

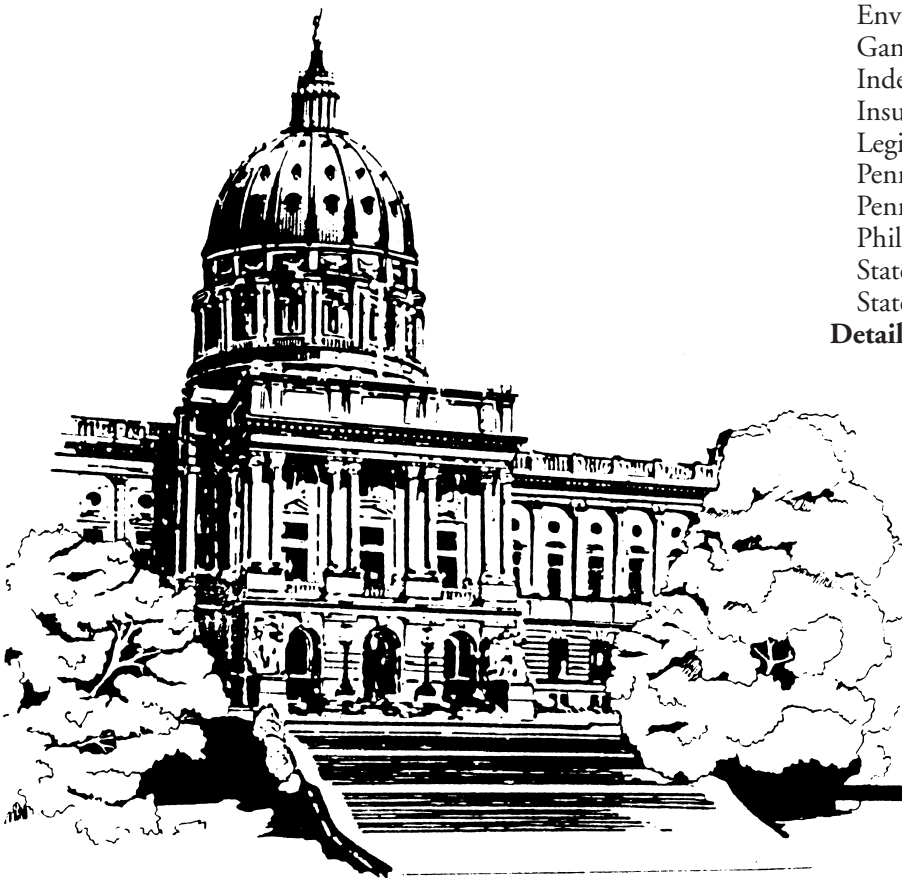
PENNSYLVANIA BULLETIN

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Agencies in this issue

The Courts
Delaware River Basin Commission
Department of Banking and Securities
Department of Environmental Protection
Department of Health
Department of Labor and Industry
Department of Public Welfare
Department of Transportation
Environmental Hearing Board
Game Commission
Independent Regulatory Review Commission
Insurance Department
Legislative Reference Bureau
Pennsylvania Gaming Control Board
Pennsylvania Public Utility Commission
Philadelphia Parking Authority
State Conservation Commission
State Employees' Retirement Board

Detailed list of contents appears inside.



**Latest Pennsylvania Code Reporters
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No. 465, August 2013

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CONTENTS

THE COURTS

LOCAL COURT RULES

Adams County

Rule of civil procedure 206.1(a)—amendment; administrative order no. 60A of 2013 4723

Bucks County

Order promulgating rule of civil procedure 205.4—electronic filing and service of legal papers 4724

Erie County

Constable Review Board rules for the sixth judicial district of Pennsylvania; no. 90026-13 4724

Monroe County

Residential Mortgage Foreclosure Program; no. 5 CV 2012 2013-PJ; Adm. 34 4726

RULES OF CIVIL PROCEDURE

Amendment of Rules 1915.1, 1915.3, 1915.4-1, 1915.4-2, 1915.4-3, 1915.5, 1915.6, 1915.7, 1915.10, 1915.11, 1915.12, 1915.13, 1915.14, 1915.15, 1915.16 and 1915.25 and adoption of Rules 1915.3-2, 1915.11-2, 1915.17, 1915.19 and 1915.21 of the Rules of Civil Procedure; no. 586 civil procedural rules doc. 4702

RULES OF CRIMINAL PROCEDURE

Order adopting new Rules 840—845, amending Rules 568, 800, 807 and 809 and approving the revision of the comment to Rule 808 of the