hamilton Township	Unnamed Tributary to Lake Creek (1-E)	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>
PA0260053— CAFO	Jason S. Zimmerman 260 Golden Rule Drive New Enterprise, PA 16664	Bedford County / South Woodbury Township	UNT Beaver Creek / HQ-CWF / 11-D	Y
PA0260631— CAFO	Peach Glen Farm LLC 367 Georgetown Road Gardners, PA 17324	Cumberland County / Dickinson Township	UNT to Tagg Run / HQ-CWF	Y
PA0028720 (Sew)	Reading Regional Airport Authority 2501 Bernville Road Reading, PA 19605-9611	Berks County / Bern Township	Schuylkill River / WWF	Y

*Northcentral Region: Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.0530.*

<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>
PA0228079 (Sewage)	Kissimmee Village 1432 Kissimmee Rd Middleburg, PA 17842	Snyder County Franklin Township	Unnamed Tributary to Middle Creek (6-A)	Y
PA0229199 (Sewage)	Matthew Simcox Properties 4985 Warrensville Road Montoursville, PA 17754	Lycoming County Eldred Township	Mill Creek (10-B)	Y

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

<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>
PA0217794 Sewage	Camman Industries 111 Strawcutter Road Derry, PA 15627	Westmoreland County Derry Township	Union Run	Y
PA0097195 Sewage	Bell Avon Elementary School Salina, PA 15680	Westmoreland County Bell Township	Wolford Run	Y
PA0021407 Sewage	Point Marion PO Box 236 Point Marion, PA 15474	Fayette County Point Marion Borough	Monongahela River	Y

**II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications**

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

**PA0065501**, SIC Code 8811, **Kudla Janet**, 4539 Vera Cruz Road, Center Valley, PA 18034. Facility Name: Janet Kudla Single Family Residence. This proposed facility is located in Upper Saucon Township, **Lehigh County**.

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

The receiving stream(s), an Unnamed Tributary to Saucon Creek, is located in State Water Plan watershed 2-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Geo Mean</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0
CBOD <sub>5</sub>	XXX	XXX	XXX	10	20
Total Suspended Solids	XXX	XXX	XXX	10	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	1,000

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

- This Single family residence is requesting a permit to add to an existing malfunctioning 1,000 gallon septic system. The new addition will add a second 800 gallon tank with an Effluent Filter on its outlet, a new 400 gallon Dosing tank, a new Ecoflo ST-570 Peat Filter, a new E-Z Set Ultrasonic Disinfection Unit, and a 4" PVC discharge pipe to a gravel lined discharge culvert.

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.*

**PA0087998**, Sewage, SIC Code 6514, **Urban Acres MHP**, 35 Ridge Drive, Fleetwood, PA 19522. Facility Name: Urban Acres MHP. This existing facility is located in Alsace Township, **Berks 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), Bernhart Creek, is located in State Water Plan watershed 3-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.015 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	9.5	XXX	19
Nov 1 - Apr 30	XXX	XXX	XXX	20	XXX	40
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	XXX

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

The EPA Waiver is not in effect.

Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448, Telephone: 570.327.3664.

**PA0232408**, SIC Code 1389, **Aquatech International Corporation**, 1 Four Coins Drive, Canonsburg, PA 15317. Facility Name: Tioga Facility. This proposed facility will be located in Lawrence Township, **Tioga County**.

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

The receiving streams, Mutton Lane Creek and Tioga River, are located in State Water Plan watershed 4-A and are classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.21 MGD.

Parameters	Mass (lb/day)			Concentration (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
BOD <sub>5</sub>	Report	Report	XXX	53	163	200
Chemical Oxygen Demand	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids	Report	Report	XXX	61.3	216	270
Total Dissolved Solids	Report	Report	XXX	500	1,000	1250
Oil and Grease	Report	Report	XXX	15	XXX	30
Total Barium	Report	Report	XXX	10	20	25
Ammonia Nitrogen	Report	Report	XXX	8	16	20
Total Copper	0.21	0.33	XXX	0.12	0.19	0.31
Dissolved Iron	XXX	XXX	XXX	XXX	XXX	7.0
Total Strontium	Report	Report	XXX	10	20	25
Total Zinc	Report	Report	XXX	0.420	0.497	1.05
o-Cresol	Report	Report	XXX	0.56	1.92	2.40
2,4,6-Trichlorophenol	Report	Report	XXX	0.106	0.155	0.26
Phenol	Report	Report	XXX	1.08	3.65	4.56
Acetone	Report	Report	XXX	7.97	30.2	37.75
Acetophenone	Report	Report	XXX	0.0562	0.114	0.14
Acrylonitrile	0.024	0.036	XXX	0.014	0.021	0.035
Chloride	Report	Report	XXX	250	500	625
2-Butanone	Report	Report	XXX	1.85	4.81	6.01
p-Cresol	Report	Report	XXX	0.205	0.698	0.87
Pyridine	Report	Report	XXX	0.182	0.370	0.455

The proposed monitoring requirements for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

Parameters	Mass (lbs)			Concentration (mg/l)	
	Monthly	Annual	Minimum	Monthly Average	Maximum
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX

The proposed effluent limits for Outfall 002, 003, 004, 005 and 006 are based on a design flow of 0.00 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>XXX</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is in effect.

**PA0044661**, Sewage, SIC Code 4952, **Lewisburg Borough Area Joint Sewer Authority Union County**, PO Box 305, Lewisburg, PA 17837-0305. Facility Name: Lewisburg Joint Authority Sanitary Sewer STP. This existing facility is located in East Buffalo Township, **Union County**.

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

The receiving stream(s), West Branch Susquehanna River, is located in State Water Plan watershed 10-D and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 2.42 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</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	Report	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	505	807	XXX	25	40	50
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	605	908	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000 Geo Mean	XXX	10,000

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

<i>Parameters</i>	<i>Mass (lbs)</i>			<i>Concentration (mg/l)</i>		
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>	
Ammonia—N	Report	Report		Report		
Kjeldahl—N	Report			Report		
Nitrate-Nitrite as N	Report			Report		
Total Nitrogen	Report	Report		Report		
Total Phosphorus	Report	Report		Report		
Net Total Nitrogen	Report	44,200				
Net Total Phosphorus	Report	5,893				

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

- WET Testing

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is not in effect.

*Southwest Regional Office: Regional Manager, Clean Water, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; 412-442-4000*

**PAI136110**, MS4, **City of Connellsville**, Fayette County, 110 N Arch Street, Connellsville, PA 15425. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Connellsville City, **Fayette County**. The receiving

stream(s), Connell Run, Opossum Run and Youghiogheny River, is located in State Water Plan watershed 19-D and classified for respectively WWF, WWF, HQ-CWF, and aquatic life, water supply and recreation. The watershed has no EPA-approved TMDL.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. 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 in effect.

**PAI136102**, MS4, Fox Chapel Borough Allegheny County, 401 Fox Chapel Road, Pittsburgh, PA 15238. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Fox Chapel Borough, Allegheny County. The receiving streams, Campbell Run, Guyasuta Run, Squaw Run, Unnamed tributary of Pine Creek and Stony Camp Run, are located in State Water Plan watershed 18-A and are classified for Warm Water Fishes, High Quality Waters—Warm Water Fishes, Trout Stock Fishes, aquatic life, water supply and recreation.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. 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 in effect.

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

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

**WQM Permit Nos. 5275411-T1, 5272403-T1, 5276402-T1, 5279401-T1, and 5289410-T1, (with NPDES Permit No. PA0060313-A1)**, Sewage, PA American Water Co., 800 West Hershey Park Drive, Hershey, PA 17033.

This existing facility is located in Delaware Township, **Pike County**.

Description of Proposed Action/Activity: Transfer of applicable WQM Part II Permits and NPDES Permit from Clean Treatment Sewerage Co. to the new permittee. Superseded WQM Permits (no longer in effect) are not being transferred.

**WQM Permit No. 3988201-T1**, Industrial Waste, **GEO Specialty Chemicals Inc.**, 409 N Cedar Crest Blvd, Allentown, PA 18104-9733.

This existing facility is located in South Whitehall Township, **Lehigh County**.

Description of Proposed Action/Activity: Transfer of Water Quality Management Permit No. 3988402 (including amendment) for existing site treatment plant.

**WQM Permit No. 3913403**, Sewage, **Kudla Janet**, 4539 Vera Cruz Rd, Center Valley, PA 18034.

This existing facility is located in Upper Saucon Township, **Lehigh County**.

Description of Proposed Action/Activity: The Single family residence is requesting a permit to add to an existing malfunctioning 1,000 gallon septic system. The new addition will add a second 800 gallon tank with an Effluent Filter on its outlet, a new 400 gallon Dosing tank, a new Ecoflo ST-570 Peat Filter, a new E-Z Set Ultrasonic Disinfection Unit, and a 4" PVC discharge pipe to a gravel lined discharge culvert.

**WQM Permit No. 4506402**, Sewage, **Ahjum Sohail**, 369 Bossardsville Road, Stroudsburg, PA 18360.

This existing facility is located in Hamilton Township, **Monroe County**.

Description of Proposed Action/Activity: Proposed transfer of a single family treatment facility from Bittenbender to Sohail Ahjum.

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

**WQM Permit No. 2906402 Amendment No. 1**, Sewerage, **Belfast Township Board of Supervisors**, Township Road 363, Needmore, PA 17238.

This proposed facility is located in Belfast Township, **Fulton County**.

Description of Proposed Action/Activity: Application to amend the existing permit to modify the location in the treatment plant design.

**WQM Permit No. 0613406**, Sewerage, **Lower Heidelberg Township**, 720 Brownsville Road, Sinking Spring, PA 19608.

This proposed facility is located in Lower Heidelberg Township, **Berks County**.

Description of Proposed Action/Activity: Construction of sewage lift-station and collection system to serve Glen Ridge Estates.

**WQM Permit No. 3601204, Amendment #2**, Industrial Waste, **PA Farm Products, LLC**, 1093 Mt. Airy Road, Stevens, PA 17578.

This proposed facility is located in West Cocalico Township, **Lancaster County**.

Description of Proposed Action/Activity: Seeking permit approval for a re-rate the existing wastewater treatment plant discharge rate for a hydraulic increase of discharge to address increase in poultry processing production.

*Northcentral Regional Office: Regional Clean Water Program Manager, 208 W THIRD ST STE 101, Williamsport, PA 17701-6448. Phone: 570.327.0530.*

**WQM Permit No. 1481406 T-1**, Sewage, **Alexander K Klippel**, PO Box 618, Boalsburg, PA 16827-0618.

This existing facility is located in Harris Township, **Centre County**.

The receiving stream, an Unnamed Tributary to Spring Creek is in watershed 9-C and classified for CWF,

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant. Transfer and issuance of a WQM Permit for an existing discharge of treated sewage.

**WQM Permit No. 4177407 T-4**, Sewage, **Daniel P Renk**, 2864 Pleasant Valley Rd, Cogan Station, PA 17728.

This existing facility is located in Hepburn Township, **Lycoming County**.

Description of Proposed Action/Activity: The applicant is applying for an NPDES and WQM Permit Transfer for his Single Residence Sewage Treatment Plant (SR STP).

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**WQM Permit No. 2613401**, Sewerage, **North Union Township Municipal Service Authority**, 6 South Evans Station Road, Lemont Furnace, PA 15456

This proposed facility is located in North Union Township, **Fayette County**

Description of Proposed Action/Activity: Application for construction and operation of a sewer system.

**WQM Permit No. 6513406**, Sewerage, **Trafford Borough**, 414 Brinton Avenue, Trafford, PA 15085-0196

This proposed facility is located in Trafford Borough, **Westmoreland County**

Description of Proposed Action/Activity: Application for the construction and operation of a sewer system.

The Pennsylvania Infrastructure Investment Authority (Pennvest) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

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

**WQM Permit No. WQG018748**, Sewage, Transfer, **Joshua L. & Katrina N. Wirt**, 3440 US Route 6N, Edinboro, PA 16412.

This existing facility is located in Washington Township, **Erie County**.

Description of Proposed Action/Activity: Transfer of existing WQM permit from Anna M. & Jason H. Schmidt.

**WQM Permit No. 3772409**, Sewage, Transfer, **Filer Properties LLC**, 6 Chesshire Lane, Grove City, PA 16127.

This existing facility is located in Plain Grove Township, **Lawrence County**.

Description of Proposed Action/Activity: Transfer of existing WQM permit from Wilmington Area School District.

**WQM Permit No. 2594403**, Sewage, Transfer, **Adam T. Wagner**, 1020 Avonia Road, Fairview, PA 16415.

This proposed facility is located in Elk Creek Township, **Erie County**.

Description of Proposed Action/Activity: Transfer of existing WQM permit from Howard T. Morgan.

#### **IV. NPDES Applications for Stormwater Discharges from MS4**

#### **V. Applications for NPDES Waiver Stormwater Discharges from MS4**

#### **VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities**

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011513027	Friends of East Whiteland Fire and Ambulance P. O. Box 2146 Frazer, PA 19355	Chester	East Whiteland Township	Valley Creek EV
PAI011513026	Jeffrey M. Smith 4421 Conestoga Road Elverson, PA 19520	Chester	East Nantmeal Township	South Branch French Creek EV



*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Monroe County Conserve District, 8050 Running Valley Road, Stroudsburg PA 18360-0917*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024513015	UGI Utilities, Inc. 225 Morgantown Road Reading, PA 19611	Monroe	Coolbaugh Township	Tobyhanna Creek (HQ-CWF, MF) Hummler Run (HQ-CWF, MF)

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

*McKean County Conservation District, 17137 Route 6, Smethport PA 16749*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI064213002	Verizon Wireless c/o Justin Gvoth 18 Abele Road Bridgeville PA 15017	McKean	Hamlin Township	Unt Five Mile Run HQ-CWF Marvin Creek CWF

**VII. List of NOIs for NPDES and/or Other General Permit Types**

PAG-12 CAFOs

**STATE CONSERVATION COMMISSION**

**PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs**

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons with a disability who require an auxiliary aid, service, including TDD users or other accommodations to seek additional information should contact the SCC through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**APPLICATIONS**

**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Barry Good 1695 Rake Road Mohrsville, PA 19541	Berks	199	315	Layers	NA	Renewal
<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Application</i>
Four Winds Dairy, LLC 400 Van Etten Road Ulysses, PA 16948	Potter	2,011.2	0.9	Dairy	HQ and EV	Spring and Fall
Willard Hackman 1035 Dean Hill Rd Wellsboro, PA 16901	Tioga	366	617.14	Swine/Beef	CWF	Renewal

## PUBLIC WATER SUPPLY (PWS) PERMITS

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### SAFE DRINKING WATER

#### Applications Received Under the Pennsylvania Safe Drinking Water Act

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Permit No. 2813505**, Public Water Supply.  
 Applicant **Quincy Township**  
 Municipality Quincy Township  
 County **Franklin**  
 Responsible Official Robert Gunder, Chairman,  
 Board of Supervisors  
 7575 Mentzer Gap Road  
 Waynesboro, PA 17268  
 Type of Facility Public Water Supply  
 Consulting Engineer John M High, P.E.  
 William A. Brindle Associates  
 Inc.  
 336 Lincoln Way East  
 Chambersburg, PA 17201

Application Received: 10/17/2013  
 Description of Action New treatment facility including new well (Well No. 5), booster pump station, disinfection including GWR 4-log treatment of viruses, a 240,000 gallon finished water storage tank, and distribution system.

**Permit No. 0713509**, Public Water Supply.  
 Applicant **Martinsburg Municipal Authority**  
 Municipality North Woodbury Township  
 County **Blair**  
 Responsible Official Jeffrey L Garner, President  
 110 South Walnut Street  
 Martinsburg, PA 16662  
 Type of Facility Public Water Supply  
 Consulting Engineer Lawrence J Lennon, P.E.  
 Lennon, Smith, Souleret  
 Engineering, Inc.  
 846 Fourth Ave.  
 Coraopolis, PA 15108-1522

Application Received: 9/3/2013  
 Description of Action Replacement well source Well No. RW-2 to replace existing source Well No. 2.

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448*

**Application No. 1813503**—Construction Public Water Supply.

Applicant **Beech Creek Borough Authority**  
 [Township or Borough] Beech Creek Borough  
 County **Clinton**  
 Responsible Official James A. Watson, Authority  
 Chairman  
 Beech Creek Borough Authority  
 P. O. Box 216  
 51 Locust Street  
 Beech Creek, PA 16822  
 Type of Facility Public Water Supply  
 Consulting Engineer Kerry A. Uhler, Jr. P.E.  
 Kerry A. Uhler & Associates  
 140 West High Street  
 Bellefonte, PA 16823

Application Received: 10/23/13  
 Description of Action Transition from a Greensand filter sequestration to a poly-ortho phosphate blend to sequester iron and manganese.

**Application No. 1813504**—Construction Public Water Supply.

Applicant **Suburban Lock Haven Water Authority**  
 [Township or Borough] Woodward Township  
 County **Clinton**

Responsible Official Jack D. Peters, Chairman  
Suburban Lock Haven Water  
Authority  
326 Main Street  
Mill Hall, PA 17751

Type of Facility Public Water Supply

Consulting Engineer David M. Swisher, P.E.  
HRG, Inc.  
474 Windmere Drive  
State College, PA 16801

Application Received 10/28/13

Description of Action Installation of a booster chlorine  
disinfection system at an  
existing water booster station.

*Southwest Region: Water Supply Management Program  
Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-  
4745*

**Permit No. 6313506**, Public Water Supply.

Applicant **Authority of the Borough of  
Charleroi**  
3 McKean Avenue  
PO Box 211  
Charleroi, PA 15022

[Township or Borough] Borough of Charleroi

Responsible Official Edward Golanka, General  
Manager  
Authority of the Borough of  
Charleroi  
3 McKean Avenue  
PO Box 211  
Charleroi, PA 15022

Type of Facility Water system

Consulting Engineer Chester Engineers  
3 McKean Avenue  
PO Box 211  
Charleroi, PA 15022

Application Received Date October 18, 2013

Description of Action Water treatment plant  
upgrades—Phase II.

*Northwest Region: Safe Drinking Water Program Man-  
ager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Permit No. 2013506**, Public Water Supply

Applicant **Star Route Estates**

Township or Borough East Mead Township

County **Crawford**

Responsible Official Arthur Savitz

Type of Facility Public Water Supply

Consulting Engineer Steven R. Halmi, P.E.  
Deiss & Halmi Engineering, Inc.  
105 Meadville Street  
Edinboro, PA 16412

Application Received Date October 18, 2013

Description of Action Addition of chlorine contact  
capacity.

**Permit No. 1013504**, Public Water Supply

Applicant **Slippery Rock Associates**

Township or Borough Brady Township

County **Butler**

Responsible Official John Foley

Type of Facility Public Water Supply

Consulting Engineer James S. Willard  
KLH Engineers, Inc.  
5173 Campbells Run Road  
Pittsburgh, PA 15205

Application Received Date October 11, 2013

Description of Action Replace contact tanks and  
disinfection facilities.

**Permit No. 1013505**, Public Water Supply

Applicant **Robinson's Mobile Home  
Park**

Township or Borough Prospect Borough

County **Butler**

Responsible Official Barbara P. Robinson

Type of Facility Public Water Supply

Consulting Engineer James S. Willard  
KLH Engineers, Inc.  
5173 Campbells Run Road  
Pittsburgh, PA 15205

Application Received Date October 19, 2013

Description of Action Install flow restrictors or change  
minimum required residual  
chlorine level to meet 4-log  
requirements.

**MINOR AMENDMENT**

**Applications Received Under the Pennsylvania Safe  
Drinking Water Act**

*Northeast Region: Safe Drinking Water Program Man-  
ager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

**Application No. 5813501**

Applicant **Trehab at Tiffany Pines, LLC**

[Township or Borough] Bridgewater Township  
**Susquehanna County**

Responsible Official Dennis Phelps, Executive  
Director  
Trehab at Tiffany Pines, LLC  
P. O. Box 366  
36 Public Avenue  
Montrose, PA 18801

Type of Facility Community Water System

Consulting Engineer David W. LaSota, PE  
DW LaSota Engineering, Inc.  
P. O. Box 26  
901 6th Avenue, Suite 100  
Patton, PA 16668  
814-674-2650

Application Received Date October 7, 2013

Description of Action Application for a community water system to serve a new 40 unit townhouse development with community building to be known as The Meadows at Tiffany.

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745*

**Application No. 3013512MA, Minor Amendment.**

Applicant **Southwestern Pennsylvania Water Authority**  
1442 Jefferson Road  
PO Box 187  
Jefferson, PA 15344

[Township or Borough] Amwell Township

Responsible Official John W. Golding, 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  
PO Box 200  
Indianola, PA 15051

Application Received Date October 15, 2013

Description of Action Installation of approximately 3,600 feet of 6-inch and 8-inch diameter waterline (Redwood Drive waterline extension).

**Application No. 2613513MA, Minor Amendment.**

Applicant **Mountain Water Association**  
PO Box 527  
Fairchance, PA 15436

[Township or Borough] Georges Township

Responsible Official Scott Trump, Manager  
Mountain Water Association  
PO Box 527  
Fairchance, PA 15436

Type of Facility Water system

Consulting Engineer K2 Engineering, Inc.  
234 Pittsburgh Road  
Uniontown, PA 15401

Application Received Date October 3, 2013

Description of Action Installation of approximately 5,530 feet of 6-inch diameter waterline (Stager Road Waterline Project).

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

**Application No. 1069502-T1-MA9, Minor Amendment.**

Applicant **Pennsylvania American Water Company**

Township or Borough Butler Township

Responsible Official David R. Kaufman

Type of Facility Public Water Supply

Consulting Engineer Bruce A. Brubaker  
Pennsylvania American Water Company  
852 Wesley Drive  
Mechanicsburg, PA 17055

Application Received Date October 11, 2013

Description of Action Blasting and repainting of interior and exterior of the Meridian tank.

**Application No. 1069502-T1-MA10, Minor Amendment.**

Applicant **Pennsylvania American Water Company**

Township or Borough Butler Township

Responsible Official David R. Kaufman

Type of Facility Public Water Supply

Consulting Engineer Bruce A. Brubaker  
Pennsylvania American Water Company  
852 Wesley Drive  
Mechanicsburg, PA 17055

Application Received Date October 11, 2013

Description of Action Blasting and repainting of interior and exterior of the Butler Washwater Tanks 1 and 2.

**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 AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**Lefevre & Watson Residential Release**, 33 and 35 North Mann Avenue, Yeagertown, PA, Derry Township, **Mifflin County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of State Farm Insurance Company, PA Fire Claims, PO Box 106110, Atlanta, GA, 30348-6110; Tina Lefevre, 16 South Main Street, Yeagertown, PA 17099; and Richard Watson, 33 North Mann Avenue, Yeagertown, PA 17099, submitted a Notice of Intent to Remediate site soils contaminated with #2 fuel oil. The site will be remediated to the Residential Statewide Health standard. Future use of the site is residential. The Notice of Intent to Remediate was published in *The Sentinel* on August 28, 2013.

*Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Renovo Industrial Park**, Erie Avenue, Renovo Borough, **Clinton County**. Mr. Steven J. Treschow of Letterle & Associates, LLC, 629 East Rolling Drive, Bellefonte, Pa 16823, on behalf of Renovo Rail Industries, LLC submitted a Notice of Intent to Remediate. This site was utilized for the refurbishing of railroad cars since the 1860's. This process utilized chlorinated solvents to strip grease and oil form various parts. The intended future use of the property is commercial/industrial and Renovo Rail Industries, LLC will continue refurbishing railroad cars at the site. The Notice of Intent to Remediate was published in *The Lock Haven Express* on August 20, 2013.

**The Meadows at Watsonstown, LLC**, 47 Albatross Drive Site, Delaware Township, **Northumberland County**. Mr. Jeff Humpton, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, Pa 19406,

on behalf of Mr. Jason Dempsey, The Meadows at Watsonstown, LLC submitted a Notice of Intent to Remediate. A 275 gallon, non-regulated heating oil leaked 18 gallons of No. 2 fuel oil from a hole in the tank. The proposed future use of the property will be residential. The proposed cleanup for the site is Statewide Health. The Notice of Intent to Remediate was published in the *Standard Journal* on August 16, 2013.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745*

**Former ABC Motel**, Ligonier, Township, **Westmoreland County**. Insite Group, Inc., 611 S. Irvine Ave., Sharon, PA 16146 on behalf of Western Pennsylvania Conservancy, 800 Waterfront Drive, Pittsburgh, PA 15222 has submitted a Notice of Intent to Remediate on October 22, 2013 to meet the non-residential Statewide Health Standard; concerning the remediation of soil contaminants BTEX, MTVE, Cumene, Naphthalene, 1,2,4-trimethylbenzene and 1,3,5-Trimethylbenzene.

**Sheepskin Trail (Former B&O/CSX Transportation-Railroad Bed and Right of Way)**, Point Marion Borough & Springhill Townships, **Fayette County**. Triad Engineering Inc., 219 Hartman Run Road, Morgantown, WV 26507 on behalf of Fayette County c/o Sheepskin Trail, 61 East Main Street, Uniontown, PA 15401 has submitted a Notice of Intent to Remediate on October 22, 2013 to meet the Site Specific Standard. Contaminants identified were polynuclear hydrocarbons (PAHs), Arsenic, and Lead. The notification of the NIR was published on September 9, 2013 in the *Herald-Standard*.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Application(s) for Determination of Applicability 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. WMGR017SC001. Jesse Baro, Inc.**, 157 Quarry Road, Douglassville, PA 19518

The Southcentral Regional Office, Waste Management Program received a determination of applicability (DOA) under Residual Waste General Permit No. WMGR017 for Jesse Baro, Inc., 157 Quarry Road, Douglassville, PA in Douglass Township, **Berks County**. This general permit is for the beneficial use of water supply treatment plant sludge as 1) a soil additive by land application upon agricultural, agronomic, horticultural, and silvicultural lands, and 2) land application on disturbed lands to facilitate re-vegetation for land reclamation purposes. The application includes two proposed land application sites: Heffner Farm 1, located at 194 Weaver Road, Fleetwood, PA 19552 in Richmond Township, Berks County and Heffner Farm 2 located at Mountainview and Ridge Roads, Shoemakersville, PA 19555 in Perry Township, Berks County. The DOA was received on July 31, 2013.

Persons interested in obtaining more information about this determination of applicability may contact John

Oren, P.E., Facilities Manager, Southcentral Regional Office, Waste Management Program at 717-705-4706. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS

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 public. This approach allows the owner or operator of a facility to complete and submit permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office listed before the applications. Persons interested in reviewing the application files should contact the appropriate regional office to schedule appointments.

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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.

Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and the regulations adopted under the Federal Clean Air Act.

### PLAN APPROVALS

**Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2409*

**45-00005A: Sanofi Pasteur, Inc.** (Discovery Drive, Swiftwater, PA 18370-0187) for Plantwide Applicability Limit (PAL) for their existing sources operating at their facility in Pocono Township, **Monroe County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**25-269A: American Tinning and Galvanizing Co.** (552 West Twelfth Street, Erie, PA 16501) for their existing facility in the City of Erie, **Erie County**. Operations include: anodizing, barrel plating, rack plating, and galvanizing. Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920*

**09-0223: International Salt Co., LLC** (12 Roebling Road, Morrisville, PA 19067) for installation of a vibrating fluidized bed dryer and associated cyclone, as well as additional salt processing equipment (i.e., hoppers, screens, belt conveyors, and truck loadout chute), at its existing salt processing and packaging facility, which is located in Falls Township, **Bucks County**.

The current operations at the facility consist of two bulk salt storage areas, one crusher; multiple hoppers, screens, belt conveyors, and salt packaging machines; and a truck loadout chute. All of these operations are located within International Salt Co., LLC's ("ISCO's") existing production building except for one of the bulk salt storage areas and the truck loadout chute (all located outdoors, though the outdoor portion of the belt conveyor that feeds the chute is covered). Fugitive salt dust from the indoor operations are captured and controlled by a dust collection system that exhausts indoors. Since none of the current salt processing equipment exhausts into the outdoor atmosphere, no permitting has been required.

The proposed operations will accommodate the processing of solar salt (not currently processed at the facility), and will include the aforementioned equipment to be installed as well as an additional bulk salt storage area. All of these operations will be located in an adjacent existing building that also will be equipped with a dust collection system that exhausts indoors, except for the new screens (which will be located within ISCO's existing production building), one of the new belt conveyors (which will transport dried salt to ISCO's existing production building and be covered), and the new truck loadout chute (though the outdoor portion of the belt conveyor that feeds the chute also will be covered). The cyclone will control salt dust (particulate matter ["PM"]) emissions from the fluidized bed dryer, and will exhaust into the outdoor atmosphere.

The (pre-control) potential emission rate of PM from the fluidized bed dryer is approximately 106 tons/yr. Based on a minimum filterable PM removal efficiency for the cyclone of 99.944% (vendor's guarantee), the post-control PM emissions from the fluidized bed dryer figure will be approximately 0.06 ton/yr. The Plan Approval will include a PM emission concentration restriction for the

fluidized bed dryer of 0.009 gr/dscf, and a requirement to perform stack testing to demonstrate compliance with this restriction.

The crusher, screens, belt conveyors, and salt packaging machines are subject to the provisions of 40 C.F.R. Part 60, Subpart OOO (for nonmetallic mineral processing plants), and 25 Pa. Code § 123.1 (relating to prohibition of certain fugitive emissions). To satisfy the fugitive PM emission requirements for both regulations, the Plan Approval will include a requirement to perform testing using United States Environmental Protection Agency Method 9 to demonstrate that no fugitive emissions are visible at any building openings.

The Plan Approval will include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**06-05007P: Carpenter Technology Corp.** (101 Bern Street, Reading, PA 19601) to replace the steel coil cleaning line in their specialty steel alloy manufacturing facility in the City of Reading, **Berks County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to the abovementioned company for the abovementioned project. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

06-05007P is for replacement of the steel coil cleaning line. The new line will include salt baths for descaling coils with a scrubber to control emissions; salt bath natural gas fired process heaters; HCl acid baths controlled by a scrubber; nitric and sulfuric acid baths controlled by a scrubber; rinse and coating tanks without controls; natural gas fired furnaces for drying coils; and a natural gas fired air makeup unit. Plan Approval 06-05007P is to also incorporate the requirements of 40 CFR 63 Subpart DDDDD into permit 06-05007. In addition to 40 CFR 63 Subpart DDDDD, the company shall be subject to and comply with BAT. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The potential increase in air emissions from the proposed project are 12 tpy NO<sub>x</sub>, 11.7 tpy CO, 1.1 tpy PM<sub>10</sub> and 0.67 tpy VOC.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests, or for requests for a public hearing. 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.

Thomas Hanlon, Facilities Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments, protests, or requests for a public hearing.

Plan approvals issued to sources identified in 25 Pa. Code § 127.44(b)(1)—(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

**01-05003A: Columbia Gas Transmission, LLC** (1700 MacCorkle Avenue, S.E., Charleston, WV 25314) for construction of a 4700 bhp natural gas-fired combustion turbine and a 530 hp natural gas-fired emergency internal combustion engine, and ancillary small natural gas-fired heating sources at their Gettysburg Compressor Station in Straban Township, **Adams County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received an application and intends to issue a Plan Approval to the abovementioned company for the abovementioned project. This Plan Approval will be incorporated into the company's Title V Operating Permit via an administrative amendment at a later date.

Plan Approval No. 01-05003A authorizes the construction of the abovementioned sources. The combustion turbine will be subject to 40 CFR Part 60, Subpart KKKK—Standards of Performance for Stationary Combustion Turbines (NSPS Subpart KKKK). The emergency internal combustion engine will be subject to 40 CFR Part 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines (NSPS Subpart JJJJ). The Plan Approval and Title V Operating Permit will contain emission restrictions, work practice standards, and testing, monitoring, record keeping, and reporting requirements to ensure the facility complies with the applicable air quality requirements. Estimated annual potential emissions are the following: 21.3 tons NO<sub>x</sub>; 13.4 tons CO; 6.9 tons VOC; 1.5 tons PM<sub>10</sub>; 1.5 tons PM<sub>2.5</sub>; 0.2 ton SO<sub>x</sub>; 0.3 ton formaldehyde; 0.3 ton total HAPs; 26,360 tons CO<sub>2</sub>; 0.5 ton CH<sub>4</sub>; and 26,370 tons CO<sub>2</sub>e.

Best Available Technology (BAT) for the combustion turbine is considered to be the following:

- (a) NO<sub>x</sub> emission limit of 25 ppmvd (corrected to 15% oxygen);
- (b) CO emission limit of 25 ppmvd (corrected to 15% oxygen);
- (c) Non-methane non-ethane hydrocarbon (NMNEHC) emission limit of 9 ppmvd (15% O<sub>2</sub>; measured as propane);
- (d) TPM emission limit of 0.03 lb/mmBTU;
- (e) Compliance with NSPS Subpart KKKK;
- (f) Operate the turbine in a manner consistent with good air pollution control practices for minimizing emissions at all times, including periods of startup, shutdown and malfunction; and

(g) Operation and maintenance in accordance with the manufacturer's specifications.

Best Available Technology (BAT) for the emergency internal combustion engine, which will be limited to 500 operating hours during any consecutive 12-month period, is considered to be the following:

- (a) TPM emission limit of 0.02 gr/dscf;
- (b) Compliance with NSPS Subpart JJJJ; and
- (c) Operation and maintenance in accordance with the manufacturer's specifications.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period from the date of publication of this notice in the *Pennsylvania Bulletin* will exist for the submission of comments or protests.

William R. Weaver, Air Quality Program Manager, may be contacted at 717-705-4702, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

Plan approvals issued to sources identified in 25 Pa. Code § 127.44(b)(1)–(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

**28-05003A: Columbia Gas Transmission, LLC** (1700 MacCorkle Avenue, S.E., Charleston, WV 25314) for construction of a 4700 bhp natural gas-fired combustion turbine and a 530 hp natural gas-fired emergency internal combustion engine, and ancillary small natural gas-fired heating sources at their Greencastle Compressor Station in Montgomery Township, **Franklin County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received an application and intends to issue a Plan Approval to the abovementioned company for the abovementioned project. This Plan Approval will be incorporated into the company's Title V Operating Permit via an administrative amendment at a later date.

Plan Approval No. 28-05003A authorizes the construction of the abovementioned sources. The combustion turbine will be subject to 40 CFR Part 60, Subpart KKKK—Standards of Performance for Stationary Combustion Turbines (NSPS Subpart KKKK). The emergency internal combustion engine will be subject to 40 CFR Part 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines (NSPS Subpart JJJJ). The Plan Approval and Title V Operating Permit will contain emission restrictions, work practice standards, and testing, monitoring, record keeping, and reporting requirements to ensure the facility complies with the applicable air quality requirements. Estimated

annual potential emissions are the following: 21.3 tons NO<sub>x</sub>; 13.4 tons CO; 6.9 tons VOC; 1.5 tons PM<sub>10</sub>; 1.5 tons PM<sub>2.5</sub>; 0.2 ton SO<sub>x</sub>; 0.3 ton formaldehyde; 0.3 ton total HAPs; 26,360 tons CO<sub>2</sub>; 0.5 ton CH<sub>4</sub>; and 26,370 tons CO<sub>2</sub>e.

Best Available Technology (BAT) for the combustion turbine is considered to be the following:

- (a) NO<sub>x</sub> emission limit of 25 ppmvd (corrected to 15% oxygen);
- (b) CO emission limit of 25 ppmvd (corrected to 15% oxygen);
- (c) Non-methane non-ethane hydrocarbon (NMNEHC) emission limit of 9 ppmvd (15% O<sub>2</sub>; measured as propane);
- (d) TPM emission limit of 0.03 lb/mmBTU;
- (e) Compliance with NSPS Subpart KKKK;
- (f) Operate the turbine in a manner consistent with good air pollution control practices for minimizing emissions at all times, including periods of startup, shutdown and malfunction; and

(g) Operation and maintenance in accordance with the manufacturer's specifications.

Best Available Technology (BAT) for the emergency internal combustion engine, which will be limited to 500 operating hours during any consecutive 12-month period, is considered to be the following:

- (a) TPM emission limit of 0.02 gr/dscf;
- (b) Compliance with NSPS Subpart JJJJ; and
- (c) Operation and maintenance in accordance with the manufacturer's specifications.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period from the date of publication of this notice in the *Pennsylvania Bulletin* will exist for the submission of comments or protests.

William R. Weaver, Air Quality Program Manager, may be contacted at 717-705-4702, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

Plan approvals issued to sources identified in 25 Pa. Code § 127.44(b)(1)–(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*



**26-00602A: Smithfield D&I** (3097 Morgantown Road, Smithfield, PA 15478) for the transloading of silica quartz sand between railcar, silos, and trucks at their facility in Smithfield Borough, **Fayette County**. This is a minor facility Plan Approval application submittal.

**63-00641E: Regal Industrial Corporation** (P. O. Box 291, Donora, PA 15033-0291) for a surface coating operation and blast booth at the Donora Plant in Donora Borough, **Washington County**. This is a minor facility Plan Approval application submittal.

#### 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*

**15-00104: Tasty Baking Oxford** (700 Lincoln Street, Oxford, PA 19363; Attn: Mr. Dan Scott) for renewal of the Title V Operating Permit. The initial permit was issued on September 23, 2008, for their bakery plant in Oxford Borough, **Chester County**. The facility is a major source for VOC. Sources include boilers, heating processes, a fire pump, fryer lines, oven lines, and other miscellaneous bakery components. The fryers are equipped with mist eliminators. All other sources have been deemed uncontrollable at this time. The fire pump (Source ID 036) is subject to 40 CFR Part 63, Subpart ZZZZ. Applicable requirements have been incorporated into the Title V Operating Permit renewal. The following are current potential site-wide emission rates for this facility: NO<sub>x</sub>—17.6 TPY; SO<sub>x</sub>—0.2 TPY; PM<sub>10</sub>—5.8 TPY; PM<sub>2.5</sub>—5.6; CO—13.8 TPY; VOC—49.4 TPY; HAP—0.3 TPY; and GHG—15,233.2 TPY (reported as CO<sub>2e</sub>). Allowable emissions from the facility have not increased as a result of this permit renewal. Individual limits apply to the various sources at the facility. The operating permit contains requirements to keep the facility operating within all applicable air quality requirements for this source.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104*

*Contact: Edward Wiener, Chief—Telephone: 215-685-9426*

**V06-002: Northeast Water Pollution Control Plant** (3899 Richmond Street, Philadelphia, PA 19137) for operation of a water treatment plant in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include liquid treatment processes, solids treatment processes, four (4) boilers less than 24 MMBTU/hr each burning natural gas or digester gas, two (2) boilers <15 MMBTU/hr burning #2 fuel oil or digester gas, five (5) boilers less than 16 MMBTU/hr burning natural gas or digester gas, four (4) digester gas flares, one (1) siloxane removal system and flare, a cold degreaser, and co-generation plant with five (5) generators and five (5) SCRs.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Ave., Philadelphia, PA 19104. For further information, contact Mr. Edward Wiener (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or com-

ments 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.

#### Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2409*

**64-00015: Bedrock Quarries, Inc.** (PO Box 196, 2052 Lucon Road, Skippack, PA 19474-0196) for mining crushed and broken stone operations in Damascus Township, **Wayne County**. The primary sources consist of crushers, screens, and conveyors. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions. This is a renewal State-Only Natural Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**39-00057: St. Luke's Hospital of Bethlehem—St. Luke's Hospital Allentown Campus** (1736 Hamilton Street, Allentown, PA 18104-5353) to operate a general medical and surgical hospital in Allentown, **Lehigh County**. The primary sources consist of three (3) boilers and two (2) emergency generators. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), particulate matter (PM<sub>10</sub>), and volatile organic compounds (VOC) emissions. This is a renewal State-Only Synthetic Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**35-00028: Moses Taylor Hospital** (700 Quincy Avenue, Scranton, PA 18510-1724) to operate a General Medical and Surgical Hospital in Scranton, **Lackawanna County**. The primary sources consist of three (3) boilers. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), particulate matter (PM<sub>10</sub>), and volatile organic compounds (VOC) emissions. This is a renewal State-Only Natural Minor Operating Permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**40-00048: Reading Materials, Inc.** (2052 Lucon Road, Skippack, PA 19474-0196) a renewal State Only operating permit for their Pikes Creek Sand and Stone Crushing plant and associated air cleaning device in Lehman Township, **Luzerne County**. The proposed operating permit contains all applicable Federal and State regulations including emissions, monitoring, record keeping, reporting and work practice requirements.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**36-03103: Kunzler & Co Inc.—Lancaster** (652 Manor St., Lancaster, PA 17603) for operation of a meat processing facility in Lancaster City, **Lancaster County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit renewal for the abovementioned facility.

The estimated potential emissions of the facility are 1.7 tons of PM per year, 26.1 tons of CO per year, 11.4 tons of NO<sub>x</sub> per year, 0.1 ton of SO<sub>2</sub> per year, 1.1 ton of VOC per year. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. The facility is subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests. 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.

Gary Helsel, Acting New Source Review Chief, may be contacted at 814-949-7935, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

**28-03041: Spectrum Industrial Coatings Inc.** (9226 Mountain Brook Rd., St. Thomas, PA 17252) for a liquid painting facility in Saint Thomas Township, **Franklin County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit renewal for the abovementioned facility.

The annual emissions in year 2012 were 10.15 tons of VOC. The facility is subject to 25 Pa. Code §§ 129.52 and 129.63. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests. 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.

Gary Helsel, Acting New Source Review Chief, may be contacted at 814-949-7935, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

**67-03018: Penn-Mar Castings, Inc.** (500 Broadway, Hanover, PA 17331) for operation of their gray iron foundry in Hanover Borough, **York County**. This is a renewal of the facility's state-only air quality operating permit.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to renew an Air Quality Operating Permit for the abovementioned facility.

The subject facility employs several baghouses to control particulate matter (PM) emissions from foundry operations which are subject to 40 CFR Part 63 Subpart ZZZZZ—National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources. The facility has the potential to emit over 40 tons per year of particulate matter emissions. Actual operating hours and emissions are well below maximum levels.

The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Copies of the renewal application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise

statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

William R. Weaver, Regional Air Quality Manager, may be contacted at 717-705-4702, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

**21-05012: Mt. Holly Springs Specialty Paper, Inc.** (1 Mountain Street, Mount Holly Springs, PA 17065) for a paper mill in Mt. Holly Springs Borough, **Cumberland County**. This is a renewal of their State-Only Operating Permit issued in October 2008.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to renew an Air Quality Operating Permit for the abovementioned facility.

Mt. Holly Springs Specialty Paper is a synthetic minor facility subject to the operating permit requirements of 25 Pa. Code Chapter 127, Subchapter F (relating to operating permit requirements). The facility operates a specialty paper mill. The primary emission from the facility are NO<sub>x</sub> and CO from the boilers which are fired on natural gas. The actual 2012 AIMS emissions were: 1.97 tons of NO<sub>x</sub>, and 1.67 tons of CO.

Copies of the renewal application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Gary Helsel, Acting New Source Review Chief, may be contacted at 814-949-7935, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

**50-03002: Pennsy Supply, Inc.—Newport Quarry** (PO Box 3331, 1001 Paxton Street, PA 17105-3331) for a stone crushing and processing operation in Oliver Township, **Perry County**. This is a renewal of their State-Only Operating Permit issued in October 2008.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to renew an Air Quality Operating Permit for the abovementioned facility.

Pennsy Supply is a natural minor facility subject to the operating permit requirements of 25 Pa. Code Chapter 127, Subchapter F (relating to operating permit requirements). The facility operates a stone crushing and processing facility. The primary emissions from the facility are particulate matter, with potential emissions of ap-

proximately 25 tpy after controls. The Jaw and Cone Crushers are subject to NSPS Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

Copies of the renewal application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Gary Helsel, Acting New Source Review Chief, may be contacted at 814-949-7935, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**08-00042: Northeast Bradford School District** (526 Panther Lane, Rome, PA 18837) for their School District in Orwell Township, **Bradford County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility. The subject facility has the following potential emissions: 8.23 TPY of CO; 18.34 TPY of NO<sub>x</sub>; 31.37 TPY of SO<sub>x</sub>; 11.13 TPY of PM/PM<sub>10</sub>; 1.94 TPY of VOC and 17,577 TPY of CO<sub>2e</sub>. The Department has determined that the sources at the facility satisfy best available technology (BAT) requirements, pursuant to 25 Pa. Code §§ 127.1 and 127.12, as well as the National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial and Institutional Boiler Area Sources, 40 CFR Part 63 Subpart JJJJJ Sections 63.11193 through 63.11237; the National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 40 CFR Part 63 Subpart ZZZZ Sections 63.6580 through 63.6675 and the New Source Performance Standards for Stationary Compression Ignition Internal Combustion Engines, 40 CFR Part 60 Subpart IIII Sections 60.4200 through 60.4219. The operating permit will include emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations. Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Northcentral Regional Office at 208 West Third Street, Suite 101, Williamsport, PA 17701.

A person may oppose the proposed operating permit, or may provide the Department with additional information

to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period from the date of publication of this notice in the *Pennsylvania Bulletin* will exist for the submission of comments or protests. David Shimmel, P.E., Chief, New Source Review Section, may be contacted at 570-327-3568, or at PA DEP Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, for additional information or for the submission of comments or protests.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**30-00182: CNX Marine Terminals, Inc.** (100 CONSOL Energy Drive, Canonsburg, PA 15317) for processing coal and limestone at their Robena Barge Cleaning Facility in Monongahela Township, **Greene County**. This is an initial State Only Operating Permit application submittal.

**63-00984: FML Terminal Logistics, LLC** (3450 E. 2056th Road, Wedron, IL 60557) for support activities for rail transportation at the 84 PA Plant in North Strabane Township, **Washington County**. This is an initial State Only Operating Permit application submittal.

**03-00229: Rosebud Mining Co.** (301 Market Street, Kittanning, PA 16201) for a Natural Minor Operating Permit for the operation of a coal preparation plant, known as the Logansport Mine Coal Preparation Plant, in Bethel Township, **Armstrong County**.

The facility contains air contamination sources consisting of conveyers, radial stackers, stacking tubes, screens, a wet process H. M. cyclone/spiral coal cleaning device, a 755-bhp diesel engine, storage piles, and plant roads. Raw coal throughput of the facility is limited to 2,500,000 tons per year. Facility emissions are 17.8 tons per year of PM<sub>10</sub>, 5.8 tons per year of NO<sub>x</sub>, and 1.3 tons per year of CO. The facility is limited to a maximum opacity from any processing equipment of 10 percent. The facility is subject to 40 CFR 60, Subpart Y—Standards of Performance for Coal Preparation, Processing Plants and 40 CFR 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, as well as state requirements. The permit includes emission limitations, and operational, monitoring, testing, reporting and recordkeeping requirements for the facility.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a review must be made by calling 412-442-4000.

Any person may submit comments, a request for the Department to hold a public hearing, or a protest to the operating permit or a proposed condition thereof, by filing such submissions in writing with the Department at the Southwest Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments.

All requests for a public hearing, and all protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). A protest must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (State Only Operating Permit 03-00229) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

Written comments, protests, and requests for a public hearing should be directed to Martin L. Hochhauser, P.E., Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Martin L. Hochhauser, P.E. at (412) 442-4057.

**32-00206: Rosebud Mining Co.** (301 Market Street, Kittanning, PA 16201) for a Natural Minor Operating Permit for operation of a coal transfer facility, known as the I-22 Tipple, located in Burrell Township, **Indiana County**.

The facility contains air contamination sources consisting of a railcar dump, truck hopper loadout, conveyers, storage piles, and plant roads. Transferred coal throughput of the facility is limited to 2,000,000 tons per year. Facility emissions are 7.0 tons per year of PM<sub>10</sub>. The facility is limited to a maximum opacity from any processing equipment of 20 percent. The facility is subject to 25 Pa. Code Chapters 121—145. The permit includes emission limitations, and operational, monitoring, testing, reporting and recordkeeping requirements for the facility.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a review must be made by calling 412-442-4000.

Any person may submit comments, a request for the Department to hold a public hearing, or a protest to the operating permit or a proposed condition thereof, by filing such submissions in writing with the Department at the Southwest Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments.

All requests for a public hearing, and all protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). A protest must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance

being opposed (State Only Operating Permit 32-00206) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

Written comments, protests, and requests for a public hearing should be directed to Martin L. Hochhauser, P.E., Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Martin L. Hochhauser, P.E. at (412) 442-4057.

## 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*

**65091301 and NPDES No. PA0235873. C&D Coal Company, LLC**, (145 Ivy Lane, Tazwell, VA 24651). To revise the permit for the Kingston West Mine in Derry Township, **Westmoreland County** to add subsidence control plan permit acres for full-extraction (retreat) mining. Subsidence Control Plan Acres Proposed 311. No additional discharges. The application was considered administratively complete on October 24, 2013. Application received August 22, 2013.

**30841316 and NPDES No. PA0213535. Consol Pennsylvania Coal Company, LLC**, (PO Box J, 1525 Pleasant Grove Rd., Claysville, PA 15323). To revise the permit for the Bailey Mine & Prep Plant in Richhill Township, **Greene County** and related NPDES permit to install the Crabapple Overland Conveyor Access Road. Surface Acres Proposed 0.9. No additional discharges. The application was considered administratively complete on October 28, 2013. Application received August 22, 2013.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**Permit No. 56880103 and NPDES No. PA0598143, Rosebud Mining Co.**, 301 Market Street, Kittanning, PA 15501, permit renewal for the continued operation and restoration of a bituminous surface mine in Summit Township, **Somerset County**, affecting 1,102.0 acres. Receiving streams: unnamed tributaries to/and Cassleman River, unnamed tributaries to/and Lick Run, unnamed tributaries to/and Bigby Run and unnamed tributaries to/and Cranberry Run classified for the following use: cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: September 11, 2013.

**Permit No. 56920106 and NPDES No. PA0599557, Sherpa Mining Contractors, Inc.**, 337 Benny Road, Hooversville, PA 15936, permit renewal for the continued operation and restoration of a bituminous surface mine in Shade Township, **Somerset County**, affecting 276.0 acres. Receiving streams: unnamed tributaries to Hinson Run, unnamed tributaries to Shade Creek and unnamed tributaries to Stony Creek classified for the following use: cold water fisheries. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek SWI. Application received: September 12, 2013.

**Permit No. 56930104 and NPDES No. PA0212415, Rosebud Mining Co.**, 301 Market Street, Kittanning, PA 15501, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 129.0 acres. Receiving streams: unnamed tributaries to/and Buffalo Creek classified for the following use: cold

water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 23, 2013.

**Permit No. 56880109 and NPDES No. PA0598283, PBS Coals, Inc.**, P. O. Box 260, 1576 Stoystown Road, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 97.1 acres. Receiving streams: unnamed tributaries to/and Bluelick Creek classified for the following use: cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: September 27, 2013.

**Permit No. 56813006 and NPDES No. PA0125466, PBS Coals, Inc.**, P. O. Box 260, 1576 Stoystown Road, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface mine in Stonycreek Township, **Somerset County**, affecting 285.9 acres. Receiving streams: unnamed tributaries to/and Clear Run and to Boone Run classified for the following use: cold water fisheries. The first downstream potable water supply intake from the point of discharge is Hooversville Borough Municipal Authority Stonycreek SWI. Application received: October 2, 2013.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**26130102 and NPDES Permit No. PA0252344. Valhalla Mining Co., LLC** (170 Yasenosky Road, Smithfield, PA 15478). Application for commencement, operation and reclamation of bituminous surface mine, located in Dunbar Township, **Fayette County**, affecting 61.6 acres. Receiving streams: unnamed tributaries to Gist Run, classified for the following use: TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: October 9, 2013.

**65120103 and NPDES Permit No. PA0252336. Coal Loaders, Inc.** (P. O. Box 556, Ligonier, PA 15658). Application for commencement, operation and reclamation of bituminous surface mine, located in Fairfield & Ligonier Townships, **Westmoreland County**, affecting 107.7

acres. Receiving streams: unnamed tributary to Hanna's Run and unnamed tributaries to Hypocrite Creek, classified for the following use: HQ-CWF. The potable water supply intake within 10 miles downstream from the point of discharge: Latrobe Municipal Authority. Application received: October 10, 2013.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**16130101 and NPDES Permit No. PA0259446. RFI Energy, Inc.** (P. O. Box 162, Sligo, PA 16255) Commencement, operation and restoration of a bituminous surface and coal refuse disposal mine in Licking & Toby Townships, **Clarion County**, affecting 65.0 acres. Receiving streams: Unnamed tributaries to Licking Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application to include a landuse change from forestland and pastureland or land occasionally cut for hay to unmanaged natural habitat on the C & K Coal Company properties. Application received: October 11, 2013.

**5974-16130101-E-1. RFI Energy, Inc.** (P. O. Box 162, Sligo, PA 16255) Application for a stream encroachment to use an existing stream crossing and conduct mining operations within 100 feet of unnamed tributary No. 1 to Licking Creek in Licking & Toby Townships, **Clarion County**. Receiving streams: Unnamed tributaries to Licking Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: October 11, 2013.

**5974-16130101-E-2. RFI Energy, Inc.** (P. O. Box 162, Sligo, PA 16255) Application for a stream encroachment to conduct support operations within 50 feet of unnamed tributary No. 2 to Licking Creek in Licking & Toby Townships, **Clarion County**. Receiving streams: Unnamed tributaries to Licking Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: October 11, 2013.

*Noncoal Applications Received*

*Effluent Limits*—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Parameter	Table 2		
	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**10020306. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201) Application to impact 0.37 acre of wetlands and construct 4.78 acres of replacement wetlands in Worth Township, **Butler County**. Receiving streams: Slippery Rock Creek and two unnamed tributaries to Slippery Rock Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application also includes a request for a Section 401 Water Quality Certification. Application received: October 21, 2013.

**20910303 and NPDES Permit No. PA0259454. Don and Randy Ferris, Inc.** (23773 Mackey Hill Road, Cambridge Springs, PA 16403) Transfer of an existing large industrial minerals mine from Donald Ferris in Rockdale Township, **Crawford County** affecting 38.2 acres. This transfer also includes an application for a new NPDES permit. Receiving

streams: unnamed tributary to French Creek, classified for the following uses: WWF; and Kelly Run, classified for the following uses: HQ-CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: October 24, 2013.

### 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.

In addition, the Department imposes a technology-based aluminum limit of 2.0 mg/l (30 day average) to protect stream uses.

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 BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code Chapter 77 are as follows:

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity*			
pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

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 362-0600-001, NPDES Program Implementation-Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

#### Coal NPDES Draft Permits

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

**NPDES No. PA0214931 (Mining Permit No. 56743704), Robindale Energy Services, Inc.**, (224 Grange Hall Road, PO Box 228, Armagh, PA 15920). A renewal to the NPDES and mining activity permit for the Penn Pocahontas Coal Refuse Site in Brothersvalley Township, **Somerset County**. Surface Acres Affected 17.4. Receiving stream: Buffalo Creek, classified for the following use: CWF. Buffalo Creek Somerset TMDL. The application was considered administratively complete on September 7, 2011. Application received January 27, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

*Outfall 001* discharges to: Buffalo Creek

The proposed effluent limits for *Outfall 001* (Lat: 79° 02' 04" Long: 39° 53' 05") are:

Parameter	Minimum	30-Day Average	Daily Maximum	Instant. Maximum
Flow (mgd)		-	0.365	-
Iron (mg/l)		1.2	2.4	3.0
Manganese (mg/l)		0.96	1.9	2.4
Aluminum (mg/l)		1.7	3.4	4.3
Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (mos/kg)		60	119	149
Sulfates (mg/l)		-	-	REPORT
Total Dissolved Solids (mg/l)		-	-	REPORT
Chlorides (mg/l)		-	-	REPORT

**NPDES No. PA0214167 (Mining Permit No. 17921604), Waroquier Coal Company**, (PO Box 128, Clearfield, PA 16830). A renewal to the NPDES and mining activity permit for the Truck Tipple in Lawrence Township, **Clearfield County**. Surface Acres Affected 5.3. Receiving stream: Unnamed Tributary to West Branch Susquehanna River, classified for the following use: CWF. West Branch Susquehanna River Watershed TMDL. The application was considered administratively complete on August 22, 2013. Application received July 2, 2013.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

*Outfall 001* discharges to: Unnamed Tributary to West Branch of Susquehanna River

The proposed effluent limits for *Outfall 001* (Lat: 41° 0' 02" Long: 78° 27' 32") are:

Parameter	Minimum	30-Day Average	Daily Maximum	Instant. Maximum
Flow (mgd)		-	0.2	-
Iron (mg/l)		1.5	3.0	3.8
Manganese (mg/l)		1.0	1.0	1.0
Aluminum (mg/l)		0.75	0.75	0.75
Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (mos/kg)		50	50	50
Sulfates (mg/l)		-	-	REPORT
Total Dissolved Solids (mg/l)		-	-	REPORT
Chlorides (mg/l)		-	-	REPORT

**NPDES No. PA0215708 (Mining Permit No. 17941601), Forcey Coal, Inc.**, (PO Box 225, Madera, PA 16661-0225). A renewal to the NPDES and mining activity permit for the Tipple Operation in Bigler Township, **Clearfield County**. Surface Acres Affected 11.3. Receiving stream: Unnamed Tributary to Muddy Run, classified for the following use: CWF. Clearfield Creek TMDL. The application was considered administratively complete on November 22, 2010. Application received September 2, 2010.



Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

*Outfall 001* discharges to: Unnamed Tributary to Muddy Run

The proposed effluent limits for *Outfall 001* (Lat: 40° 48' 31" Long: 78° 26' 02") are:

<i>Parameter</i>	<i>30-Day Minimum</i>	<i>Daily Average</i>	<i>Instant. Maximum</i>	<i>Maximum</i>
Flow (mgd)		-	0.036	-
Iron (mg/l)		1.5	3.0	3.8
Manganese (mg/l)		1.0	1.0	1.0
Aluminum (mg/l)		0.75	0.75	0.75
Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (mos/kg)		50	50	50
Sulfates (mg/l)		-	-	REPORT
Total Dissolved Solids (mg/l)		-	-	REPORT
Chlorides (mg/l)		-	-	REPORT

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**NPDES No. PA0250309 (Mining permit no. 63020102), S & K Energy, Inc.**, 5943 Pudding Stone Lane, Bethel Park, PA 15102, renewal NPDES permit for a bituminous surface mine in Smith Township, **Washington County**, affecting 147.6 acres. Receiving streams: unnamed tributaries to unnamed tributaries to Little Raccoon Run to Raccoon Creek to Ohio River; Raccoon Creek; and unnamed tributaries to Raccoon Creek to Raccoon Creek to Ohio River, classified for the following use(s): WWF. This receiving stream is included in the Raccoon Creek Watershed TMDL. Application received: September 11, 2013.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The treated wastewater outfall(s) listed below discharge to unnamed tributary B to Little Raccoon Run, and unnamed tributary C to Raccoon Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>TYPE</i>
TP2	N	Treatment Pond
TP3	N	Treatment Pond

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: TP2 &amp; TP3 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35	70	90
Osmotic Pressure (mOsm/kg)	50	50	50
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The stormwater outfall(s) listed below discharge to: unnamed tributary B to Little Raccoon Run and unnamed tributary C to Raccoon Creek.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>TYPE</i>
SP1, SP2, SP3, SP4, SP5	N	Sedimentation Pond

The proposed effluent limits for the above listed outfalls are as follows: for dry weather discharges.

<i>Outfalls: SP1, SP2, SP3, SP4, SP5 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35	70	90
Osmotic Pressure (mOsm/kg)	50	50	50
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The proposed effluent limits for the above listed outfalls are as follows: for precipitation events less than or equal to a 10year/24 hour storm event.

<i>Outfalls: SP1, SP2, SP3, SP4, SP5 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	NA	NA	7.0
Total Suspended Solids (mg/l)	NA	NA	0.5 ml/l
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

**NPDES No. PA0252344 (Mining permit no. 26130102), Valhalla Mining Co. LLC**, 170 Yasenesky Road, Smithfield, PA 15478, new NPDES permit for a bituminous surface mine in Dunbar Township, **Fayette County**, affecting 61.6 acres. Receiving stream(s): unnamed tributary A to Gist Run, classified for the following use(s): TSF. Application received: October 9, 2013.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The treated wastewater outfall(s) listed below discharge to unnamed tributary A to Gist Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>TYPE</i>
003	Y	Treatment Facility
004	Y	Treatment Facility
005	Y	Treatment Facility

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: 003, 004, 005</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35	70	90
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The stormwater outfall(s) listed below discharge to unnamed tributary A to Gist Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>TYPE</i>
001	Y	Sediment Pond
002	Y	Sediment Pond

The proposed effluent limits for the above listed outfall(s) are as follows: for dry weather discharges

<i>Outfalls: 001, 002</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	7.0	4.0	5.0
Total Suspended Solids (mg/l)	35	70	90
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The proposed effluent limits for the above listed outfall(s) are as follows: for precipitation events less than or equal to a 10 year/24 hour storm event

<i>Outfalls: 001, 002</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	NA	NA	7.0
Total Suspended Solids (mg/l)	NA	NA	0.5 ml/l
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

#### *Noncoal NPDES Draft Permits*

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**NPDES No. 4775SM1GP-104 (Mining Permit No. 4775SM1) John Bradshaw**, 158 Heights Lane, Tioga, PA 16946. New NPDES for Stormwater Associated with Mining Activities Notice of Intent for Coverage Under the General Permit (GP-104) for Noncoal Surface Mine in Lawrence & Tioga Townships, **Tioga County**, affecting 20.6 acres. Receiving stream(s): Unnamed Tributary to Tioga River/Tioga-Cowansque River Basin, classified for the following use(s): WWF. Application received: June 28, 2013.

There is no proposed surface discharge from the above listed facilities to the receiving stream due to the implementation of Best Management Practices.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**NPDES Permit No. PA0225312 on Surface Mining Permit No. 58122510. Nittany Nova Aggregates, LLC** (2840 West Clymer Avenue, Suite 400, Telford, PA 18969), new NPDES Permit for a General Permit for Bluestone (GP105) Quarry operation in New Milford Township, **Susquehanna County**, affecting 10.0 acres. Receiving stream: unnamed tributary to Beaver Creek, classified for the following use: HG-cold water fishes. Application received: July 10, 2012.

Non-discharge BMP's shall be in effect.

### **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.

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**Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.**

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**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.*

**E45-586. Transcontinental Gas Pipeline Company**, 2800 Post Oak Boulevard, Level 17, Houston, TX 77056, in Tobyhanna & Tunkhannock Townships, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the “Franklin Loop” of the Leidy Southeast Expansion Project for the purpose of constructing an 11.47 mile long, 42-inch diameter natural gas transmission line. The Monroe County portion of the project begins at the Lehigh River (the border of Luzerne County and Monroe County), approximately 0.5 mile east of the intersection of U.S. Route 115 and T-443 (Pleasant View Summit, PA Quadrangle Latitude: 41° 8' 8.68"; Longitude: 75° 37' 41.82") in Tobyhanna Township, Monroe County and terminates several hundred feet southeast of the intersection of Cartwright Road and Long Pond Road (S.R. 4002) (Blakeslee, PA Quadrangle Latitude: 41° 3' 13.0"; Longitude: -75° 31' 30.30") in Tunkhannock Township, Monroe County.

A) A 42-inch diameter natural gas transmission line crossing of 64-L.F. of PEM wetlands (Latitude: 41° 8' 6.7"; Longitude: -75° 37' 38.96").

B) A 42-inch diameter natural gas transmission line crossing of an unnamed tributary to Lehigh River (EV, MF) (Latitude: 41° 7' 52.71"; Longitude: -75° 37' 17.80").

C) A 42-inch diameter natural gas transmission line crossing of 1,820-L.F. of EV wetlands (Latitude: 41° 7' 36.24"; Longitude: -75° 37' 11.81").

D) A 42-inch diameter natural gas transmission line crossing of 180-L.F. of EV wetlands (Latitude: 41° 7' 36.24"; Longitude: -75° 37' 11.81").

E) A 42-inch diameter natural gas transmission line crossing of Stony Run (HQ-CWF, MF) (Latitude: 41° 7' 2.24"; Longitude: -75° 36' 34.69").

F) A 42-inch diameter natural gas transmission line crossing of 39-L.F. of PEM wetlands (Latitude: 41° 6' 54.01"; Longitude: -75° 36' 16.23").

G) A 42-inch diameter natural gas transmission line crossing of 440-L.F. of PEM wetlands (Latitude: 41° 6' 44.42"; Longitude: -75° 36' 3.89").

H) A 42-inch diameter natural gas transmission line crossing of Twomile Run (HQ-CWF, MF) (Latitude: 41° 6' 39.45"; Longitude: -75° 36' 0.84").

I) A 42-inch diameter natural gas transmission line crossing of 105-L.F. of PEM wetlands (Latitude: 41° 6' 10.91"; Longitude: -75° 35' 24.26").

J) A 42-inch diameter natural gas transmission line crossing of an unnamed tributary to Twomile Run (HQ-CWF, MF) (Latitude: 41° 6' 8.9"; Longitude: -75° 35' 21.27").

K) A 42-inch diameter natural gas transmission line crossing of 243-L.F. of PEM wetlands (Latitude: 41° 5' 46.96"; Longitude: -75° 34' 52.42").

L) A 42-inch diameter natural gas transmission line crossing of 105-L.F. of PEM wetlands (Latitude: 41° 5' 33.98"; Longitude: -75° 34' 35.48").

M) A 42-inch diameter natural gas transmission line crossing of 222-L.F. of PEM wetlands (Latitude: 41° 5' 26.68"; Longitude: -75° 34' 25.92").

N) A 42-inch diameter natural gas transmission line crossing of 123-L.F. of PEM wetlands (Latitude: 41° 5' 5.96"; Longitude: -75° 33' 59.11").

O) A 42-inch diameter natural gas transmission line crossing of an unnamed tributary to Tobyhanna Creek (HQ-CWF, MF) and a 2,031-L.F. crossing of adjacent EV wetlands (Latitude: 41° 4' 42.49"; Longitude: -75° 33' 30.65").

P) A 42-inch diameter natural gas transmission line crossing of an unnamed tributary to Tunkhannock Creek (HQ-CWF, MF) and a 33-L.F. crossing of adjacent PEM wetlands (Latitude: 41° 4' 31.34"; Longitude: -75° 33' 16.70").

Q) A 42-inch diameter natural gas transmission line crossing of an unnamed tributary to Tunkhannock Creek (HQ-CWF, MF) (Latitude: 41° 4' 28.07"; Longitude: -75° 33' 12.61").

R) A 42-inch diameter natural gas transmission line crossing of an unnamed tributary to Tunkhannock Creek (HQ-CWF, MF) (Latitude: 41° 4' 26.45"; Longitude: -75° 33' 10.22").

S) A 42-inch diameter natural gas transmission line crossing of 410-L.F. of EV wetlands (Latitude: 41° 4' 21.26"; Longitude: -75° 33' 3.96").

T) A 42-inch diameter natural gas transmission line crossing of 9-L.F. of PEM wetlands (Latitude: 41° 4' 12.09"; Longitude: -75° 32' 52.84").

U) A 42-inch diameter natural gas transmission line crossing of 98-L.F. of PEM wetlands (Latitude: 41° 4' 8.95"; Longitude: -75° 32' 48.94").

V) A 42-inch diameter natural gas transmission line crossing of 98-L.F. of PEM wetlands (Latitude: 41° 4' 1.46"; Longitude: -75° 32' 39.59").

W) A 42-inch diameter natural gas transmission line crossing of an unnamed tributary to Tunkhannock Creek (HQ-CWF, MF) (Latitude: 41° 4' 0.04"; Longitude: -75° 32' 37.24").

X) A 42-inch diameter natural gas transmission line crossing of an unnamed tributary to Tunkhannock Creek (HQ-CWF, MF) (Latitude: 41° 3' 53.22"; Longitude: -75° 32' 27.73").

Y) A 42-inch diameter natural gas transmission line crossing of an unnamed tributary to Tunkhannock Creek (HQ-CWF, MF) (Latitude: 41° 3' 47.95"; Longitude: -75° 32' 21.24").

Z) A 42-inch diameter natural gas transmission line crossing of Tunkhannock Creek (HQ-CWF, MF) (Latitude: 41° 3' 45.59"; Longitude: -75° 32' 17.61").

The project also proposes 13.21 acres of temporary wetland impacts.

**E64-298. PPL Corporation—PPL Electric Utilities**, Two North 9th Street, Allentown, PA 18101, in Dreher Township, Lehigh Township, Paupack Township, Salem Township, Sterling Township, **Wayne County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the North Pocono-Paupack Transmission Line project:

1. (S-136a) a temporary 20-foot wide access road crossing of Unnamed Tributary to Wallenpaupack Creek (HQ-CWF, MF) in Sterling Township (Latitude: 41° 20' 21.89"; Longitude: -75° 20' 45.95")

2. (S-150) a temporary 20-foot wide access road crossing of Unnamed Tributary to Wallenpaupack Creek (HQ-CWF, MF) in Salem Township (Latitude: 41° 21' 55.57"; Longitude: -75° 21' 32.85")

3. (S-195a) a temporary 20-foot wide access road crossing of Unnamed Tributary to Purdy Creek (HQ-CWF, MF) in Paupack Township (Latitude: 41° 26' 43.62"; Longitude: -75° 16' 35.09")

4. (S-195b) a temporary 20-foot wide access road crossing of Unnamed Tributary to Purdy Creek (HQ-CWF, MF) in Paupack Township (Latitude: 41° 26' 41.56"; Longitude: -75° 16' 34.49")

5. (S-NP5b) a temporary 20-foot wide access road crossing of Lehigh River (EV, MF) in Lehigh Township (Latitude: 41° 15' 29.71"; Longitude: -75° 25' 37.23")

6. (S-120) a temporary 20-foot wide access road crossing of Unnamed Tributary to Butternut Creek (HQ-CWF, MF) in Sterling Township (Latitude: 41° 18' 31.92"; Longitude: -75° 25' 51.65")

7. (S-151) a temporary 20-foot wide access road crossing of wetlands within the watershed of an Unnamed Tributary to Wallenpaupack Creek (HQ-CWF, MF) in Salem Township (Latitude: 41° 22' 10.65"; Longitude: -75° 21' 27.19")

8. (S-156) a temporary 20-foot wide access road crossing of wetlands within the watershed of an Unnamed

Tributary to Wallenpaupack Creek (HQ-CWF, MF) in Salem Township (Latitude: 41° 22' 56.54"; Longitude: -75° 20' 55.02")

9. (S-168) a temporary 20-foot wide access road crossing of wetlands within the watershed of an Unnamed Tributary to Ariel Creek (HQ-CWF, MF) in Salem Township (Latitude: 41° 23' 20.47"; Longitude: -75° 19' 24.94")

10. (S-170) a temporary 20-foot wide access road crossing of wetlands within the watershed of an Unnamed Tributary to Ariel Creek (HQ-CWF, MF) in Salem Township (Latitude: 41° 23' 47.73"; Longitude: -75° 18' 46.34")

11. (S-181) a temporary 20-foot wide access road crossing of wetlands within the watershed of an Unnamed Tributary to Wallenpaupack Creek (HQ-CWF, MF) in Paupack Township (Latitude: 41° 24' 31.13"; Longitude: -75° 17' 4.79")

12. (S-184) a temporary 20-foot wide access road crossing of wetlands within the watershed of an Unnamed Tributary to Wallenpaupack Creek (HQ-CWF, MF) in Paupack Township (Latitude: 41° 25' 0.42"; Longitude: -75° 16' 30.39")

13. (S-NP3a) a temporary 20-foot wide access road crossing of wetlands within the watershed of the West fork Lehigh River (EV, MF) in Sterling Township (Latitude: 41° 16' 23.99"; Longitude: -75° 25' 59.85")

14. (S-NP5a) a temporary 20-foot wide access road crossing of wetlands within the watershed of an Unnamed Tributary to Lehigh River (EV, MF) in Lehigh Township (Latitude: 41° 15' 11.78"; Longitude: -75° 25' 23.99")

15. (W-127a) a temporary 20-foot wide access road crossing of wetlands within the watershed of Butternut Creek (HQ-CWF, MF) in Sterling Township (Latitude: 41° 19' 0.17"; Longitude: -75° 22' 52.67")

16. (W-132) a temporary 20-foot wide access road crossing of wetlands within the watershed of Unnamed Tributary to Wallenpaupack Creek (HQ-CWF, MF) in Sterling Township (Latitude: 41° 19' 45.30"; Longitude: -75° 21' 4.06")

17. (W-149) a temporary 20-foot wide access road crossing of wetlands within the watershed of West Branch Wallenpaupack Creek (HQ-CWF, MF) in Sterling Township (Latitude: 41° 21' 41.54"; Longitude: -75° 21' 31.90")

18. (W-163) a temporary 20-foot wide access road crossing of wetlands within the watershed of Ariel Creek (HQ-CWF, MF) in Sterling Township (Latitude: 41° 23' 15.96"; Longitude: -75° 19' 56.42")

19. (W-175) a temporary 20-foot wide access road crossing of wetlands within the watershed of Unnamed Tributary to Ariel Creek (HQ-CWF, MF) in Sterling Township (Latitude: 41° 24' 22.28"; Longitude: -75° 18' 16.78")

20. (W-176) a temporary 20-foot wide access road crossing of wetlands within the watershed of Unnamed Tributary to Wallenpaupack Creek (HQ-CWF, MF) in Sterling Township (Latitude: 41° 24' 30.16"; Longitude: -75° 18' 9.56")

21. (W-180) a temporary 20-foot wide access road crossing of wetlands within the watershed of Unnamed Tributary to Wallenpaupack Creek (HQ-CWF, MF) in Sterling Township (Latitude: 41° 24' 32.44"; Longitude: -75° 17' 16.26")

22. (W-188a) a temporary 20-foot wide access road crossing of wetlands within the watershed of Wal-

lenpaupack Creek (HQ-CWF, MF) in Sterling Township (Latitude: 41° 25' 48.06"; Longitude: -75° 16' 19.32")

23. (W-188b) a temporary 20-foot wide access road crossing of wetlands within the watershed of Wal-lenpaupack Creek (HQ-CWF, MF) in Sterling Township (Latitude: 41° 25' 44.88"; Longitude: -75° 16' 19.58")

24. (W-203) a temporary 20-foot wide access road crossing of wetlands within the watershed of Purdy Creek (HQ-CWF, MF) in Sterling Township (Latitude: 41° 27' 11.01"; Longitude: -75° 16' 31.27")

The project will temporarily impact 1.83 acres of wetland and permanently impact 0.09 acre of wetland.

The aerial electrical crossings for this project are waived in accordance with Section 7(a) of the Dam Safety and Encroachments Act and the provisions of Section 105.12(a)(3) of Chapter 105 Rules and Regulations, Dam Safety and Waterway Management, as amended on October 12, 1991.

The project begins within the woods approximately 0.80 mile north of the intersection of Freytown Road Road and Gas Hollow road (Sterling, PA Quadrangle: Lat: 41° 18' 32"; Long: -75° 26' 37.42") and ends approximately 1.3 miles northwest of the intersection of Route 590 and Hoadleys Road (Lakeville, PA Quadrangle: Lat: 41° 28' 2.2"; Long: -75° 15' 56.7").

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E05-374, PA Department of Transportation Engineering District 9-0**, 1620 North Juniata Street, Hollidaysburg, PA 16648 in Snake Spring Township, **Bedford County**, U.S. Army Corps of Engineers, Baltimore District

To remove the existing structure and to install and maintain a three-span pre-stressed concrete spread box beam structure with a length of 173.67 feet, a width varying from 24.0-feet to 30.14-feet and an underclearance of 13.70 feet, temporarily impacting 0.07 acre of palustrine emergent (PEM) wetland and permanently impacting 0.01 acre of PEM wetland and placing approximately 6,000 cubic yards of fill in the 100-year floodplain, all associated with the Raystown Branch of the Juniata River (WWF), for the purpose of improving roadway safety. Construction will include a two-phase temporary cofferdam and causeway. The project is located along S.R. 2019, in Snake Spring Township, Bedford County (USGS Quadrangle: Everett West, PA; Latitude: 40° 00' 32.11"; Longitude: -78° 26' 04.42"). Permanent wetland impacts are considered de minimus and wetland replacement is not required.

**E31-228, PA Department of Transportation Engineering District 9-0**, 1620 North Juniata Street, Hollidaysburg, PA 16648 in Franklin Township, **Huntingdon County**, U.S. Army Corps of Engineers, Baltimore District

To remove the existing structure and to construct and maintain a 27' 4.5" wide, single span, adjacent box beam bridge with reinforced concrete wingwalls having a normal clear span of 68' 6" on a 90 degree skew and with a minimum underclearance of 3' 9" across Spruce Creek (CWF, MF, HQ) 50' upstream of the existing structure for the purpose of improving transportation safety and roadway standards. The project will permanently impact 0.015 acre (653 square feet) of exceptional value Palustrine Emergent wetlands. The amount of wetland impact is considered a de minimus impact and wetland

mitigation is not required. The project is located along T-548 in Franklin Township, Huntingdon County (Franklinville, PA Quadrangle, N: 12.3", W: 3.6"; Latitude: 40° 41' 40", Longitude: -78° 01' 41").

*Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E03-460. Cowanshannock Township Supervisors**, PO Box 137, Numine, PA 16244; Cowanshannock Township, **Armstrong County**; ACOE Pittsburgh District. Applicant proposes to remove the existing 32.7' long, 15' wide, single span, TR 736 bridge with a 76 degree skew and a 8.5' underclearance; construct and maintain a new 56' long, 32' wide single span bridge with a 78 degree skew and minimum 9.3' underclearance over Cowanshannock Creek (WWF) with a drainage area of 16.3 square miles; construct and maintain associated approach road changes; and place and maintain fill in a de minimus 0.002 acre of PEM wetlands. The project is located near the intersection of SR 85 (Rural Valley Pa Quadrangle; N: 7.75 inches; W: 4.5 inches; Latitude 40° 47' 35"; Longitude 79° 16' 58") in Cowanshannock Township, Armstrong County.

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**E20-589, Charlie Frantz**, 33901 Armstrong Road, Townville, PA 16749. Frantz Bridge in Steuben Township, **Crawford County**, ACOE Pittsburgh District (Centerville, PA Quadrangle N: 41°, 42', 24.69"; W: -79°, 51', 20.61").

To construct and maintain a steel beam bridge with concrete abutments having a clear span of 23 feet and an underclearance of 4.4 feet across Navy Run associated with the construction of a private driveway extending east from Drake Hill Road approximately 2.3 mile north of Route 408.

**E25-767, North East Township**, 10300 W. Main Road, North East, PA 16428. North Mill Street (T-726) Bridge Replacement, in North East Township, **Erie County**, ACOE Pittsburgh District (North East, PA Quadrangle N: 42°, 13', 27"; W: -79°, 50', 27").

To remove the existing single span steel stringer bridge and to construct and maintain on a new alignment near the existing structure a prestressed concrete spread box beam bridge with a single normal clear span of 55 feet, out to out width of 33.4 feet and an underclearance of 11.9 feet across Sixteen Mile Creek (WWF; MF) along North Mill Street (T-726), North East Township, located approximately 160 ft North of its intersection with Sunset Drive (T-777). The Project also includes reconstruction and realignment of North Mill Street and the Sunset Drive and Grist Mill Drive intersections. A total of 130 feet of Sixteen Mile Creek will be impacted as a result of the project.

**E42-364, Borough of Smethport Authority**, 201 West Water Street, PA 16749. Wastewater Treatment Plant upgrade in Smethport Borough, **McKean County** (USGS Quad Name N: 41°, 48', 53"; W: 78°, 25', 44").

To construct a 31 feet by 19 feet headworks building containing a mechanically cleaned bar screen with bypass and screenings washer. The headworks building will be located in the 100 year floodplain of Potato Creek. A major portion of the new building will be located in a previously paved parking area.

*District Oil and Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E0829-080: Appalachia Midstream, LLC**, 100 IST Center, Horseheads, NY 14845, Overton Township, **Bradford County**

To construct, operate and maintain:

1. a 6 inch diameter natural gas line and a temporary timber mat bridge impacting 5,987 square feet of a Palustrine Forested Wetland (EV) (Overton, PA Quadrangle, Latitude: 41°36'31", Longitude: -76°31'48").

The project will result in 5,987 square feet (0.14 acre) of PFO wetland all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development in Overton Township, Bradford County. The permittee will provide 0.14 acre of wetland enhancement mitigation at the Hardenstine Mitigation Site (Wyalusing, PA Quadrangle, Latitude: 41°37'59", Longitude: -76°20'59").

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P. O. Box 8460, Harrisburg, PA 17105-8460*

**D36-257EA. Paul Urbanik**, Pennsylvania Fish and Boat Commission, 450 Robinson Lane, Bellefonte, PA 16823, Elizabeth Township, **Lancaster County**, USACOE Baltimore District.

Project proposes to remove approximately 6.8 acres of accumulated silts and sediments from the reservoir impounded by the Speedwell Forge Lake Dam located across Hammer Creek (TSF) (Lititz, PA Quadrangle; Latitude: 40.2107; Longitude: -76.3196).

**D45-047EA. Thomas Long, President, Meadow Lake Fishing Club**, 312 Wrangler Road, East Stroudsburg, PA 18302, Middle Smithfield Township, **Monroe County**, USACOE Philadelphia District.

Project proposes to modify, operate, and maintain Meadow Lake Dam across a tributary to Pond Creek (HQ-CWF, MF). The project will increase spillway capacity and raise the dam embankment. Construction will temporarily impact approximately 0.03 acre of wetland (PSS/PEM). The dam is located approximately one-half mile northeast of the intersection of Sellersville Road and Route 209 (Bushkill, PA Quadrangle; Latitude: 41.0343, Longitude: -75.0525).

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## ACTIONS

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### THE 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 Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**I. NPDES Renewal Permit Actions**

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0062936 (Industrial Waste)	Lehighon Water Authority WTP 100 Maury Road Lehighon, PA 18325	Carbon County Franklin Township	Long Run (02B)	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0248193 (Sew)	James K. Adams, Jr. 101 Shatto Drive Carlisle, PA 17013	Cumberland / North Middleton Township	Conodoguinet Creek / 7-B	Y

*Northcentral Region: Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.0530.*

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0111414 (Sewage)	McEwensville Municipal Authority Mill Street McEwensville, PA 17834	Northumberland County Delaware Township	Unnamed Tributary to Warrior Run (10-D)	Y
PA0027359 (IW)	Danville Municipal Authority 12 West Market Street Danville, PA 17821	Montour County Danville Borough	Susquehanna River (5-E)	Y
PA0044032 (Industrial Waste)	Upper Spring Creek State Fish Hatchery Spring Creek Road Bellefonte, PA 16823	Centre County, Benner Township	(9-C)	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0222631 (sewage)	Wendy A Gray SRSTP 17242 Enterprise Road Titusville, PA 16354	Venango County Oilcreek Township	Unnamed Tributary of Pine Creek (16-E)	Y
PA0238724 (Sewage)	Freligh's Whispering Pines MHP 9921 Ridge Road Girard, PA 16417	Erie County Girard Township	Unnamed tributary to Elk Creek (15-A)	Y

**II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions**

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

**NPDES Permit No. PA0261114**, Industrial Waste, **Gary L. Peck, McConnellsburg Borough Municipal Authority**, (Borough Water System), PO Box 218, McConnellsburg, PA 17233.

This proposed facility is located in Todd Township, **Fulton County**.

Description of Proposed Action/Activity: Permit Termination.

**III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law**

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

**WQM Permit No. 4013401**, SIC Code 4952, **Mountaintop Area Joint Sanitary Authority**, 290 Morio Drive, Mountaintop, PA 18707.

This proposed facility is located in Dorrance Township, **Luzerne County**.

Description of Proposed Action/Activity: Demolition of the existing belt filter press at the treatment plant and installation of a new centrifuge for sludge dewatering; installation of covers over the clarifier effluent flumes to minimize algae growth; and upgrades to the pump stations serving the Interstate 81 Northbound and Southbound road side rest areas.

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

**WQM Permit No. 2101403, Amendment #1**, Sewerage, **Gary Smith**, Capital Area Christian Church, 1775 Lambs Gap Road, Mechanicsburg, PA 17055.

This proposed facility is located in Hampden Township, **Cumberland County**.

Description of Proposed Action/Activity: Permit approval for the addition of pre-equalization tanks and bar screen units to the existing sewage treatment facilities service Capital Area Christian Church.

**WQM Permit No. 2112404, Amendment #1**, Sewerage, **John O'Neill**, Lemoyne Borough Municipal Authority, 3 Lowther Street, Lemoyne, PA 17043.

This proposed facility is located in Lemoyne Borough, **Cumberland County**.

Description of Proposed Action/Activity: Permit approval for BNR upgrade.

**WQM Permit No. 3813401**, Sewerage, **Robin Getz**, North Cornwall Township Authority, 320 South 18th Street, Lebanon, PA 17402.

This proposed facility is located in North Cornwall Township, **Lebanon County**.

Description of Proposed Action/Activity: Permit approval for the upgrade of existing sewer main between manhole IE9 and manhole SC69.

**WQM Permit No. WQG011301**, Sewerage, **Carole J. Harner**, Ponderosa Trailer Park, 2415 Low Dutch Road, Gettysburg, PA 17325.

This proposed facility is located in Mount Joy Township, **Adams County**.

Description of Proposed Action/Activity: Permit approval for construction/operation of a small flow treatment facility to serve Ponderosa Trailer Park.

**WQM Permit No. 2106401**, Sewerage, **James K. Adams, Jr.**, 101 Shatto Drive, Carlisle, PA 17013.

This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Transfer of Permit.

*Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.0530.*

**WQM Permit No. 1779401 A-1**, Sewage, SIC Code 8211, **Harmony Area School District**, 5239 Ridge Road, Westover, PA 16692-8706.

This existing facility is located in Burnside Township, **Clearfield County**.

Description of Proposed Action/Activity: Installation of a sonic wave transducer in the treatment lagoon to prevent algae blooms.

**WQM Permit No. <<5990201-T2, 5993201-T2, 5996201-T2>>**, SIC Code 2023, **Dairy Farmers of America**, P. O. Box 102, 72 Milk Plank Road, Middlebury Center, PA 16935.

This proposed facility is located in Middlebury Township, **Tioga County**.

Description of Proposed Action/Activity: Three (3) abovementioned permits were amended to correct information regarding Annual Average Flow and Design Hydraulic Capacity. Annual Average Flow and Design Hydraulic Capacity of the permit No. 5990201-T2 have been changed from 0.09 MGD to 0.15 MGD. Annual Average Flow and Design Hydraulic Capacity of the permit No. 5996201-T2 have been changed from 0.114 MGD to 0.144 MGD. Annual Average Flow of the permit No. 5993201-T2 has been changed from 0.114 MGD to 0.150 MGD. Design Hydraulic Capacity of the permit No. 5993201-T2 has been changed from 0.114 MGD to 0.23 MGD.

**WQM Permit No. 0871401**, Sewage, SIC Code 4952, **Wyalusing Municipal Authority**, PO Box 61, Wyalusing, PA 18853-61.

This existing facility is located in Wyalusing Borough, **Bradford County**.

Description of Proposed Action/Activity: Permit issued authorizing the hydraulic and organic rerate of the existing WWTP.

**WQM Permit No. 02171201 A-1**, SIC Code 1623, **Sandy Township Authority Clearfield County**, P. O. Box 267, Dubois, PA 15801.

This existing facility is located in Sandy Township, **Clearfield County**.

Description of Proposed Action/Activity: The permit will be amended to reflect the change of ownership from Exit 101 LLC to Sandy Township Municipal Authority.

**WQM Permit No. 1412403**, Sewage, SIC Code 4952, **Moshannon Valley Joint Sewer Authority**, 829 North 9th Street, Philipsburg, PA 16866.

This proposed facility is located in Rush Township, **Centre County**.

Description of Proposed Action/Activity: General modifications and upgrades to the treatment process and equipment.

**WQM Permit No. 0811402**, Sewage, SIC Code 8211, **Northeast Bradford School District**, 526 Panther Lane, Rome, PA 18837-7892.

This proposed facility is located in Orwell Township, **Bradford County**.

Description of Proposed Action/Activity: Construction and operation of a new treatment system that consists of a new communitor, Biologically Engineered Single Sludge System which consists of 9,215 gallon aeration reactor, 8,212 gallon anoxic reactor, and 2,445 gallon clarifier. In addition, the new treatment system will include the UV system and other



appurtenances. The existing aeration tank will be used as additional sludge storage. This new treatment system will serve sanitary wastewater from Northeast Bradford School District.

**WQM Permit No. 4102404 A-1**, Sewage, SIC Code 4952, **David L. Shollenberger**, 493 Baxter Road, Montoursville, PA 17754.

This existing facility is located in Eldred Township, **Lycoming County**.

Description of Proposed Action/Activity: Transfer of SR STP to new owner.

*Southwest Region: Water Management Program Manager; 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**WQM Permit No. 0213409**, Sewerage, **Pittsburgh Water and Sewer Authority**, 1200 Penn Avenue, Pittsburgh, PA 15222-4211

This proposed facility is located in the City of Pittsburgh, **Allegheny County**

Description of proposed Action/Activity: Permit issuance for the construction and operation of a sewage system.

**WQM Permit No. 2602406-A1**, Sewerage, **Western PA Conservancy**, Box R, Mill Run, PA 15464

This existing facility is located in Stewart Township, **Fayette County**

Description of proposed Action/Activity: Permit amendment issuance.

**WQM Permit No. 0213402**, Sewerage, **Phipps Conservatory & Botanical Gardens**, One Schenly Drive, Pittsburgh, PA 15213

This proposed facility is located in the City of Pittsburgh, **Allegheny County**

Description of proposed Action/Activity: Permit issuance for the construction and operation of a wastewater treatment system.

**WQM Permit No. 2613401**, Sewerage, **North Union Township Municipal Service Authority**, 6 South Evans Station Road, Lemont Furnace, PA 15456

This proposed facility is located in North Union Township, **Fayette County**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a sewer system.

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

**WQM Permit No. 2502428**, Sewage, **Gary E. Freligh d/b/a Freligh's Whispering Pines Mobile Home Park**, 26330 North Hickernell Road, Springboro, PA 16435-3006.

This existing facility is located in Girard Township, **Erie County**.

Description of Existing Activity: Transfer of an existing WQM permit.

**WQM Permit No. 2502412**, Sewage, Transfer No. 1, **Robert S. Miller Trust**, P. O. Box 349, North East, PA 16428.

This existing facility is located in North East Township, **Erie County**.

Description of Proposed Action/Activity: Transfer of an existing WQM permit.

**WQM Permit No. WQG01251318**, Sewage, **Timothy G. Shuttleworth**, 8210 Franklin Road, Girard, PA 16417.

This proposed facility is located in Fairview Township, **Erie County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

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#### IV. NPDES Stormwater Discharges from MS4 Permit Actions

*Northcentral Regional Office: Clean Water Program Manager; 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.0530.*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water / Use
PAI134801	Harris Township, PO Box 20, Boalsburg, PA 16827-0020	Centre	Harris Township	Spring Creek / HQ-CWF and MF

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#### V. NPDES Waiver Stormwater Discharges from MS4 Actions

*Southcentral Region: Water Management Program Manager; 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water / Use
PAG133707	East Hanover Township 1117 School House Road Annville, PA 17003	Lebanon	East Hanover Township	UNT Reeds Creek / WWF & MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	
PAG138303	West Middlesex Borough Mercer County P. O. Box 582 West Middlesex, PA 16159	Mercer	West Middlesex Borough	Hogback Run and Shenango River	N

#### **VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

*Northeast Region: Watershed Management 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>
PAI024511003(1)	Pocono Mountains Industries, Inc. 300 Community Court Suite D Tobyhanna, PA 18466	Monroe	Coolbaugh Township	Red Run (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>
PAI033413001 (Issued)	Mr. Elvin Zimmerman 180 Degan Road Mifflintown, PA 17059	Juniata	Fayette Township	Lost Creek, HQ-CWF, MF
PAI030613001 (Issued)	Mr. Joseph Zidik Process Enterprises, Inc. 1246 Maiden creek Road Maiden creek, PA	Berks	Maiden creek	Peters Creek, EV, MF
PAI032113004 (Issued)	RE Invest Tire and Wheel Renewal, LLC 1855 New Highway, Suite C Farmingdale, NY 11735	Cumberland	Carlisle Borough	Letort Spring Run (HQ-CWF, MF)

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

*Erie County Conservation District, 1927 Wager Road, Erie Pa 16509*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062513001	Erie Metro Transit Authority 127 East Fourteenth Street Erie PA 16503	Erie	City of Erie	Millcreek to Presque Isle Bay WWF

#### **VII. Approvals to Use NPDES and/or Other General Permits**

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

#### **List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water 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 Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
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**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>
Warwick Township Bucks County	PAG0200 0913056	John Silva 1134 Crease Street Philadelphia, PA 19125-4108	Little Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Plumstead Township Bucks County	PAG0200 0910051-1R	KTMT PV, LP 1030 Reed Ave, Suite 100 Wyomissing, PA 19610	Unnamed Tributary to Pine Run WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Solebury Township Bucks County	PAG0200 0913049	Stephen A. Lagomarsino 230 Village Way Chalfont, PA 18914	Unnamed Tributary to Pidcock Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Goshen Township Chester County	PAG0200 1513040	Goshen Meadows Investors, L.P. P. O. Box 446 Narberth, PA 19072	E. Branch Chester Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Caln Township Chester County	PAG0200 1503088-R	Dewey Land, L.P. 435 Devon Park Drive Bldg 600, Suite 613 Wayne, PA 19087	Unnamed Tributary to Beaver Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Gwynedd Township Montgomery County	PAG0200 4611036-2	Welsh & McKean Roads P O box 776 Spring House, PA 19477	Oak Terrace—Little Neshaminy Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Merion Township Montgomery County	PAG0200 4613059	Frank & Antje Scardino 1143 Norsam Road Gladwyne, PA 19035	Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Merion Township Montgomery County	PAG0200 13023-1	Victor Orlando 301 East Montgomery Avenue Ardmore, PA 19003	Mill Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Lower Gwynedd Township Montgomery County	PAG0200 4613042	Charles Pappas 1357 Gypsy Hill Road Gwynedd Valley, PA 19437	Trewellyn Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Whitemarsh Township Montgomery County	PAG0200 4610020-1F	James H. Shacklett, III 2025 Joshua Road Lafayette Hill, PA 19444	Spring Mill Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Providence Township Montgomery County	PAG0200 4605183R	Michael Richardson 250 Gibraltar Road Horsham, PA 19044	Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Limerick Township Montgomery County	PAG0200 4612026	James Reading 615 Willowbrook Lane West Chester, PA 19382	Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Plymouth Township Montgomery County	PAG0200 4613075	Carl M. Mitterder 700 S. Eisenhower Blvd. Middletown, PA 17057	Plymouth Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Plymouth Township Montgomery County	PAG0200 4613009	Dominic Conicelli 1200 Ridge Pike Conshohocken, PA 19428	Plymouth Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511329	L/S 201 Rouse Blvd, LP 1628 John F. Kennedy Blvd Suite 1100 Philadelphia, PA 19103	Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511322	University of Pennsylvania 3101 Walnut Street Philadelphia, Pa 19104	Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Clarks Summit Borough Lackawanna County	PAG02003513014	Zaremba Group, LLC 14600 Detroit Avenue Suite 1500 Lakewood, OH 44107	Unnamed Tributary to Ackerly Creek (CWF, MF)	Lackawanna County Conservation District 570-392-3086
Waverly Township Lackawanna County	PAG02003513017	Glen Oak Country Club P. O. Box 514 Clarks Summit, PA 18411	Ackerly Creek (TSF, MF)	Lackawanna County Conservation District 570-392-3086
City of Scranton Lackawanna County	PAG02003512015(1)	Wendy Yankelitis Marywood University 2300 Adams Avenue Scranton, PA 18509	Lackawanna River (CWF, MF)	Lackawanna County Conservation District 570-392-3086

## NOTICES

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<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>
City of Scranton Taylor Borough Lackawanna County	PAG02003510001R	Pennsylvania Department of Transportation 55 Keystone Industrial Park Dunmore, PA 18512	Keyser Creek (CWF, MF) Linoy Creek (CWF, MF) Lucky Creek (CWF, MF)	Lackawanna County Conservation District 570-392-3086
Smithfield Township Monroe County	PAG02004513003	Kruger Construction, Inc. 859 Enterprise Street Dickson City, PA 18519	Unnamed Tributary to Keyser Creek (CWF, MF)	Monroe County Conservation District 570-629-3060
North Union Township East Union Township Schuylkill County Black Creek Twp. Hazle Township Luzerne County	PAG02005403032RR(3)	Eagle Rock Resort Company 1 Country Club Drive Hazle Twp., PA 18202	Tomhicken Creek (CWF, MF) Little Tomhicken Creek (CWF, MF) Sugarloaf Creek (CWF, MF)	Schuylkill County Conservation District 570-622-3742

*Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief,  
717.705.4802*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Cumberland Township and Gettysburg Borough, Adams County	PAG02000111022R1 (Issued)	Larry Redding Gettysburg Area High School 900 Biglerville Rd Gettysburg, PA 17325	UNT to Rock Creek (WWF)	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
Ayr Township, Fulton County	PAG02002913003 (Issued)	Aaron Ott 219 Doyle Lane McConnellsburg, PA 17233	UNT to Big Cove Creek (CWF, MF)	Fulton Co. Conservation District 216 N Second St, Ste 115 McConnellsburg, PA 17233 717.485.3547
Zelienople Borough Butler County	PAG02001013018	Northland Ford Inc 540 South Main Street Zelienople PA 16063	Glade Run WWF	Butler County Conservation District 724-284-5270
Adams Township Butler County	PAG02001011017R	Adams Land Company 411 Water Station Road Evans City PA 16033	Unt Breakneck Creek WWF	Butler County Conservation District 724-284-5270
Fairview Township Erie County	PAG02002513017	PA DOT 255 Elm Street PO Box 398 Oil City PA 16301	Brandy Run CWF	Erie County Conservation District 814-825-6403
Bell Township Jefferson County	PAG02003313004	Peoples Twp LLC 1489 North Elkin Road Smicksburg PA 16256	Cold Spring Run & Unt Cold Spring Run CWF	Jefferson County Conservation District 814-849-7463
McCalmont Township Jefferson County	PAG02003313006	Peoples Twp LLC 205 North Main Street Butler PA 16001	Unt Big Run CWF	Jefferson County Conservation District 814-849-7463

<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>
Borough of Grove City Mercer County	PAG02004313010	JS Capitol Group 945 South Rochester Road, Suite 103 Rochester Hills MI 48307	Wolf Creek CWF	Mercer County Conservation District 724-662-2242

*Northwest Regional Office—Waterways and Wetlands, 230 Chestnut Street, Meadville PA 16335*

<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>
Snow Shoe Township, Burnside Township, Centre County	PAG2091413007	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Sandy Run (CWF), Contrary Run (CWF)	Attention: Patrick M. Webb  PA DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800

*General Permit Type—PAG-3*

<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>
Fulton County Ayr Township	PAR113514	JLG Industries, Inc. McConnellsburg Facility 1 JLG Drive McConnellsburg, PA 17233	UNT of Big Cove Creek / CWF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Franklin County Mercersburg Borough	PAR113558	D. L. Martin Co. 25 D.L. Martin Drive Mercersburg, PA 17236-1715	Johnston Run / WWF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Cumberland County Lower Allen Township	PAR203519	Amsted Rail Company Inc. 3420 Simpson Ferry Road Camp Hill, PA 17011	UNT to Cedar Run / CWF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Adams County Straban Township	PAR803657	United Parcel Service Inc. 1821 South 19th Street Harrisburg, PA 17104 <hr/> United Parcel Service— Gettysburg 970 Old Harrisburg Road Route 15 Gettysburg, PA 17325	UNT to Rock Creek / WWF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Dauphin County Derry Township	PAR123520	The Hershey Company Technical Center 1025 Reese Avenue Hershey, PA 17033 <hr/> The Hershey Company Hershey Pretreatment Plant North Hockersville Road Hershey, PA 17033	Spring Creek / WWF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

## NOTICES

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<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>
Dauphin County Derry Township	PAR123521	The Hershey Company Technical Center 1025 Reese Avenue Hershey, PA 17033 <hr/> The Hershey Company H.B. Reese Candy Company 925 Reese Avenue Hershey, PA 17033	Spring Creek / WWF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Dauphin County Derry Township	PAR123505	The Hershey Company Technical Center 1025 Reese Avenue Hershey, PA 17033 <hr/> The Hershey Company West Hershey Plant 1033 Old West Chocolate Avenue Hershey, PA 17033	Spring Creek / WWF UNT to Swatara Creek / WWF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County York City	PAR603582	Baughman's Auto Parts 440 Eberts Lane York, PA 17403	Mill Creek / WWF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County Ephrata Township	PAR603507	Browns Used Auto Parts Mark S. & Mary E Brubacher 110—112 Garden Spot Road Ephrata, PA 17522-9760	Cocalico Creek / WWF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Dauphin County Upper Paxton Township	PAR203595 (Amendment #2)	Mike Troutman ProPlastix International, LLC 650 W. Market Street PO Box 370 Gratz, PA 17030	Wiconisco Creek / WWF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Mount Carmel Township Northumberland County	PAR234811 A-1	Pactiv Pkg Inc. 2070 Locust Gap Highway Mount Carmel, PA 17851-2563	Shamokin Creek—6-B	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Monroe Township Snyder County	PAR124810	National Beef Packing Co., LLC P. O. Box 20046 Kansas City, MO 64195	Rolling Green Run—6-A	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.0530
Armstrong Township Lycoming County	PAR804873	Choice Fuelcorp Inc. 2344 Sylvan Dell Road South Williamsport, PA 17701	West Branch Susquehanna River—10-C	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.0530

<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>
Dubois City Clearfield County	PAR114821	Sensus USA Inc. 805 Liberty Boulevard Du Bois, PA 15801-2421	Beaver Run and Juniata Run—17-C	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.0530
Williamsport City Lycoming County	PAR314804 T-3	FTS International Services LLC 215 Reading Avenue Williamsport, PA 17701	Unnamed Tributary of West Branch Susquehanna River—10-A	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.0530
Economy Borough Beaver County	PAR706121	Hanson Aggregates BMC, Inc. 2200 Springfield Park Connellsville, PA 15425	Big Sewickley Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000

*General Permit Type—PAG-4*

<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>
Blair County / Snyder Township	PAG043913, Transfer	Bret Bombay 1249 Decker Hollow Road Tyrone, PA 16686	UNT Decker Run / 11-A	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Adams County / Mt. Joy Township	PAG043932, Transfer	Carole J. Harner Ponderosa Trailer Park 2415 Low Dutch Road Gettysburg, PA 17325	UNT White Run / 13-D	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Eldred Township Lycoming County	PAG045142 A-1	David L. Shollenberger 493 Baxter Road Montoursville, PA 17754	Unnamed Tributary of Loyalsock Creek—10-B	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.0530

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
North East Township Erie County	PAG049297	Robert S. Miller Trust P. O. Box 349 North East, PA 16428	Unnamed Tributary to Lake Erie 15-A	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942



<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>
Slippery Rock Township Butler County	PAG01114	Tad W. Beals 294 Branchton Rd Slippery Rock, PA 16057	Unnamed Tributary to Long Run 20-C	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Fairview Township Erie County	PAG041131	Timothy G. Shuttleworth 8210 Franklin Road, Girard, PA 16417	Unnamed Tributary to Brandy Run 15-A	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-6*

<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>
East Pittsburgh Borough Allegheny County	PAG066120	East Pittsburgh Borough 813 Linden Avenue East Pittsburgh, PA 15112	Turtle Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-8 (SSN)*

<i>Facility Location: 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>
Franklin County / Antrim Township	PAG080002 PAG080003 PAG080004 PAG080006 PAG080008 PAG080018 PAG082201 PAG082203 PAG082211 PAG083501 PAG083502 PAG083506 PAG083510 PAG083515 PAG083517 PAG083518 PAG083522 PAG083535 PAG083540 PAG083542 PAG083547 PAG083551 PAG083556 PAG083565 PAG083567 PAG083573 PAG083596 PAG083597 PAG083600 PAG083825 PAG089903 PAG089904 PAG089905	Synagro 1605 Dooley Road PO Box B Whiteford, MD 21160	Harold Zeger, Field #5	DEP-SCRO-Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

*General Permit Type—PAG-10**Facility Location:  
Municipality &  
County*Amwell Township  
Washington County*Permit No.*  
PAG106170*Applicant Name &  
Address*Nisource Gas Transmission &  
Storage  
5151 San Felipe  
Suite 2400  
Houston, TX 77056*Receiving  
Water/Use*Unnamed Tributary  
of Redd Run*Contact Office &  
Phone No.*Southwest Regional  
Office:  
Water Management  
Program Manager  
400 Waterfront Drive  
Pittsburgh PA  
15222-4745  
(412) 442-4000*General Permit Type—PAG-12**Facility Location:  
Municipality &  
County*Franklin Township  
Lycoming County*Permit No.*  
PAG124816 T-1*Applicant Name &  
Address*Robert Boyles  
258 Mountain Road  
Muncy Valley, PA 17758*Receiving  
Water / Use*Marsh Run, Little  
Indian Run—10-D*Contact Office &  
Phone No.*DEP Northcentral  
Regional Office  
Clean Water Program  
208 W Third Street  
Suite 101,  
Williamsport, PA  
17701-6448  
570.327.3664*General Permit Type—PAG-13**Facility Location:  
Municipality &  
County*Franklin Park  
Borough  
Allegheny County*Permit No.*  
PAG136175*Applicant Name &  
Address*Franklin Park Borough  
2344 West Ingomar Road  
Pittsburgh, PA 15237*Receiving  
Water/Use*Fish Run, Pine  
Creek, Rippling Run,  
Bear Run & Lowries  
Run*Contact Office &  
Phone No.*Southwest Regional  
Office:  
Clean Water  
Program Manager  
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.

ACTIONS

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET  
CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Apple Shamrock Farm c/o Robert & Christine Waddell 32821 Guys Mills Road Townville PA 16360	Crawford	1820	2597.25	Dairy	HQ	R

**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 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: Safe Drinking Water Program Manager, 2 East Main Street, Norristown, PA 19401*

**Source Water Protection Plan Approval** issued to **Pennsylvania American Water Co.—Coatesville**, 198 Waterworks Road Coatesville, PA, PWSID 1150106, West Caln Township, **Montgomery County** on October 28, 2013.

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Permit No. 6713511**, Public Water Supply.  
Applicant **Hanover Municipal Water Works**

Municipality Penn Township  
County **York**  
Responsible Official Barbara Krebs, Borough Manager  
44 Frederick Street  
Hanover, PA 17331

Type of Facility A new booster pump station to replace the existing Parr's Hill booster pump station. The project will include three new pumps with VFDs, a water meter, and isolation valves.

Consulting Engineer Timothy J Glessner, P.E.  
Gannett Fleming, Inc.  
PO Box 67100  
Harrisburg, PA 17106-7100

Permit to Construct Issued: 10/25/2013

**Permit No. 3613509**, Public Water Supply.  
Applicant **Advent Ventures, Inc.**  
Municipality Clay Township  
County **Lancaster**  
Responsible Official Larry L Miller, Water System Operator  
2021 Horseshoe Road  
Lancaster, PA 17602

Type of Facility Wahtneys Inn and Pub—  
Installation of nitrate treatment system, a sodium hypochlorite disinfection system, chlorine contact tanks and demonstration of 4-log treatment of viruses.

Consulting Engineer David Lewis, P.E.  
337 Furnace Hill Road  
Elizabethtown, PA 17022

Permit to Construct Issued: 10/25/2013

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**Permit No. 4496557EP110**—Operation Public Water Supply.  
Applicant **Glacier Water**  
Township/Borough City of Williamsport  
County **Lycoming**

Responsible Official Mr. Thomas Conti  
GW Services, Inc.  
d/b/a Glacier Water  
1385 Park Center Drive  
Vista, CA 92081

Type of Facility Public Water Supply

Consulting Engineer N/A

Permit Issued October 28, 2013

Description of Action Permit-by-Rule to operate a vending water machine at Family Dollar 8899, 1221 W. Fourth St., Williamsport, PA.

**Permit No. 4113503MA**—Construction Public Water Supply.

Applicant **Ralston Area Joint Authority**

Township/Borough McIntyre Township

County **Lycoming**

Responsible Official John P. Orr, Chairman  
Ralston Area Joint Authority  
P. O. Box 93  
11114 Route 14  
Ralston, PA 17763

Type of Facility Public Water Supply

Consulting Engineer Britt Bassett, P.E.  
Bassett Engineering Inc.  
1440 Broad Street  
Montoursville, PA 17754

Permit Issued October 28, 2013

Description of Action Construction of a treatment building, installation of well pipes to the new treatment building and transmission main from treatment building to existing transmission main.

**Permit No. 4146363EP116**—Operation Public Water Supply.

Applicant **Primo Refill, LLC**

Township/Borough Monroe Township

County **Snyder**

Responsible Official Mr. David Mills  
Vice President of Finance  
Primo Refill, LLC  
104 Cambridge Plaza Drive  
Winston Salem, NC 27104

Type of Facility Public Water Supply

Consulting Engineer N/A

Permit Issued October 29, 2013

Description of Action Permit-by-Rule to operate a vending water machine at Wal-Mart Supercenter #2185, 980 Susquehanna Trail, Selinsgrove, PA.

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745*

**Operations Permit** issued to: **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, (PWSID #5260020) South Union

Township, **Fayette County** on October 21, 2013 for the operation of facilities approved under Construction Permit # 2612503MA.

**Operations Permit** issued to: **Highland Sewer & Water Authority**, 120 Tank Drive, Johnstown, PA 15904, (PWSID #4110016) South Union Township, **Fayette County** on October 21, 2013 for the operation of facilities approved under Construction Permit # 1113503MA.

**Operations Permit** issued to: **Municipal Authority of Buffalo Township**, 707 South Pike Road, Sarver, PA 16055, (PWSID #5030019) Freeport Borough, **Armstrong County** on October 25, 2013 for the operation of facilities approved under Construction Permit # 0309501.

**Permit No. 0413504GWR, Minor Amendment.** Public Water Supply.

Applicant **J. William Dyer**  
PO Box 364  
Sewickley, PA 15143

[Borough or Township] New Sewickley Township

County **Beaver**

Type of Facility Little Creek Estates

Consulting Engineer

Permit to Operate Issued October 15, 2013

**Permit No. 0411503GWR, Minor Amendment.** Public Water Supply.

Applicant **Pinehurst Estates, LLC**  
9073 Nemo Street  
West Hollywood, CA 90069

[Borough or Township] South Beaver Township

County **Beaver**

Type of Facility Pinehurst Mobile Estates

Consulting Engineer

Permit to Operate Issued October 21, 2013

**Albert Gallatin Municipal Authority (Public Water Supply), Fayette County:** On October 22, 2013, the Safe Drinking Water Program approved the Source Water Protection (SWP) Plan for Albert Gallatin Municipal Authority. The personnel involved with the development of this SWP Plan are to be commended for taking these proactive steps to protect this water source for their community. Development of the SWP Plan was completed with assistance from PA Rural Water Association.

**Point Marion Borough (Public Water Supply), Fayette County:** On October 22, 2013, the Safe Drinking Water Program approved the Source Water Protection (SWP) Plan for Point Marion Borough. The personnel involved with the development of this SWP Plan are to be commended for taking these proactive steps to protect this water source for their community. Development of the SWP Plan was completed with assistance from PA Rural Water Association.

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

**Operations Permit** issued to **Aristocrat Spring Water, Inc.**, PWSID #6206200, Saegertown Borough, **Crawford County**. Permit Number 2010504 issued October 21, 2013 for the operation of the Ozone Treatment System. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on October 2, 2013.

**Emergency Operation Permit** issued to **Winslow Township**, PWSID #6330020, Winslow Township, **Jefferson County** on October 22, 2013. This permit is issued for the construction and operation of the Sodium Hypochlorite booster chlorination facilities at the Soldier Water System booster pump station. This permit expires on January 23, 2014.

**Permit No. 5106464-MA12.** The Department issued a special permit by rule to **GW Services, Inc.**, 1385 Park Center Drive, Vista, California 92081, to operate one additional vending machine within the Northwest Region.

**Permit No. 6616480-T2-MA20.** The Department issued a special permit by rule to **Primo Refill, LLC**, 104 Cambridge Plaza Drive, Winston Salem, NC 27104, to replace the machines located at Entry Point 103 (Meadville Wal-Mart) and at Entry Point 105 (Edinboro Wal-Mart).

**Cancellation of Permit** issued to **Wayne Freed d/b/a Freeds Mobile Home Park**, PWSID #6370052, New Beaver Borough, **Lawrence County** on October 23, 2013. This action represents the cancellation of Permit Numbers 3788512 and 3788512-MA1 issued August 23, 1991 and May 2, 2013. This action is a result of Freeds Mobile Home Park no longer being a Public Water Supply.

#### 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 18711-0790.*

**WA-45-1000**, Water Allocation, **Brodhead Creek Regional Authority (BCRA)**, 410 Mill Creek Road, East Stroudsburg, PA 18301, Stroud Township, **Monroe County**. This subsidiary water allocation permit BCRA the right to purchase up to 250,000 gallons per day, based on a daily average in a peak month, from the Borough of East Stroudsburg. Permit issued: September 12, 2013.

**WA-45-134-D**, Water Allocation, **Brodhead Creek Regional Authority (BCRA)**, 410 Mill Creek Road, East Stroudsburg, PA 18301, Stroud Township, **Monroe County**. This water allocation permit allows: a withdrawal of 3,200,000 gpd from Brodhead Creek and 1,000,000 gpd from Stokes Mill Spring; expansion of the water system into Tobyhanna Township to provide water service to the planned Kalahari Resort and Pocono Manor Development; expansion of the service area in Smithfield Township; and the planned acquisition of the Pocono Jackson Joint Water Authority system. Permit issued: September 12, 2013.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

**Plan Approvals Granted Under the Sewage Facilities Act (35 P. S. § 750.5)**

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Taylor Township	Industrial Street, PO Box 489, West Pittsburg, PA 16160	Lawrence

*Plan Description:* The approved plan provides for an expansion of the existing 0.200 MGD Sewage Treatment Plant. Hydraulic loading at the STP would increase to 0.420 MGD along with the following upgrades: new headworks building upgrades which include a mechanically cleaned bar screen, grit chamber and flow meter, a flow diversion box, two aeration tanks (total capacity of 220,000 gallons), two settling tanks (total surface area of 500 square feet), chlorine contact tank (6,000 gallon capacity), new blower/pump building for the new aeration/settling tanks, including blowers, return sludge pumps, and waste sludge pumps, new aerobic digester with a capacity of at least 20,000 gallons and decanting device with subsequent blower systems, new return and waste sludge pumps for existing settling tanks, and a new sludge dewatering building with belt press. The cost estimate for this proposal is \$4,500,000.00 with an approximate \$67.48 monthly user fee. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of Taylor Township.

## 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 AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**K-Mart #3266**, 18 Mark Plaza, Edwardsville Borough, **Luzerne County**, Jason Floyd, Mountain Research, LLC, has submitted an NIR and Final Report on behalf of his client, John Christodoulou, property owner, Mark P. Plaza Fifty, LP, 1311 Mamaroneck Avenue, Suite 260, White Plains, NY 10605, concerning the remediation of soil found to have been impacted by 200 gallons of diesel fuel released from a trailer mounted generator located at the rear of the facility. A public notice regarding the submission of the NIR and Final Report was published in *The Daily Item* on August 23, 2013 for Northumberland County. A public notice regarding the submission of the NIR and Final Report will be published in the surrounding area in the near future.

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**CVS at 3002 Marietta Avenue**, 650 Centerville Road, Lancaster, PA 17601, East Hempfield Township, **Lancaster County**. EHS Mid-Atlantic, LLC, 56 Grumbacher Road, Suite D, York, PA 17406, on behalf of Centerville Development Company 3200 Old Forge Lane, Suite 201, Kennett Square, PA 17348, submitted a Final Report concerning remediation of site soils contaminated with fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health standard.

**York Northwest Triangle**, parcel bounded by Philadelphia Street, Codorus Creek, North George Street, and North Street, City of York, **York County**. ARM Group, Inc., PO Box 797, Hershey, PA 17033-0797, on behalf of City of York Redevelopment Authority, 101 South George Street, York, PA 17401, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with inorganics and petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Residential Statewide Health and Site-Specific standards. The site is enrolled in the One Cleanup Program.

**Kachel's Ford**, 2400 Lancaster Pike, Reading, PA 19606, Cumru Township, **Berks County**. Liberty Environmental, Inc., 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602, on behalf of Lee Kachel, 2000 Cambridge Avenue, #188, Wyomissing, PA 19610, submitted a combined Remedial Investigation Report and Final Report concerning site soils and groundwater contaminated with leaded and unleaded gasoline from historical operations as an automotive service and repair garage. The report is intended to document remediation of the site to meet the Residential Statewide Health and Site-Specific standards.

**Property at 3419 Ritner Highway**, West Pennsboro Township, **Cumberland County**. RT Environmental Services, Inc., 215 West Church Street, King of Prussia, PA 19406, on behalf of George and Shirley Stambaugh, 3419 Ritner Highway, Newville, PA 17241 and Verus Partners, LLC, 200 Phillips Road, Exton, PA 19341, submitted a Final Report concerning remediation of site soils contami-

nated with PAHs. The report is intended to document remediation of the site to meet the Residential Statewide Health standard.

**Lefevre & Watson Residential Release**, 33 and 35 North Mann Avenue, Yeagertown, PA, Derry Township, **Mifflin County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of State Farm Insurance Company, PA Fire Claims, PO Box 106110, Atlanta, GA, 30348-6110; Tina Lefevre, 16 South Main Street, Yeagertown, PA 17099; and Richard Watson, 33 North Mann Avenue, Yeagertown, PA 17099, 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 the Residential Statewide Health standard.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Former ABC Motel**, Ligonier, Township, **Westmoreland County**. Insite Group, Inc., 611 S/ Irvine Ave., Sharon, PA 16146 on behalf of Western Pennsylvania Conservancy, 800 Waterfront Drive, Pittsburgh, PA 15222 submitted a Final Report on October 22, 2013 concerning the remediation of soil contaminated with BTEX, MTVE, Cumene, Naphthalene, 1,2,4-trimethylbenzene and 1,3,5-Trimethylbenzene. The final report is intended to show attainment of the Non-Residential Statewide Health Standard.

**Former Rosedale Coke Plant**, Hinkston Run Road, Middle Taylor Township, **Cambria County**. Civil & Environmental Consultants, Inc. 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of Tecumseh Redevelopment Inc., 420 Kinross Lakes Parkway, Richfield, OH 44286 has submitted a Baseline Environmental Report concerning the remediation of site soils and groundwater associated with the operation of the former coke batteries. In order to obtain cleanup liability protection, the person undertaking the reuse of a Special Industrial Area shall enter into an agreement with the Department, based on the approved Baseline Environmental Report which outlines cleanup liability of the property.

**Parkside Manor**, 1306 Brookline Blvd., Pittsburgh, PA 15226, **Allegheny County**. Resource control Consultants, LLC, 30 Twosome Drive, Moorestown, NJ 08057 on behalf of National Church Residences, 2335 North Bank Drive, Columbus, OH 43220 has submitted a final report concerning the remediation of soil contaminated with PCE. The final report is intended to show attainment of the Statewide Health Standard. Notice of the final report was published in the *Pittsburgh Post-Gazette* on October 24, 2013.

## 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 AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Elser Property**, 353 Route 61 South, North Manheim Township, **Schuylkill County**, Michael Crimmel, Austin James Associates, Inc., has submitted a final report on behalf of his client, Ms. Nancy Elser, 245 E. Schmaltzdahl Road, New Ringgold, PA 17960, concerning the remediation of soil and groundwater found to have been impacted by leaded gasoline release from a historical gasoline service station prior to 1977. The report documented attainment of the residential Statewide Health Standards for soil and groundwater and Site Specific Standards for soil and groundwater and was approved on October 21, 2013.

**Cespedes Residence**, 1440 West Linden Street, Allentown City, **Lehigh County**, Dana Boyadjian, ECC Horizon, Inc., has submitted a Final Report on behalf of his client, Angel Cespedes, 1440 West Linden Street, Allentown, PA 18102, concerning the remediation of soil found to have been impacted by #2 fuel oil which was delivered to the wrong address and discharged through a disconnected supply pipe onto a concrete floor. The report

documented attainment of the Residential Statewide Health Standards for soil and was approved on October 21, 2013.

**D&L Towpath**, Sand Island Park, Bethlehem City, **Northampton County**, Thomas Martinelli, JMT Environmental, has submitted a Final Report on behalf of his client, Ralph Carp, Park Director, City of Bethlehem Parks Department, 10 East Church Street, Bethlehem, PA 18018, concerning the remediation of soil found to have been impacted by unleaded gasoline and hydraulic fluid from a vehicle fire. The report documented attainment of the Non-Residential Statewide Health Standard for soil and was approved on October 25, 2013. The report was originally submitted within 90 days of the release.

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**Conestoga River Plaza/Miguel's Nightclub**, 902 South Duke Street, Lancaster, PA 17602, City of Lancaster, **Lancaster County**. GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602, on behalf of Conestoga River Plaza/Miguel's Nightclub, 902 South Duke Street, Lancaster, PA 17602-4661 and SACA Development Corporation, 453 South Lime Street, Suite B, Lancaster, PA 17602-3652, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soils contaminated with Inorganics and SVOCs from historic fill. The Report and Plan were approved by the Department on October 18, 2013. The site is being remediated to the Site-Specific standard.

**CVS at 3002 Marietta Avenue**, 650 Centerville Road, Lancaster, PA 17601, East Hempfield Township, **Lancaster County**. EHS Mid-Atlantic, LLC, 56 Grumbacher Road, Suite D, York, PA 17406, on behalf of Centerville Development Company 3200 Old Forge Lane, Suite 201, Kennett Square, PA 17348, submitted a Final Report concerning remediation of site soils contaminated with fuel oil. The Final Report was not administratively complete and was disapproved by the Department on October 21, 2013.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**GP4-01-03035A: Sandusky Lee Corp.** (PO Box 6, 75 South Park Avenue, Littlestown, PA 17340-0006) on October 23, 2013, for an existing natural gas-fired burn-off oven, under GP4, at their metal product manufacturing facility in the Borough of Littlestown, **Adams County**.

**GP4-67-03169: Strip-It-Clean, Inc.** (605 Loucks Mill Road, York, PA 17403) on October 25, 2013, to relocate a burn-off oven, under GP4, to the new facility in Spring Garden Township, **York County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

**GP5-17-19A: EXCO Resources (PA), Inc.** (3000 Ericson Drive, Suite 200, Warrendale, PA 15086) on October 17, 2013, to construct and operate one (1) 500 brake horsepower Caterpillar model G398NA natural gas-fired compressor engine equipped with a Miratech IQ-20-08 catalytic oxidizer under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the A-Irvin Compressor Station in Bell Township, **Clearfield County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

**GP14-16-148B: R. V. Burns Crematorium, Inc.** (24 Merle Street, Clarion, PA 16214) on October 16, 2013, to operate one (1) Crawford Industrial Group, Inc. human crematory model C1000H, rated 150 lbs/hr (BAQ/GPA-GP-14).

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**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920

**09-0221A: Bucks County Courier Times** (2 Geoffrey Road, Fairless Hills, PA 19030-4310) on October 23, 2013, to increase printing production by sixty percent of the current production level on the offset lithographic press at their existing facility in Falls Township, **Bucks County**. The increased use of printing inks will result in an increase of VOC emissions of 3.2 tons per year. The facility will maintain its synthetic minor status for VOC emissions. The Plan Approval will contain work practice standards, monitoring and recordkeeping requirements, and operating restrictions designed to keep the sources and facility operating within all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2409

**40-00125A: Sunlight Crematory of Wilkes-Barre LLC** (628 Nanticoke Street, Hanover Twp., PA 18706) on October 28, 2013, to operate two Matthews human cremation units at their site in Hanover Township, **Luzerne County**.

**66-00008B: Oxbow Creek Energy LLC** (301 Oxford Valley Road, Yardley, PA 19067-7706) on October 22, 2013, to install and operate two (2) Wartsila IC engines with OxCat/SCR at their site in Nicholson Township, **Wyoming County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

**67-03125A: Wellspan York Hospital** (1001 S George Street, York, PA 17405) on October 23, 2013, for twelve existing backup generators to be used for emergencies and as a load management (peaking) tool at their hospital facility in York City, **York County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

**53-00003M: National Fuel Gas Supply Corp.** (PO Box 2081, Erie, PA 16512-2081) on October 22, 2013, to establish performance or emission standards for the boilers and process heaters at their Ellisburg Compressor Station in Allegany Township, **Potter County**. The Department has incorporated the major source boiler MACT requirements as codified in 40 CFR Part 63 Subpart DDDDD applicable to the boilers and process heater at the facility in the plan approval. All other air quality regulatory requirements remain in effect for the boilers and process heaters under the facility's operating permit.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

**43-270H: CCL Container Corp.** (1 Llodio Drive, Hermitage, PA 16148) on October 16, 2013, to install a regenerative thermal oxidizer (RTO) to reduce VOC emissions on sources 101 through 105, in synthetic minor operating permit 43-00270. The facility manufactures aluminum cans used for packaging various consumer products. This facility is located in Hermitage City, **Mercer County**.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920

**09-0220: Donaldson Company, Inc.** (85 Railroad Drive, Ivyland, PA 18974) on October 18, 2013, to operate a regenerative thermal oxidizer in Lower Southampton Township, **Bucks County**.

**15-0009C: AGC Chemical Americas, Inc.** (255 South Bailey Road, Downingtown, PA 19355) on October 22, 2013, to operate a fluidized bed dryer in Caln Township, **Chester County**

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

**06-05061A: Cambridge-Lee Industries, LLC** (P. O. Box 14026, Reading, PA 19612-4026) on October 24, 2013, for the installation and temporary operation of a copper tube continuous casting system at their Reading facility in Ontelaunee Township, **Berks County**. The plan approval was extended.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701



Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

**47-00001D: PPL Montour LLC** (P. O. Box 128, Washingtonville, PA 17884-0128) on October 28, 2013, to extend the authorization an additional 180 days from October 29, 2013 to April 27, 2014 in order to continue the compliance and performance evaluation of the continuous parametric monitoring system that predicts the nitrogen oxides emissions from the auxiliary boiler 11A at the Montour Steam Electric Station (SES). The Montour SES is in Derry Township, **Montour County**. The plan approval has been extended.

**49-00065A: Polar Tech Industries of PA, Inc.** (1017 West Valley Avenue, Elysburg, PA 17821) on September 14, 2013, to extend the authorization to operate an expandable polystyrene foam processing operation at their facility in Ralpho Township, **Northumberland County** on a temporary basis to March 13, 2014. The plan approval has been extended.

Northwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

**03-00185A: Vista Metals, Inc.** (1024 E Smithfield St, McKeesport, PA 15135-1031) on October 23, 2013, as a result of equipment startup, to establish the 180-day period of temporary operation of the carbide metal powder manufacturing unit authorized under PA-03-00185A, until January 15, 2014, at the Kittanning Powder Plant, in East Franklin Township, **Armstrong County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

**37-331A: RWE Holding Co.—West Pittsburgh Plant** (535 Rundle Road, New Castle, PA 16101) on October 22, 2013, effective November 30, 2013, will issue a plan approval extension for post-construction of a slag handling, anti-skid mining, coke screening, bulk carbon loading and graphite drying operation. This facility is located in Taylor Township, **Lawrence County**. The plan approval has been extended.

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#### Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

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Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

**23-00014: Kimberly-Clark of Pennsylvania, LLC.** (Front and Avenue of the States, Chester, PA 19013) on October 21, 2013, for renewal of the Title V Operating Permit in the City of Chester, **Delaware County**. The facility is primarily used for the manufacture of tissue paper and paper towels. As a result of potential emissions of nitrogen oxides and volatile organic compounds, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Permit Renewal includes applicable requirements from 40 C.F.R. Part 63, Subpart DDDDD for the boilers and the dryers associated with the paper machines located at the facility. The proposed Title V

Operating Permit Renewal includes applicable requirements from 40 C.F.R. Part 63, Subpart ZZZZ for their emergency generators and emergency fire pump. There are no changes in air emissions from the facility. The facility is subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64 for Paper Machine No. 12. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

**09-00027: Fres-Co System USA, Inc.** (3005 State Road, Telford, PA 18969) on October 24, 2013, to generate the following ERCs resulting from the permanent shutdown of Press 201 (Rotogravure Press-9 Station): 45.63 tons of VOC's at their facility in West Rockhill Township, **Bucks County**. These ERCs will expire on March 15, 2022.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131

**42-00158: Georgia Pacific Panel Products** (149 Temple Drive Kane, PA 16735) on October 24, 2013, issued an administrative amendment to the Title V Operating Permit to incorporate the change in ownership and responsible official for their facility in Sergeant Township, **McKean County**. The amendment also clarifies the facility has 3 emergency RICE engines subject to 40 CFR 63 Subpart ZZZZ. Source 051M includes the MDF emergency generator, the emergency fire pump engine, and the PB emergency generator. These units are also included in the plant-wide NO<sub>x</sub> PAL.

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#### Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

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Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2409

**39-00036: St. Luke's Health Network, Inc.** (801 Ostrum Street, Bethlehem, PA 18015-1000) on October 24, 2013, to operate a general medical and surgical hospital in Fountain Hill Borough, **Lehigh County**. The primary sources consist of five (5) boilers, five (5) emergency generators, and an ETO Sterilizer. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), particulate matter (PM<sub>10</sub>), and volatile organic compounds (VOC) emissions. This is a renewal State-Only Synthetic Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

**28-05027: Chambersburg Hospital** (112 North 7th Street, Chambersburg, PA 17201-1720) on October 22, 2013, for the boilers, generators and ethylene oxide sterilizers at the Chambersburg Hospital in Chambersburg Borough, **Franklin County**. The State-only permit was renewed.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**19-00009: Deluxe Building Systems, Inc.** (499 West Third Street, Berwick, PA 18603-2936) on October 17, 2013, to issue a state only operating permit for their Berwick Plant in Berwick Borough, **Columbia County**. The facility's sources include one (1) plumbing operation, one (1) sealant operation, one (1) adhesive operation, three (3) surface coating operations, three (3) petroleum storage tanks, one (1) cold degreaser, one (1) welding operation, one (1) concrete panel operation and miscellaneous space heaters. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**30-00094: Texas Eastern Transmission, LP** (P. O. Box 1642, Houston, TX 77251-1642) on June 11, 2013, to issue a State Only Operating Permit (SOOP) to Texas Eastern Transmission, LP to authorize the continued operation of the natural gas transmission facility known as the Waynesburg Station, in Franklin Township, **Greene County**. Sources at this facility include natural gas fire Solar Centaur Turbine Model T-5802S rated at 59.25 mmbtu/hr and 6,166 hp and one Onan emergency generator rated at 17 hp with an operating limit of 500 hours per year.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Matthew M. Williams, Environmental Program Manager—Telephone: 814-332-6636*

**20-00307: Fisher & Ludlow Manufacturing** (607 Erie Street, Saegertown, PA 16433) on October 22, 2013, issued a new Natural Minor Operating Permit for fabrication of metal grating in Saegertown Boro, **Crawford County**. The facility's primary emission sources include dip coating tanks, welding operations, and a degreaser. VOC emissions from dip coating are limited to 6 TPY, calculated as a 12-month rolling total. The natural gas-fired heaters have a rated heat input of less than 10 mmbtu/hr. The welding is subject to 40 CFR 63 Subpart XXXXXX—NESHAPs for Nine Metal Fabrication and Finishing Source Categories. The facility is an Area Source for all pollutants including HAPs. The conditions of the plan approval were incorporated into the renewal permit.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**23-00041: MIPC, LLC** (920 Cherry Tree Road, Aston, PA 19014) on October 21, 2013, for the major (Title V) facility in Upper Chichester Township, **Delaware County**. On October 21, 2013 the Operating Permit was administratively amended to remove a condition limiting

testing of an emergency generator during the ozone season. Also, the title and phone number of the permit contact are updated with this issuance

**46-00230: East Norriton-Whitpain-Plymouth Joint Sewer Authority** (200 Ross Street, Norristown, PA 19401) on October 24, 2013, in Plymouth Township, **Montgomery County**. The permit is for a non-Title V (State only) facility. This amendment is to address several typographical errors. Administrative Amendment of State-Only Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**03-00185: Vista Metals, Inc.** (1024 E Smithfield St, McKeesport, PA 15135-1031) for a State Only Operating Permit amendment issuance to incorporate the plan approval sources and requirements of the PA-03-00185A, effective October 28, 2013, for their Kittanning Powder Plant located in East Franklin Township, **Armstrong 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*

**30743711 and NPDES No. PA0033511. Cumberland Coal Resources, LP**, (158 Portal Road, PO Box 1020, Waynesburg, PA 15370). To revise the permit for the Cumberland Mine Coal Refuse Disposal Facility in Whiteley and Monongahela Townships, **Greene County** to revoke and reissue the related NPDES permit to modify the discharge rate and relocate NPDES Outfall 001 from Whiteley Creek to the Monongahela River no later than October 1, 2016. Monongahela River, classified for the following use: WWF. The application was considered administratively complete on June 25, 2013. Application received June 25, 2013. Permit issued October 24, 2013.

**33071301. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To revise the permit for the Kocjancic Mine in Snyder and Horton Townships, **Jefferson and Elk Counties** to add an additional treat-

ment facility pond. Surface Acres Proposed 2.3. No additional discharges. The application was considered administratively complete on June 18, 2013. Application received May 13, 2013. Permit issued October 28, 2013.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**Permit No. 11080101 and NPDES No. PA0262587. AMFIRE Mining Co., LLC**, One Energy Place, Latrobe, PA 15650, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in East Taylor and Croyle Townships, **Cambria County**, affecting 726.3 acres. Receiving streams: unnamed tributaries to/and Little Conemaugh River to the Conemaugh River classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application Received: April 5, 2013. Permit Issued: October 15, 2013.

**Permit No. 56110108 and NPDES No. PA0263354. Sherpa Mining Contractors, Inc.**, 337 Benny Road, Hooversville, PA 15936, commencement operation and restoration of a bituminous surface and auger mine in Shade Township, **Somerset County**, affecting 176.9 acres. Receiving streams: unnamed tributaries to Stonycreek River and unnamed tributaries to/and Oven Run classified for the following use: cold water fishery. The first downstream potable water supply intake from the point of discharge is Hooversville Municipal Authority. Application Received: September 29, 2011. Permit Issued: October 21, 2013.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**10070105. T.C. Mining** (252 Lower Hayes Run Road, Kittanning, PA 16201) Renewal of an existing bituminous surface mine in Concord & Clay Townships, **Butler County**, affecting 191.0 acres. Receiving streams: Unnamed tributaries to South Branch Slippery Rock Creek. This renewal is issued for reclamation only. Application received: July 10, 2013. Permit Issued: October 24, 2013.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**54010201R2. Westwood Generation, LLC**, (490 West Main Street, Tremont, PA 17981), renewal of an anthracite coal refuse reprocessing and disposal operation in Hegins and Porter Townships, **Schuylkill County** affecting 73.6 acres, receiving stream: Good Spring Creek. Application received: January 22, 2013. Renewal issued: October 22, 2013.

**54010201GP104. Westwood Generation, LLC**, (490 West Main Street, Tremont, PA 17981), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54010201 in Hegins and Porter Townships, **Schuylkill County**, receiving stream: Good Spring Creek. Application received: January 22, 2013. Permit issued: October 22, 2013.

#### *Noncoal Permits Issued*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**Permit No. 56122801. Shaffer Brothers Coal Company, Inc.**, 1 Jay Street, Windber, PA 15963, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Paint Township, **Somerset County**, affecting 5.6 acres, receiving stream: Seese Run. Permit received: January 12, 2012. Permit Issued: October 17, 2013.

**Permit No. 56122801-GP104. Shaffer Brothers Coal Company, Inc.**, 1 Jay Street, Windber, PA 15963, General NPDES Permit for stormwater discharges associated with mining activities on a Surface Mining Permit, SNC No. 56122801, located in Paint Township, **Somerset County**. Receiving stream: Seese Run classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Notice of Intent for coverage received: May 14, 2012. Coverage Approved October 17, 2013.

**Permit No. 07020301 and NPDES No. PA0249289. Grannas Brothers Stone and Asphalt Company, Inc.**, P. O. Box 488, Hollidaysburg, PA 16648-0488, renewal of NPDES permit, Catharine Township, **Blair County**. Receiving streams: unnamed tributaries to Frankstown Branch of Juniata River and Frankstown Branch of Juniata River classified for the following use: warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received November 13, 2012. Permit issued: October 23, 2013.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**03080801GP-104. Shirey Farms** (225 Water Street, New Bethlehem, PA 16242). General NPDES permit for stormwater discharge associated with mining activities on the existing small noncoal (Industrial Mineral) Permit No. 03080801 located in Redbank Township, **Armstrong County**, affecting 2.0 acres. Receiving stream: unnamed tributary to Redbank Creek. Application received: September 16, 2013. GP-104 permit issued: October 22, 2013.

**26970401 and NPDES Permit No. PA0202100. Laurel Aggregates of Delaware, LLC** (1600 Market St., 38th Floor, Philadelphia, PA 19102). Permit renewal issued for continued operation and reclamation of a large noncoal surface and underground mine, located in Springhill Township, **Fayette County**, affecting 871.8 acres. Receiving streams: Rubles Run Basin. Application received: February 11, 2013. Permit issued: October 22, 2013.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**24130801. Chris Kline Enterprises, LLC** (351 State Street, St. Marys, PA 15857) Commencement, operation and restoration of a small industrial minerals mine in the City of St. Marys, **Elk County**, affecting 3.0 acres. Receiving streams: Elk Creek. Application received: May 22, 2013. Permit Issued: October 23, 2013.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**58122504. Rock Ridge Stone, Inc.**, (631 SR 1039, Montrose, PA 18801), commencement, operation and restoration of a General Permit for Bluestone operation in Franklin Township, **Susquehanna County** affecting 7.0 acres, receiving stream: unnamed tributary to Snake Creek. Application received: March 9, 2012. Permit issued: October 25, 2013.

**58122504GP104. Rock Ridge Stone, Inc.**, (631 SR 1039, Montrose, PA 18801), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58122504 in Franklin Township, **Susquehanna County**, receiving stream: unnamed tributary to Snake Creek. Application received: March 9, 2012. Permit issued: October 25, 2013.

**58130806. Allen & Debra J. Wadge**, (9921 North Weston Road, Kingsley, PA 18826), commencement, opera-

tion and restoration of a bluestone operation in Brooklyn Township, **Susquehanna County** affecting 4.0 acres, receiving stream: Hop Bottom Creek. Application received: July 5, 2013. Permit issued: October 25, 2013.

**58130806GP104. Allen & Debra J. Wadge**, (9921 North Weston Road, Kingsley, PA 18826), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58130806 in Brooklyn Township, **Susquehanna County**, receiving stream: Hop Bottom Creek. Application received: July 5, 2013. Permit issued: October 25, 2013.

*Blasting Permits Issued*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**56134002 Geiger Development Corporation**, 1135 Stoystown Road, Friedens, PA 15541, Blasting Activity Permit issued for building site preparation in Somerset Township, **Somerset County**. Blasting activity permit end date is July 30, 2014. Permit issued October 21, 2013.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**02134004. Beckley Drilling & Blasting Services** (P. O. Box 1907, Beaver, WV 26813). Blasting activity permit for the construction of the Findlay Industrial Park, Solar Drive Extension Phase III project, located in Findlay Township, **Allegheny County**. The duration of blasting is expected to last 90 days. Blasting permit issued: October 22, 2013.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**10134005. Discovery Acquisition Services, Inc.** (2105 City West Boulevard, Suite 900, Houston, TX 77042-2837) Blasting activity permit for seismic exploration in Concord, Clearfield, Donegal, Oakland, and Sugarcreek Townships, **Butler and Armstrong Counties**. This blasting activity permit expires on May 4, 2014. Permit Issued: October 23, 2013.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**08134126. Meshoppen Blasting Inc.** (Frantz Rd, P. O. Box 127, Meshoppen, PA 18630). Blasting for well pad and access road located in Herrick Township, **Bradford County** with an expiration date of March 1, 2014. Permit issued October 15, 2013.

**14134106. Douglas Explosives Inc.** (P. O. Box 77, Philipsburg, PA 16866). Blasting for residential development located in Harris Township, **Centre County** with an expiration date of October 1, 2014. Permit issued October 15, 2013.

**59134103. M & J Explosives LLC** (P. O. Box 1248, Carlisle, PA 17013). Blasting for well pad located in Sullivan Township, **Tioga County** with an expiration date of October 7, 2014. Permit issued October 17, 2013.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**58134162. M & J Explosives, Inc.**, (P. O. Box 608, Carlisle, PA 17013), construction blasting for Butler Well Pad in Apolacon Township, **Susquehanna County** with an expiration date of October 14, 2014. Permit issued: October 22, 2013.

**58134163. Meshoppen Blasting, Inc.**, (P. O. Box 127, Meshoppen, PA 18630), construction blasting for Lasher

well pad and access road in Auburn Township, **Susquehanna County** with an expiration date of January 31, 2013. Permit issued: October 22, 2013.

**67134113. Newville Construction Services, Inc.**, (408 Mohawk Road, Newville, PA 17241), construction blasting for Brookside Heights in Penn Township, **York County** with an expiration date of October 1, 2014. Permit issued: October 22, 2013.

**67134114. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Ashley Farms in Dover Township, **York County** with an expiration date of October 31, 2014. Permit issued: October 23, 2013.

**09134106. Rock Work, Inc.**, (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Reeves Tract in Upper Makefield Township, **Bucks County** with an expiration date of October 31, 2014. Permit issued: October 28, 2013.

**40134118. Maurer & Scott Sales, Inc.**, (122 Thomas Street, Coopersburg, PA 18036), construction blasting for Center Point in Jenkins and Pittston Townships, **Luzerne County** with an expiration date of December 31, 2014. Permit issued: October 28, 2013.

**46134121. Rock Work, Inc.**, (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Route 422 Trooper Road Interchange in Lower Providence and West Norriton Townships, **Montgomery County** with an expiration date of October 31, 2014. Permit issued: October 28, 2013.

**46134122. Brubacher Excavating, Inc.**, (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Candlewyck Estates in Marlborough Township, **Montgomery County** with an expiration date of February 28, 2014. Permit issued: October 28, 2013.

**66134122. DW Drilling & Blasting**, (11934 Fairway Lakes Drive, Ft. Myers, FL 33913), construction blasting for Shamrock Gas Pad and road in Windham Township, **Wyoming County** with an expiration date of October 21, 2014. Permit issued: October 28, 2013.

## 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 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 appropri-

ate 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**

*Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E26-367. Perryopolis Land Co.**, 3447 Pittsburgh Road, Pittsburgh, PA 15473, Borough of Perryopolis, **Fayette County**; ACOE Pittsburgh District.

Applicant has been given consent to place and maintain fill in approximately 0.72 acre of wetland (PEM), for the purpose of constructing an expansion of a parking area, at the Perryopolis Auto Auction, which is located at the intersection of Barneys Road and Route 51, within the watershed of an unnamed tributary to Washington Run (WWF), in the Borough of Perryopolis, Fayette County (Fayette City, PA Quadrangle N: 15.94 inches; W: 1.86 inches; Latitude: 40° 05' 16"; Longitude: 79° 45' 48"). To compensate for the wetland impacts approximately 0.92 acre of replacement wetland will be constructed, approximately 0.06 acre of additional wetland will be impacted in conjunction with the construction of replacement wetlands.

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, 16335.*

**E25-766, Summit Township Sewer Authority**, 8890 Old French Road, Erie, PA 16509-5459 in Summit Township, **Erie County**, ACOE Pittsburgh District giving its consent to permanently fill 0.05 acre of palustrine forested/scrub shrub wetlands within the watershed of Elk Creek (CWF, MF) for the construction of a wastewater pump station off New Road at a point approximately 3000 feet southwest of the New Road and Peach Street intersection (Erie South, PA Quadrangle N: 42°, 00', 57"; W: 80°, 03', 45").

*District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E5929-043: SWEPI LP**, 2100 Georgetown Drive, Suite 400, Sewickley, PA 15143, Liberty Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) An 8 inch diameter natural gas gathering line and a 10 inch diameter fresh waterline impacting 155 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°35'01"N, 77°03'22"W);

2) An 8 inch diameter natural gas gathering line and a 10 inch diameter fresh waterline impacting 530 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°35'00"N, 77°03'15"W);

3) A temporary road crossing using a wood mat bridge impacting 1,081 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°34'58"N, 77°03'15"W);

4) A temporary road crossing using wood mat bridges, an 8 inch diameter natural gas gathering line, and a 10 inch diameter fresh waterline impacting 2,928 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41°34'58"N, 77°03'14"W);

5) A temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line, and a 10 inch diameter fresh waterline wetland impacting 34,502 square feet of an exceptional value palustrine emergent/palustrine scrub-shrub (EV-PEM/PSS) (Liberty, PA Quadrangle 41°34'53"N, 77°03'12"W);

The project will result in 39,196 square feet (0.90 acre) of temporary wetland impacts, all for the purpose of installing a natural gas gathering line, a fresh waterline, associated access roadways for Marcellus well development in Liberty Township, Tioga County.

**E5829-052. Williams Field Services Company, LLC**; Park Place Corporate Center 2, 2000 Commerce Drive, Pittsburgh, PA 15275; Gibson Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 16-inch natural gas pipeline and timber bridge crossing impacting 77 lineal feet of Bear Swamp Creek (CWF-MF) (Clifford, PA Quadrangle; N 41° 44' 19" Lat., W -75° 36' 26" Long.),

2) a 16-inch natural gas pipeline and timber bridge crossing impacting 87 lineal feet of an unnamed tributary to Bear Swamp Creek (CWF-MF) (Clifford, PA Quadrangle; N 41° 44' 05" Lat., W - 75° 36' 05" Long.),

3) a 16-inch natural gas pipeline and timber mat crossing impacting 4,356 square feet (0.10 acre) of PEM wetlands (Clifford, PA Quadrangle; N 41° 44' 44" Lat., W -75° 36' 39" Long.),

4) a 16-inch natural gas pipeline and timber mat crossing impacting 436 square feet (0.01 acre) of PEM wetlands (Clifford, PA Quadrangle; N 41° 44' 37" Lat., W -75° 36' 40" Long.),

5) a 16-inch natural gas pipeline and timber mat crossing impacting 3,920 square feet (0.09 acre) of PEM and 436 square feet (0.01 acre) of PSS wetlands (Clifford, PA Quadrangle; N 41° 44' 19" Lat., W -75° 36' 26" Long.),

6) a 16-inch natural gas pipeline and timber mat crossing impacting 1,742 square feet (0.04 acre) of PEM and 436 square feet (0.01 acre) of PSS wetlands (Clifford, PA Quadrangle; N 41° 44' 02" Lat., W -75° 35' 59" Long.),

7) a 16-inch natural gas pipeline and timber mat crossing impacting 4,356 square feet (0.10 acre) of PEM wetlands (Clifford, PA Quadrangle; N 41° 43' 32" Lat., W -75° 35' 09" Long.).

The project consists of constructing approximately 2.41 miles of 16" natural gas gathering line from the Gallagher Well Pad routed in a northwesterly direction to the Bear Swamp Pipeline located in Gibson Township, Susquehanna County. The project will result in 164 lineal feet of stream impacts and 0.38 acre of wetland impact, of which 0.02 acre are permanent wetland conversion impacts, all for the purpose of conveying Marcellus Shale natural gas to market.

**E5729-060: Appalachia Midstream Services, LLC**, 100 IST Center, Horseheads, NY 14845, Fox Township, Sullivan County, ACOE Baltimore District.

To construct, operate, and maintain:

1) An access road using a 20 foot long 42 inch diameter HDPE pipe and a 16 inch diameter gathering line impacting 150 linear feet of an unnamed tributary to Hoagland Branch (EV), 564 square feet of an exceptional value palustrine emergent (EV-PEM) wetland, and 168 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Shunk, PA Quadrangle 41°33'01"N, 76°44'09"W);

2) An access road using a 20 foot long 42 inch diameter HDPE pipe and a 16 inch diameter gathering line impacting 80 linear feet of an unnamed tributary to Hoagland Branch (EV) (Shunk, PA Quadrangle 41°33'27"N, 76°43'56"W);

3) A temporary access road using a timber mat bridge and a 16 inch diameter gathering line impacting 1,132 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Shunk, PA Quadrangle 41°33'17"N, 76°43'31"W);

4) A temporary access road using a timber mat bridge and a 16 inch diameter gathering line impacting 150 linear feet of an unnamed tributary to Porter Creek (EV) (Shunk, PA Quadrangle 41°33'53"N, 76°43'29"W);

5) A temporary access road using timber mats and a 16 inch diameter gathering line impacting 165 square feet of a palustrine emergent (PEM) wetland (Shunk, PA Quadrangle 41°33'56"N, 76°43'25"W);

6) A temporary access road using timber mats and a 16 inch diameter gathering line impacting 165 square feet of a palustrine scrub shrub (PSS) wetland (Shunk, PA Quadrangle 41°33'58"N, 76°43'18"W);

7) A temporary access road using a timber mat bridge and a 16 inch diameter gathering line impacting 80 linear feet of an unnamed tributary to Porter Creek (EV) (Shunk, PA Quadrangle 41°33'58"N, 76°43'17"W);

8) A temporary access road using timber mats and a 16 inch diameter gathering line impacting 5,376 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Shunk, PA Quadrangle 41°33'57"N, 76°43'15"W);

The project will result in 460 linear feet of temporary stream impacts, 729 square feet (0.02 acre) of temporary wetland impacts, and 6,676 square feet (0.15 acre) of permanent wetland impacts all for the purpose of installing a gathering line for Marcellus well development in Fox Township, Sullivan County. The permittee will provide 0.15 acre of compensatory mitigation at the Elk West Wetland Mitigation Site (Overton, PA Quadrangle 41°33'44"N 76°34'31"W) in Elkland Township, Sullivan County.

## EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESG13-065-0008—Monarch to DM Wingard Pipeline  
Applicant EQT Production  
Contact Todd Klaner  
Address 455 Racetrack Road, Suite 101  
City Washington State PA Zip Code 15301  
County Jefferson Township(s) Polk(s)  
Receiving Stream(s) and Classification(s) North Fork Redbank Creek; UNT to North Fork Redbank Creek

ESCGP-1 #ESG13-121-0004—Rainbow to SCC Pipeline Project  
Applicant Halcon Field Services LLC  
Contact Mr. Rich DiMichele  
Address 1000 Louisiana Street, Suite 6700  
City Houston State TX Zip Code 77002  
County Venango Township(s) French Creek and Sandy Creek Township(s)  
Receiving Stream(s) and Classification(s) Unnamed Tributaries (UNTs) to Little Sandy Creek, UNT to French Creek, UNTs to Sandy Creek, Sandy Creek, UNTs to Haggerty Hollow, Haggerty Hollow. WATERSHEDS: French Creek, Little Sandy Creek, Sandy Creek, Haggerty Hollow

ESCGP-1 #ESX13-085-0019—Stevenson to TNG Pipeline Project  
Applicant Halcon Field Services LLC  
Contact Mr. Rich DiMichele  
Address 1000 Louisiana Street, Suite 6700  
City Houston State TX Zip Code 77002  
County Mercer Township(s) New Vernon, Perry, Salem, and Sandy Creek Township(s)  
Receiving Stream(s) and Classification(s) UNT to Sandy Creek, Mill Run, UNT to Morrison Run, UNT to Mill

Run, UNT to Little Shenango River / Clark Run, Little Shenango River, Morrison Run, and Sandy Creek TSF / WWF

ESCGP-1 #ESX13-019-0049—West Pad 69  
Applicant PennEnergy Resources, LLC  
Contact Robert A Crissinger  
Address 1000 Commerce Drive, Park Place One, Suite 100  
City Pittsburgh State PA Zip Code 15275  
County Butler Township(s) Clinton and Jefferson(s)  
Receiving Stream(s) and Classification(s) UNT to Davis Run / Davis Run, Thorn Creek CWF

ESCGP-1 #ESG13-019-0040—NITR-S001/NITR-D001  
Pipeline Project  
Applicant EQT Gathering LLC  
Contact Brian Clauto  
Address 455 Racetrack Road  
City Washington State PA Zip Code 15301-8910  
County Butler Township(s) Clearfield & Winfield(s)  
Receiving Stream(s) and Classification(s) UNT to Buffalo Creek (basin, Little Buffalo Run to Little Buffalo Creek) / Buffalo Creek, UNT to Rough Run/ Buffalo Creek, HQ

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-1 # ESX13-115-0113  
Applicant Name Cabot Oil & Gas Corporation  
Contact Person Kenneth Marcum  
Address Five Penn Center West, Suite 401  
City, State, Zip Pittsburgh, PA 15276-0120  
County Susquehanna County  
Township(s) Bridgewater Township  
Receiving Stream(s) and Classification(s) Trib. 29870 (CWF/MF), Pettis Creek (WWF/MF);  
Secondary: East Branch Wyalusing Creek

ESCGP-1 # ESG13-081-0057  
Applicant Name PVR Marcellus Gas Gathering LLC  
Contact Person Kevin Roberts  
Address 101 West Third Street  
City, State, Zip Williamsport, PA 17701  
County Lycoming County  
Township(s) Eldred and Gamble Townships  
Receiving Stream(s) and Classification(s) Sugarcamp Run (EV), Mill Creek (West) (TSF/MF);  
Secondary: Loyalsock Creek (EV)

ESCGP-1 # ESX13-115-0114  
Applicant Name Williams Field Services, LLC  
Contact Person Julie Nicholas  
Address 1212 South Abington Road  
City, State, Zip Clark Summit, PA 18411  
County Susquehanna County  
Township(s) Springville Township  
Receiving Stream(s) and Classification(s) Horton Creek, Monroe Creek, Meshoppen Creek, Pond Brook and Tribs thereof (All CWF/MF)

*Southwest Region: Oil & Gas Program Mgr. 400 Waterfront Dr. Pittsburgh PA*

ESCGP-2 No: ESX13-059-0042  
Applicant Name: Energy Corporation of America  
Contact Person Mr Mark Fry  
Address: 101 Heritage Run Road Suite 1  
City: Indiana State: PA Zip Code: 15701  
County: Greene Township: Cumberland  
Receiving Stream (s) And Classifications: Trib 41004 & 41024 to South Branch Muddy Creek, Muddy Creek; Other Warm Water Fishes

ESCGP-2 No.: ESX13-125-0069  
Applicant Name: MarkWest Liberty Midstream & Resources LLC  
Contact Person: Mr Rick Lowry  
Address: 4600 J Barry Court Suite 500  
City: Canonsburg State: PA Zip Code: 15317  
County: Washington Township(s): Hanover & Robinson  
Receiving Stream(s) and Classifications: #76982 Wingfield Run, #52608 Bigger Run, UNT to #25564 Raccoon Creek and #25564 Raccoon Creek/Raccoon Creek Watershed; Other Warm Water Fishery (WWF)

ESCGP-2 No.: ESX13-125-0066  
Applicant Name: Rice Drilling B LLC  
Contact Person: Ms Tonya Winkler  
Address: 171 Hillpointe Drive Suite 301  
City: Canonsburg State: PA Zip Code: 15317  
County: Washington Township(s): Amwell / North Bethlehem  
Receiving Stream(s) and Classifications: #77399 Brush Run; Other Trout Stocking (TSF)

ESCGP-2 No.: ESX13-003-0007  
Applicant Name: MarkWest Liberty Midstream & Resources LLC  
Contact Person: Mr Rick Lowry  
Address: 4600 J Barry Court Suite 500  
City: Canonsburg State: PA Zip Code: 15317  
County: Allegheny Township(s): Independence  
Receiving Stream(s) and Classifications: UNTs to Raccoon Creek (UNTs to Potato Garden Run and Potato Garden Run on the USGS map); Other WWF

ESCGP-2 No.: ESG13-111-0001  
Applicant Name: Chevron Appalachia LLC  
Contact Person: Alexander Genovese  
Address: 800 Mountain View Drive  
City: Smithfield State: PA Zip Code: 15478  
COUNTY Somerset Township(s): Conemaugh  
Receiving Stream(s) and Classifications: Soap Hollow / Stony Creek CWF, South Fork Bens Creek, HQ-CWF; HQ; Other CWF

ESCGP-2 No.: ESX11-051-0018 MAJOR REVISION  
Applicant Name: Chevron Appalachia LLC  
Contact Person: Mr Branden Weimer  
Address: 800 Mountain View Drive  
City: Smithfield State: PA Zip Code: 15478  
County: Fayette Township(s): Redstone  
Receiving Stream(s) and Classifications: UNT to Rowes Run; Other WWF

ESCGP-2 No.: ESX13-125-0043  
Applicant Name: Rice Drilling B LLC  
Contact Person: Ms Tonya R Winkler  
Address: 171 Hillpointe Drive Suite 301  
City: Canonsburg State: PA Zip Code 15317  
County: Washington Township(s): Fallowfield and Somerset  
Receiving Stream(s) and Classifications: 28206 Sawmill Creek; Other WWF

#### OIL AND GAS MANAGEMENT

The following Well Permits have been issued with a waiver under 58 Pa.C.S. § 3215(b)(4) (relating to well location restrictions).

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 (relat-

ing 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 Relay Service, (800) 654-5984. Appeals must be filed which 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 pro bono representation. Call the Secretary to the Board at (717) 787-3483.

*Southwest District: District Oil and Gas Operations, Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222*

Well Permit #: 005-31174-00  
Well Farm Name: Zachar 1M  
Applicant Name: MDS Energy Development, LLC  
Contact Person: Randall L. Morris, Jr.  
Address: 409 Butler Road, Suite A Kittaning, PA 16201  
County: Armstrong  
Municipality Name/City, Borough, Township: Gilpin Twp  
Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Tributary 42832 to Elder Run

*Northwest Region, District Oil and Gas Operations, Program Manager, 230 Chestnut St., Meadville, PA 16335*

Well Permit #: 115-21489-00-00  
Well Farm Name ODOWD S SUS 4H  
Applicant Name: Chesapeake Appalachia, LLC.  
Contact Person: Eric Haskins  
Address: 14 Chesapeake Lane, Sayre, PA 18840  
County: Susquehanna  
Municipality Name/City, Borough, Township: Auburn  
Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Springville, UNT White Creek

Well Permit #: 121-45412-00-00  
Well Farm Name Hart North 2  
Applicant Name: Lendrum Energy LLC  
Contact Person: John Lendrum  
Address: 4573 Camp Coffman Road, Cranberry, PA 16319  
County: Venango  
Municipality Name/City, Borough, Township: Pinegrove  
Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Kossuth

Well Permit #: 121-45413-00-00  
Well Farm Name Hart North  
Applicant Name: Lendrum Energy LLC

Contact Person: John Lendrum  
Address: 4573 Camp Coffman Road, Cranberry, PA 16319  
County: Venango  
Municipality Name/City, Borough, Township: Pinegrove  
Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Kossuth

Well Permit #: 121-45416-00-00  
Well Farm Name Hart North 6  
Applicant Name: Lendrum Energy LLC  
Contact Person: John Lendrum  
Address: 4573 Camp Coffman Road, Cranberry, PA 16319  
County: Venango  
Municipality Name/City, Borough, Township: Pinegrove  
Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Kossuth

Well Permit #: 115-21479-00-00  
Well Farm Name Valentine-Soliman 1H  
Applicant Name: Southwestern Energy Production Co.  
Contact Person: John Nicholas  
Address: 2350 N. Sam Houston PKWY East, Houston, TX 77032

County: Susquehanna  
Municipality Name/City, Borough, Township: Lenox  
Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Lenoxville, Unnamed Tributary to the East Branch of Tunkhannock Creek

Well Permit #: 081-21337-00-00  
Well Farm Name Allegheny Ridge West Hillegas 3  
Applicant Name: Inflection Energy, LLC.  
Contact Person: Thomas D. Gillespie, P.G.  
Address: 1200 17th Street, Suite 1350, Denver, CO 80202  
County: Lycoming  
Municipality Name/City, Borough, Township: Upper Fairfield  
Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Huntersville, PA

Well Permit #: 115-21490-00-00  
Well Farm Name ODOWD N SUS 2H  
Applicant Name: Chesapeake Appalachia, LLC.  
Contact Person: Eric Haskins  
Address: 14 Chesapeake Lane, Sayre, PA 18840  
County: Susquehanna  
Municipality Name/City, Borough, Township: Auburn  
Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Springville, Unnamed Tributary of the White Creek.

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## SPECIAL NOTICES

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### NPDES Individual CAFO Permit; Public Meeting and Public Hearing Cleveland Township, Columbia County

The Department of Environmental Protection will conduct a public meeting at 6:30 p.m. and a public hearing at 8:00 p.m. on Monday, December 16, 2013 at the Elysburg Fire Co. #1 located at 1 East Mill St. in Elysburg, PA (Ralpho Twp.). The purpose of the meeting/hearing is to discuss the current NPDES individual CAFO permit



(PA0233544) application submitted by Joel D. Knoebel of 110 Center School Road, Elysburg PA for existing swine operation with underbarn manure storage which is located in the Mugser Run (HQ-CWF) watershed. This facility houses approximately 4,360 (560.23 AEUs) swine (wean to finish) in Cleveland Township, Columbia County.

Staff from DEP's Clean Water Program will explain the application review process and applicable regulations, and the applicant will explain his CAFO swine operation with the audience. These presentations will be followed by a question and answer session with the local community.

Cleveland Pork submitted an individual NPDES CAFO permit application (PA0233544) to the department on September 27, 2013, for the existing finishing swine operation and associated underbarn manure storage site located in Cleveland Township, Columbia County. The facility consists of an existing swine barn that houses 4,360 hogs with an underbarn manure pit (458'x80'x6') having a total storage capacity of 1,486,000 gallons.

The public meeting will be followed by a DEP public hearing beginning 8:00 p.m. during which time citizens will have an opportunity to present oral testimony regarding the proposed NPDES permit application. Anyone who wishes to present oral testimony during the public hearing may register that evening prior to the hearing. Citizens will have a maximum of five minutes each to present testimony. Written testimony of any length also will be accepted. The testimony will be recorded by a court reporter and transcribed into a written document. DEP will respond in writing to all relevant testimony provided during the public hearing at the time a final permit decision is made.

Persons interested in obtaining further information, requesting a copy of each fact sheet prepared under 92a.53, and inspect and copy NPDES forms and related documents should contact the Pennsylvania Department of Environmental Protection, Clean Water Program, 208 West Third St., Suite 101, Williamsport, Pa. 17701.

Individuals in need of an accommodation as provided for in the Americans with Disabilities Act of 1990 should contact Daniel Spadoni at 570-327-3659 or through the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how DEP may accommodate your needs.

[Pa.B. Doc. No. 13-2111. Filed for public inspection November 8, 2013, 9:00 a.m.]

### **Mifflin County Solid Waste Authority Transfer Station Hauling/Disposal Contract Request for Proposals**

The Mifflin County Solid Waste Authority (MCSWA) is seeking responses from private or public entities, or both, interested in providing a 10-year commitment for transportation and disposal of the collected municipal and residual waste from the MCSWA open-top transfer station near Lewistown, PA. Respondents to this Request for Proposals (RFP) must also respond to a concurrent Solicitation of Interest (SOI), to be included in a new Regional Solid Waste Management Plan. The anticipated service start date for this new RFP contract is January 1, 2015. To obtain further information on the RFP or request a copy of the RFP, or both, and for further information on the SOI process and requirements, visit [www.bartonandloguidice.com/RFP.htm](http://www.bartonandloguidice.com/RFP.htm). A preproposal conference will be held on November 22, 2013, at 10 a.m.

Sealed submittals are due to MCSWA at the address listed in the full web site advertisement no later than 12 p.m. on December 12, 2013.

E. CHRISTOPHER ABRUZZO,  
*Acting Secretary*

[Pa.B. Doc. No. 13-2112. Filed for public inspection November 8, 2013, 9:00 a.m.]

### **Municipal Waste Processing/Disposal Capacity Solicitation of Interest**

Mifflin and Juniata Counties, in central Pennsylvania, are preparing a Regional Municipal Waste Management Plan in accordance with Act 101. As part of the planning process, the Counties are releasing a Solicitation of Interest (SOI) to secure 10-year commitments for processing/disposal capacity for municipal waste (MSW) generated within Mifflin and Juniata Counties, beginning on January 1, 2015. Transfer stations handling these Counties' MSW also have requirements in the SOI, to be included in the Regional Plan. To obtain further information on the SOI or to request a copy of the SOI, or both, visit [www.bartonandloguidice.com/SOI.htm](http://www.bartonandloguidice.com/SOI.htm). Sealed submittals are due to Barton and Loguidice at the address listed in the full web site advertisement no later than 12 p.m. on December 12, 2013.

E. CHRISTOPHER ABRUZZO,  
*Acting Secretary*

[Pa.B. Doc. No. 13-2113. Filed for public inspection November 8, 2013, 9:00 a.m.]

### **Nutrient Credit Trading Program; Notice of Certification Requests**

The Department of Environmental Protection (Department) provides notice of the following certification requests that have been submitted under the Nutrient Credit Trading Program (Trading Program). See 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed), published at 40 Pa.B. 5790 (October 9, 2010). The information described in this notice relates to submitted certification requests received in September of 2013.

#### *Certification Requests*

The following requests are being reviewed by the Department.

<i>Applicant</i>	<i>Pollutant Reduction Activity Description</i>
Gettysburg Municipal Authority (Adams County) (NPDES Permit No. PA-0021563)	This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity of the town's installed wastewater treatment process

*Applicant*

Danville Borough  
Wastewater Treatment  
Plant (Montour County)  
(NPDES Permit No.  
PA-0023531)

Altoona Water  
Authority—Easterly  
Wastewater Plant  
(Blair County)  
(NPDES Permit No.  
PA-0027014)

Wellsboro Municipal  
Authority (Tioga County)  
(NPDES Permit No.  
PA-0021687)

*Pollutant Reduction Activity Description*

This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity of the town's installed wastewater treatment process.

This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity of the town's installed wastewater treatment process.

This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity of the town's installed wastewater treatment process.

*Written Comments*

Interested persons may submit written comments on these proposed pollutant reduction activities by November 25, 2013. The Department will accept comments submitted by e-mail, but comments submitted by facsimile will not be accepted. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Jay Braund, Bureau of Point and Non-Point Source Management, Department of Environmental Protection, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 772-5636, jbraund@pa.gov.

For further information about this certification request or the Trading Program contact Jay Braund, at the previously listed address or phone number or visit [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keywords: "Nutrient Trading").

E. CHRISTOPHER ABRUZZO,  
*Acting Secretary*

[Pa.B. Doc. No. 13-2114. Filed for public inspection November 8, 2013, 9:00 a.m.]

## Pennsylvania Natural Gas Energy Development Program Funding Opportunity

On behalf of Governor Tom Corbett, Acting Secretary E. Christopher Abruzzo announces that on November 9, 2013, the Department of Environmental Protection (Department) will offer competitive grants for the incremental cost share for the purchase of vehicles over 14,000 pounds that operate using compressed natural gas and liquefied natural gas.

The 2013 Pennsylvania Natural Gas Energy Development Program (Program) grants will be made from amounts deposited in the Marcellus Legacy Fund. Approximately \$11 million will be available for this solicitation. Of that amount, 50% shall be allocated exclusively for local transportation organizations. The purpose of this Program is to provide funding to support the purchase or retrofit of natural gas vehicles that utilize new or existing natural gas fueling stations within this Commonwealth.

Key elements of the Program are as follows. Each project must propose to receive funding for five or more eligible vehicles. The vehicles utilizing incremental purchase or retrofit cost funding must be registered in this Commonwealth. Each grant will cover no more than 50% of the incremental purchase or retrofit cost of eligible vehicles. Grants will not provide more than \$25,000 for each eligible vehicle. Eligible vehicles include purchased or retrofitted new and used vehicles. Grantees may not receive incremental costs for a vehicle purchased or retrofitted prior to February 1, 2014. Grant funds awarded under this Program may not be used in place of available Federal funds. Projects must be completed within the grant period of performance which will be 18 months from February 1, 2014.

For grants under this solicitation, the following entities are eligible to apply: Commonwealth authorities; municipal authorities; the Pennsylvania Turnpike Commission; incorporated nonprofit entities; State-owned or State-related universities; for profit companies; and local transportation organization.

For guidelines and submission of applications, see the eGrants system at [www.grants.dcnr.state.pa.us](http://www.grants.dcnr.state.pa.us).

Applications will be accepted from November 9, 2013, through 4 p.m. on January 10, 2014.

E. CHRISTOPHER ABRUZZO,  
*Acting Secretary*

[Pa.B. Doc. No. 13-2115. Filed for public inspection November 8, 2013, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Divine Providence Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Divine Providence Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-3.6.6, 3.1-3.6.7.1 and 3.1-3.9 (relating to medication distribution station; nourishment area; and diagnostic imaging services).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@pa.gov](mailto:ra-paexcept@pa.gov).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and

Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-2116. Filed for public inspection November 8, 2013, 9:00 a.m.]

### Application of Lewisburg Plastic Surgery & Laser Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lewisburg Plastic Surgery & Laser Center has requested an exception to the requirements of 28 Pa. Code § 569.35 (relating to general safety precautions).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-2117. Filed for public inspection November 8, 2013, 9:00 a.m.]

### Application of Milton S. Hershey Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Milton S. Hershey Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-7.2.2.3(b) (relating to if the outpatient facility serves).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-2118. Filed for public inspection November 8, 2013, 9:00 a.m.]

### Application of Muncy Valley Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Muncy Valley Hospital has requested an exception to the requirements of 28 Pa. Code § 143.4 (relating to medical appraisal of a podiatric patient).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-2119. Filed for public inspection November 8, 2013, 9:00 a.m.]

### Application of Muncy Valley Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Muncy Valley Hospital has requested an exception to the requirements of 28 Pa. Code § 143.5 (relating to medical supervision of podiatric patients).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of

Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 13-2120. Filed for public inspection November 8, 2013, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Hometown Nursing and Rehabilitation Center  
149 Lafayette Avenue  
Tamaqua, PA 18252  
FAC ID 017902

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 13-2121. Filed for public inspection November 8, 2013, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Additional Class of Disproportionate Share Payments

The Department of Public Welfare (Department) is providing final notice of its establishment of a new class of disproportionate share hospital (DSH) payments for certain Medical Assistance (MA) acute care general hospitals (hospitals) which participate in an academic medical program. This payment will promote continued participation in the MA Program as well as access to inpatient hospital specialty services for MA eligible persons in less urbanized areas of this Commonwealth by providing support for the medical education and operations of an academic medical program, which fosters an adequate supply of health care professionals to treat the MA population.

The Department published notice of its intent to establish this class of DSH payment at 43 Pa.B. 3581 (June 29, 2013). The Department received no public comments during the 30-day comment period, and is implementing the changes as described in its notice of intent.

#### *Fiscal Impact*

The Fiscal Year 2012-2013 impact as a result of the funding allocation for this payment is \$4.374 million (\$2.000 million in State general funds and \$2.374 million in Federal funds upon approval by the Centers for Medicare and Medicaid Services).

BEVERLY D. MACKERETH,  
*Secretary*

**Fiscal Note:** 14-NOT-845. (1) General Fund; (2) Implementing Year 2012-13 is \$2,000,000; (3) 1st Succeeding Year 2013-14 is \$0; 2nd Succeeding Year 2014-15 is \$0; 3rd Succeeding Year 2015-16 is \$0; 4th Succeeding Year 2016-17 is \$0; 5th Succeeding Year 2017-18 is \$0; (4) 2011-12 Program—\$12,600,000; 2010-11 Program—\$18,800,000; 2009-10 Program—\$20,100,000; (7) MA—Academic Medical Centers; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 13-2122. Filed for public inspection November 8, 2013, 9:00 a.m.]

## DEPARTMENT OF STATE

### Corporation Bureau Advisory Committee Meeting

The Corporation Bureau Advisory Committee (Committee), under 15 Pa.C.S. § 155(c) (relating to disposition of funds), has scheduled a meeting for Tuesday, November 19, 2013, at 12 p.m. for discussion of the Bureau of Corporations and Charitable Organizations budget. The meeting will be held in Room 303/304, Executive Office Conference Room, Department of State, North Office Building, 3rd Floor, Harrisburg, PA 17120. The public is invited to attend. Persons who need accommodation due to a disability and wish to attend the meetings should

contact Barbara Kennedy at (717) 783-9210 so that arrangements can be made.

CAROL AICHELE,  
*Secretary*

[Pa.B. Doc. No. 13-2123. Filed for public inspection November 8, 2013, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Finding Jefferson County

Under section 2002(b) of The Administrative Code of 1929 (71 P.S. § 512(b)), the Director of the Bureau of Project Delivery makes the following written finding:

The Department of Transportation is planning to replace the bridge carrying SR 949 over Clear Creek in Heath Township, Jefferson County.

Information describing the project, with the associated environmental analysis, is contained in the NEPA document and the “Determination of Section 4(f) De Minimis Use, Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land” documents that were prepared for this project. The project will require the acquisition of right-of-way from State Forest Land and State Park Land which qualifies as a Section 2002 resource.

Based upon studies, there is no prudent and feasible alternative to the proposed action.

The environmental, economic, social and other effects of the proposed project, as enumerated in section 2002 of The Administrative Code of 1929, have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize the effects.

GEORGE W. McAULEY, Jr., P.E.,  
*Acting Director  
Bureau of Project Delivery*

[Pa.B. Doc. No. 13-2124. Filed for public inspection November 8, 2013, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission’s public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
4-96	Department of Community and Economic Development Manufactured Housing Improvement Program	10/24/13	12/12/13
16A-5321	State Board of Osteopathic Medicine Physician Assistants and Respiratory Therapists	10/29/13	12/12/13
16A-4930	State Board of Medicine Physician Assistants and Respiratory Therapists	10/29/13	12/12/13

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 13-2125. Filed for public inspection November 8, 2013, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Genworth Life Insurance Company; Rate Increase Filing for Several LTC Forms

Genworth Life Insurance Company is requesting approval to increase the premium 12.8% on 18,505 policyholders with the following individual LTC policy form numbers: 7042, 7042 Rev, 7044 and 7044 Rev.

Unless formal administrative action is taken prior to January 23, 2014, 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). Under the tab “How to Find . . .” click on the link “PA Bulletin.”

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 and Market Enforcement, 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*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-2126. Filed for public inspection November 8, 2013, 9:00 a.m.]

### Sale, Solicitation and Negotiation of Insurance; Department Notice 2013-09

The Federal Affordable Care Act (ACA) requires that all individuals obtain health insurance coverage. To help individuals navigate the health insurance market, the ACA created consumer assistance functions to educate consumers and help them explore their health insurance options. The Insurance Department (Department) protects the insurance purchasing consumer by enforcing State laws. As such, the Department distinguishes between professionals who have undergone training about health insurance and the background check required for licensure (that is, insurance producers) and individuals who perform general customer service/assistance functions. This Department notice will help provide clarity regarding activities that may require a producer license and those that typically do not.

To protect Pennsylvania insurance consumers, the Pennsylvania General Assembly has limited the sale, solicitation and negotiation of insurance to those who are licensed under Article VI-A of The Insurance Department Act of 1921 (act) (40 P. S. §§ 310.1—310.99a), regarding insurance producers. The act establishes various consumer protections including requiring producers to maintain an awareness of current insurance issues by taking education courses on an ongoing basis.

In general, the act prohibits a person from selling, soliciting or negotiating a contract of insurance or receiving commissions from these activities unless the person is licensed as an insurance producer. The terms “sell,” “solicit” and “negotiate” are defined broadly by the act. See 40 P. S. § 310.1. Under Commonwealth law partaking in unlicensed producer activity can be subject to both civil and criminal penalties, depending on the circumstances under which the unlicensed activity was conducted and whether the person knowingly engaged in unlicensed producer activity.

A license is generally not required for a person performing only the following services, provided that no commission is paid for the services: secures and furnishes written information for the purpose of group or blanket accident and health insurance; performs administrative services related to the enrollment of individuals under plans; issues certificates under plans or otherwise assists in administering plans. See 40 P. S. § 310.3(b)(4).

The Department provides the following lists of activities that require a producer license and activities that do not require a producer license. Note that the Department reserves the right to determine compliance with the act on a case-by-case basis in accordance with the particular circumstances presented in each case.

#### *Licensed producer activities:*

1. Discussing the effect of age, health or other risk-related conditions of the prospective policy holder.
2. Urging or advising any prospective purchaser to buy any particular policy or to insure with any particular company.
3. Initiating sales over the telephone or otherwise.
4. Collecting premiums in person at other than a recorded place of business.
5. Making or proposing to make an insurance contract.
6. Disseminating information as to specific coverages or for any particular policy, except that this does not pro-

hibit the dissemination of buyer’s guides or applications for coverage in response to requests from prospective policyholders.

7. Disseminating information as to rates in general or for any particular policy when the rate cannot be secured by referring to a published or printed list of standard rates.

8. Initiating an inquiry as to the terms of existing coverage, except exclusively in the course of clerical duties.

9. Discussing or describing the specific coverages or terms of a proposed contract of insurance with a prospective policyholder, including counseling as to which coverages to buy.

*Example:* If an insured or prospective insured requests advice in any communication with an unlicensed employee, the response must be made by a licensed producer.

10. Recommending or independently initiating additions or deletions to an insured’s policy.

11. Signing binders, endorsements and insurance policies.

12. Authorizing the issuance or delivery of certificates of insurance, endorsements, binders or insurance policies or insurance identification cards.

13. Responding to a policyholder’s request for advice or counsel regarding policy provisions or coverage.

*Example:* In the course of requesting an application form or a change to an existing policy, if a policyholder or prospective policyholder, while speaking to an unlicensed person, requests an opinion about the terms of the proposed insurance contract or the proposed change to the existing contract, the response must be made by a licensed producer.

#### *Nonlicensed clerical and CSR activities:*

1. Receiving requests for coverage for transmittal to a licensed insurance producer or for processing through an automated system developed and maintained under the supervision of an insurer or licensed insurance producer.

2. Mailing billings and opening mail.

3. Scheduling appointments for and with insurance producers.

4. Office filing.

5. Marketing research or prospecting so long as no attempt is made to solicit or to discuss a specific insurance product or to encourage replacement of an existing policy.

6. Receiving and recording information from an applicant or policyholder and preparing for an insurance producer’s review and signature all binders, certificates, endorsements, identification cards or policies pursuant to instructions from the insurance producer.

7. Receiving and recording information from an applicant or policyholder and preparing an application for insurance pursuant to instructions from and for the review of an insurance producer.

8. Receiving and recording information from a policyholder or prospective policyholder to give to an insurance producer for his response or transmitting information to a policyholder or prospective policyholder under the supervision of an insurance producer.

*Example:* An unlicensed sales representative in a car dealership collects information from a car buyer that is given to a licensee to complete a credit insurance transaction.

9. Receiving and recording an insured's request concerning any additions or deletions to an existing policy and preparing the appropriate endorsements or processing the appropriate changes through an automated system developed and maintained under the supervision of an insurer or licensed insurance producer and notifying the insurance producer of the endorsements or changes.

*Example:* An unlicensed person may receive and process a request from an insured to delete an automobile on an existing policy and to add a replacement automobile or may receive and process a request to delete physical damage coverage on a particular automobile or receive and process a request for similar routine policy changes initiated by an insured. An unlicensed person may not, however, initiate a change by, for example, telephoning a life insurance policyholder and suggesting that the insured increase the face amount of the policy. Should these changes require a producer license, the unlicensed person should advise the consumer they are being transferred to a licensee.

10. Provide general information on the availability of insurance products and hold educational seminars on insurance products providing no attempt to sell, solicit or negotiate insurance with a consumer is made at the presentation.

11. Receiving premiums at the recorded place of business where the payment is being made on a binder, endorsement or existing policy.

12. Taking factual information relative to a claim.

13. Communicating with the policyholder or prospective policyholder to obtain factual information necessary for an insurance producer to complete a review.

*Example:* An unlicensed person may call an applicant to request the submission of additional documents.

14. Informing the insured as to his or her coverages as indicated in policy records.

15. Communicating with a prospective or existing insured for the purpose of auditing records or providing loss control on underwriting verifications and inspections.

16. Disseminating buyer's guides, applications for coverage, coverage selection forms or other similar forms in response to a request from a prospective or current policyholder.

*Example:* An unlicensed person may receive a request for an application and respond by mailing or giving an application for insurance and other related literature. The unlicensed person may not, however, initiate the conversation.

17. Disseminating information as to rates secured by reference to a published or printed list or computer data base of standard rates.

*Example:* An unlicensed person may respond to a specific request for the cost of a specific coverage from a rate manual published in print or in an electronic format. However, an unlicensed person may not provide advice or suggestions concerning the benefits or drawbacks or a particular coverage, deductible, limit, and the like, in the course of disseminating this information.

Questions or comments applicable to this bulletin should be directed to Jack Yanosky, Director, Bureau of

Licensing and Enforcement, 1227 Strawberry Square, Harrisburg, PA 17120, jyanosky@pa.gov.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-2127. Filed for public inspection November 8, 2013, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Philadelphia Gas Works Leak Detection Pilot Program

*Pennsylvania Public Utility Commission, Bureau of  
Investigation and Enforcement vs. Philadelphia  
Gas Works; Doc. No. C-2011-2278312*

In the Pennsylvania Public Utility Commission's (Commission) Order, entered July 26, 2013, at Doc. No. C-2011-2278312, the Commission, inter alia, directed Philadelphia Gas Works (PGW) to file a pilot program designed to test enhanced leak detection measures. On September 19, 2013, PGW filed its Leak Detection Pilot Program (Pilot Program). Under the Pilot Program, PGW indicates that it will employ a three-fold approach as follows: (1) initiate a solicitation process to explore and identify alternative practical measures that can be implemented in PGW's service area during the 2014-2015 winter season to enhance PGW's existing leak detection programs; (2) as an interim approach, undertake additional year-round leak detection surveys on all high pressure cast iron mains in the City of Philadelphia using traditional measures; and (3) provide a written report to the Commission on or before June 1, 2015, describing the results of the solicitation process and any enhanced leak detection program that PGW implements under that process, as well as the results of the additional year-round leak detection surveys.

The Pilot Program filing is available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday. The filing is also available on the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov).

Philadelphia Gas Works

*Through and By Counsel:* Daniel Clearfield, Esquire, Eckert Seamans Cherin & Mellott, LLC, 213 Market Street, 8th Floor, Harrisburg, PA 17101

Comments to the Pilot Program should be filed with the Secretary by the close of business on Monday, December 2, 2013.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-2128. Filed for public inspection November 8, 2013, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility

Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by November 25, 2013. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Application of the following for approval to begin operating as common carriers for transportation of persons as described under the application.**

**(Corrected) A-2013-2380846. Bella Transportation, LLC, t/a Bella Luxury Limousine** (P. O. Box 1805, Allentown, PA 18105) persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Berks, Bucks, Carbon, Lehigh, Monroe, Montgomery, Northampton and Schuylkill to points in Pennsylvania, and return, excluding service under the jurisdiction of the Philadelphia Parking Authority.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 13-2129. Filed for public inspection November 8, 2013, 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 November 25, 2013, 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. Brock Hite t/a Hite Trucking;*  
Doc. No. C-2013-2378603

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 Brock Hite, t/a Hite Trucking, (respondent) is under suspension effective July 26, 2013 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 19 Glory Barn Road, Canton, PA 17724.

3. That respondent was issued a Certificate of Public Convenience by this Commission on January 11, 2011, at A-8911924.

4. That respondent has failed to maintain evidence of Liability and 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 and 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-8911924 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: 8/21/2013

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](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:

Wayne T. Scott, First Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott 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. Acord 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.

*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. David Cab Co.;*  
*Doc. No. C-2013-2380901*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities

within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That David Cab Co., Respondent, maintains its principal place of business at 4946 North Eighth Street, Philadelphia, PA 19120.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on September 29, 1997 at A-00114061.

3. That by Secretarial Letter issued on July 11, 2011 at C-2010-2133703, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payment to this Commission.

4. That by Secretarial Letter issued on March 7, 2013 at C-2011-2269746, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payment to this Commission.

5. That Respondent failed to pay fines totaling five hundred dollars (\$500.00) and violated 66 Pa.C.S. § 501(c) for failing to observe, obey and comply with the Secretarial Letters issued on July 11, 2011 at C-2010-2133703 and March 7, 2013 at C-2011-2269746.

A Certificate holder has an obligation to comply with the Commission's rules and regulations. A Certificate of Public Convenience is neither a contract nor a property; it is a privilege. Where that privilege is violated, the Commission may, for due cause, exercise its power to revoke a carrier's privilege to operate. *Paradise v. Pennsylvania Public Utility Commission*, 132 A.2d 754, 184 Pa. Superior Court 8 (1957).

Wherefore, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commission issue an Order which revokes the Certificate of Public Convenience held by Respondent at A-00114061.

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: 8/28/2013

David W. Loucks, Chief  
 Motor Carrier Enforcement  
 Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the

mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](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:

Wayne T. Scott, First Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott 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 paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. PS Trans, Inc.;*  
*Doc. No. C-2013-2381015*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement. Pursuant to that delegated authority and

Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That PS Trans, Inc., Respondent, maintains its principal place of business at 2041 Plum Street, Philadelphia, Pa 19124.

2. That Respondent was issued Certificates of Public Convenience by this Commission on March 22, 2004 at Application Docket No. A-00120364.

3. That by Secretarial Letter issued on April 5, 2011 at C-2010-2209161, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

4. That by Secretarial Letter issued on July 11, 2011 at C-2010-2135162, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

5. That by Secretarial Letter issued on May 24, 2012 at C-2011-2255920, Respondent was directed to pay a civil penalty of one thousand dollars (\$1,000.00). To date, Respondent has not submitted any payments to this Commission.

6. That by Secretarial Letter issued on March 7, 2013 at C-2011-2270505, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

7. That Respondent failed to pay fines totaling one thousand seven hundred fifty dollars (\$1,750.00) and violated 66 Pa.C.S. § 501(c) for failing to observe, obey and comply with Secretarial Letters issued on April 5, 2011 at C-2010-2209161, July 11, 2011 at C-2010-2135162, May 24, 2012 at C-2011-2255920, and March 7, 2013 at C-2011-2270505.

A Certificate holder has an obligation to comply with the Commission's rules and regulations. A Certificate of Public Convenience is neither a contract nor a property; it is a privilege. Where that privilege is violated, the Commission may, for due cause, exercise its power to revoke a carrier's privilege to operate. *Paradise v. Pennsylvania Public Utility Commission*, 132 A.2d 754, 184 Pa. Superior Court 8 (1957).

Wherefore, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commission issue an Order which revokes the Certificate of Public Convenience held by Respondent at A-00120364.

Respectfully submitted,

David W. Loucks, Chief  
 Motor Carrier Enforcement  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, Chief of Motor Carrier Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the

statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 9/4/2013

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](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:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott 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 paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-2130. Filed for public inspection November 8, 2013, 9:00 a.m.]

#### **Telecommunications**

**A-2013-2390460. Armstrong Telephone Company—North and Celco Partnership.** Joint petition of Armstrong Telephone Company—North and Celco Partnership on behalf of itself and certain of its commercial mobile radio service affiliates collectively and individually, d/b/a Verizon Wireless for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Armstrong Telephone Company—North and Celco Partnership on behalf of itself and certain of its commercial mobile radio service affiliates collectively and individually, d/b/a Verizon Wireless, by its counsel, filed on October 28, 2013, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Armstrong Telephone Company—North and Celco Partnership on behalf of itself and certain of its commercial mobile radio service affiliates collectively and individually, d/b/a Verizon Wireless joint petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov), and at the applicant's business address.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-2131. Filed for public inspection November 8, 2013, 9:00 a.m.]

#### **Telecommunications**

**A-2013-2390458. Armstrong Telephone Company—Pennsylvania and Celco Partnership.** Joint petition of Armstrong Telephone Company—Pennsylvania and Celco Partnership on behalf of itself and certain of its commercial mobile radio service affiliates collectively and individually, d/b/a Verizon Wireless for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Armstrong Telephone Company—Pennsylvania and Celco Partnership on behalf of itself and certain of its commercial mobile radio service affiliates collectively and individually, d/b/a Verizon Wireless, by its counsel, filed on October 28, 2013, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of

adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Armstrong Telephone Company—Pennsylvania and Cellco Partnership on behalf of itself and certain of its commercial mobile radio service affiliates collectively and individually, d/b/a Verizon Wireless joint petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov), and at the applicant's business address.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-2132. Filed for public inspection November 8, 2013, 9:00 a.m.]

### Telecommunications

**A-2013-2389469. Frontier Communications of Pennsylvania, LLC and American Broadband and Telecommunications Company.** Joint petition of Frontier Communications of Pennsylvania, LLC and American Broadband and Telecommunications Company for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Frontier Communications of Pennsylvania, LLC and American Broadband and Telecommunications Company, by its counsel, filed on October 23, 2013, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Frontier Communications of Pennsylvania, LLC and American Broadband and Telecommunications Company joint petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov), and at the applicant's business address.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-2133. Filed for public inspection November 8, 2013, 9:00 a.m.]

### Telecommunications

**A-2013-2390438. Hickory Telephone Company and Cellco Partnership.** Joint petition of Hickory Telephone Company and Cellco Partnership on behalf of itself and

certain of its commercial mobile radio service affiliates collectively and individually, d/b/a Verizon Wireless for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Hickory Telephone Company and Cellco Partnership on behalf of itself and certain of its commercial mobile radio service affiliates collectively and individually, d/b/a Verizon Wireless, by its counsel, filed on October 28, 2013, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Hickory Telephone Company and Cellco Partnership on behalf of itself and certain of its commercial mobile radio service affiliates collectively and individually, d/b/a Verizon Wireless joint petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov), and at the applicant's business address.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-2134. Filed for public inspection November 8, 2013, 9:00 a.m.]

### Telecommunications

**A-2013-2390427. Lackawaxen Telecommunications Services, Inc. and Cellco Partnership.** Joint petition of Lackawaxen Telecommunications Services, Inc. and Cellco Partnership on behalf of itself and certain of its commercial mobile radio service affiliates collectively and individually, d/b/a Verizon Wireless for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Lackawaxen Telecommunications Services, Inc. and Cellco Partnership on behalf of itself and certain of its commercial mobile radio service affiliates collectively and individually, d/b/a Verizon Wireless, by its counsel, filed on October 28, 2013, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Lackawaxen Telecommunications Services, Inc. and Cellco Partnership on behalf of itself and certain of its commercial mobile radio service affiliates collectively and individually, d/b/a Verizon Wireless joint petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov), and at the applicant's business address.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-2135. Filed for public inspection November 8, 2013, 9:00 a.m.]

### Telecommunications

**A-2013-2390430. Laurel Highland Telephone Company and Cellco Partnership.** Joint petition of Laurel Highland Telephone Company and Cellco Partnership on behalf of itself and certain of its commercial mobile radio service affiliates collectively and individually, d/b/a Verizon Wireless for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Laurel Highland Telephone Company and Cellco Partnership on behalf of itself and certain of its commercial mobile radio service affiliates collectively and individually, d/b/a Verizon Wireless, by its counsel, filed on October 28, 2013, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Laurel Highland Telephone Company and Cellco Partnership on behalf of itself and certain of its commercial mobile radio service affiliates collectively and individually, d/b/a Verizon Wireless joint petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov), and at the applicant's business address.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-2136. Filed for public inspection November 8, 2013, 9:00 a.m.]

### Telecommunications

**A-2013-2390277. North-Eastern Pennsylvania Telephone Company and Cellco Partnership.** Joint petition of North-Eastern Pennsylvania Telephone Company and Cellco Partnership on behalf of itself and certain of its commercial mobile radio service affiliates collectively and individually, d/b/a Verizon Wireless for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

North-Eastern Pennsylvania Telephone Company and Cellco Partnership on behalf of itself and certain of its commercial mobile radio service affiliates collectively and individually, d/b/a Verizon Wireless, by its counsel, filed on October 28, 2013, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of North-Eastern Pennsylvania Telephone Company and Cellco Partnership on behalf of itself and certain of its commercial mobile radio service affiliates collectively and individually, d/b/a Verizon Wireless joint petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov), and at the applicant's business address.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-2137. Filed for public inspection November 8, 2013, 9:00 a.m.]

### Telecommunications

**A-2013-2390289. Palmerton Telephone Company and Cellco Partnership.** Joint petition of Palmerton Telephone Company and Cellco Partnership on behalf of itself and certain of its commercial mobile radio service affiliates collectively and individually, d/b/a Verizon Wireless for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Palmerton Telephone Company and Cellco Partnership on behalf of itself and certain of its commercial mobile radio service affiliates collectively and individually, d/b/a Verizon Wireless, by its counsel, filed on October 28, 2013, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Palmerton Telephone Company and Cellco Partnership on behalf of itself and certain of its commercial mobile radio service affiliates collectively and individually, d/b/a Verizon Wireless joint petition are available for inspection and copying at the Office of the Secretary between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov), and at the applicant's business address.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-2138. Filed for public inspection November 8, 2013, 9:00 a.m.]

### Telecommunications

**A-2013-2390281. Pymatuning Independent Telephone Company and Cellco Partnership.** Joint petition of Pymatuning Independent Telephone Company and Cellco Partnership on behalf of itself and certain of its commercial mobile radio service affiliates collectively and

individually, d/b/a Verizon Wireless for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Pymatuning Independent Telephone Company and Cellco Partnership on behalf of itself and certain of its commercial mobile radio service affiliates collectively and individually, d/b/a Verizon Wireless, by its counsel, filed on October 28, 2013, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Pymatuning Independent Telephone Company and Cellco Partnership on behalf of itself and certain of its commercial mobile radio service affiliates collectively and individually, d/b/a Verizon Wireless joint petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov), and at the applicant's business address.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-2139. Filed for public inspection November 8, 2013, 9:00 a.m.]

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### Telecommunications

**A-2013-2390425. South Canaan Telephone Company and Cellco Partnership.** Joint petition of South Canaan Telephone Company and Cellco Partnership on behalf of itself and certain of its commercial mobile radio service affiliates collectively and individually, d/b/a Verizon Wireless for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

South Canaan Telephone Company and Cellco Partnership on behalf of itself and certain of its commercial mobile radio service affiliates collectively and individually, d/b/a Verizon Wireless, by its counsel, filed on October 28, 2013, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of South Canaan Telephone Company and Cellco Partnership on behalf of itself and certain of its commercial mobile radio service affiliates collectively and individually, d/b/a Verizon Wireless joint petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov), and at the applicant's business address.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-2140. Filed for public inspection November 8, 2013, 9:00 a.m.]

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### Telecommunications

**A-2013-2390296. Yukon Waltz Telephone Company and Cellco Partnership.** Joint petition of Yukon Waltz Telephone Company and Cellco Partnership on behalf of itself and certain of its commercial mobile radio service affiliates collectively and individually, d/b/a Verizon Wireless for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Yukon Waltz Telephone Company and Cellco Partnership on behalf of itself and certain of its commercial mobile radio service affiliates collectively and individually, d/b/a Verizon Wireless, by its counsel, filed on October 28, 2013, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Yukon Waltz Telephone Company and Cellco Partnership on behalf of itself and certain of its commercial mobile radio service affiliates collectively and individually, d/b/a Verizon Wireless joint petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov), and at the applicant's business address.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-2141. Filed for public inspection November 8, 2013, 9:00 a.m.]

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### Telecommunications Services

**A-2013-2390457, A-2013-2390459, A-2013-2390463, A-2013-2390464, A-2013-2390465, A-2013-2390468 and A-2013-2390469. Birch Communications, Inc.** Application of Birch Communications, Inc. for approval to offer, render, furnish or supply telecommunications services to the public as a competitive local exchange carrier in the service territories of Consolidated Communications of Pennsylvania, Frontier Communications Commonwealth Telephone Company, Frontier Communications of Pennsylvania, LLC, The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink, Windstream Conestoga, Inc., Windstream D&E, Inc. and Windstream Pennsylvania, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). 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, on or before November 25, 2013. 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.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Birch Communications, Inc.

*Through and By Counsel:* Susan E. Bruce, Esquire, McNeese Wallace & Nurick, LLC, 100 Pine Street, P. O. Box 1166, Harrisburg, PA 17108

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-2142. Filed for public inspection November 8, 2013, 9:00 a.m.]

### Telecommunications Services

**A-2013-2390263 and A-2013-2390265. Broadvox-CLEC, LLC.** Application of Broadvox-CLEC, LLC for approval to offer, render, furnish or supply telecommunications services to the public as a competitive local exchange carrier in the service territories of The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink and Windstream Pennsylvania, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). 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, on or before November 25, 2013. 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.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Broadvox-CLEC, LLC

*Through and By Counsel:* Alexander Gertsburg, Esq., 36 South Franklin Street, Chagrin Falls, OH 44022

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-2143. Filed for public inspection November 8, 2013, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project No. 13-099.9, Maintenance Dredging, Various PRPA Facilities, until 2 p.m. on Thursday, December 5, 2013. Information (including mandatory

prebid information) can be obtained from the web site [www.philaport.com](http://www.philaport.com) under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 13-2144. Filed for public inspection November 8, 2013, 9:00 a.m.]

## STATE ATHLETIC COMMISSION

### Public Meetings for 2014

The State Athletic Commission (Commission) of the Department of State announces its schedule for regular meetings to be held at least once every 2 months in 2014, under 5 Pa.C.S. § 103 (relating to duties of commission). Meetings will be held at 11 a.m. in Room 303, North Office Building, Harrisburg, PA 17120. These meetings are open to the public and are scheduled as follows:

February 26, 2014  
April 30, 2014  
June 25, 2014  
August 27, 2014  
October 29, 2014  
December 17, 2014

Individuals having questions regarding these meetings should contact the Commission at (717) 787-5720.

GREGORY P. SIRB,  
*Executive Director*

[Pa.B. Doc. No. 13-2145. Filed for public inspection November 8, 2013, 9:00 a.m.]

## STATE BOARD OF NURSING

### Bureau of Professional and Occupational Affairs v. Chrystal Walters; Doc. No. 1131-51-2013

On July 26, 2013, the State Board of Nursing (Board) suspended the license of Chrystal Walters, license no. PN268295, of Clarksville, Greene County. The Board took this action under the Order of the Court of Common Pleas of Greene County dated July 16, 2013, 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, Senior Counsel in Charge, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

ANN M. COUGHLIN, MBA, MSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 13-2146. Filed for public inspection November 8, 2013, 9:00 a.m.]

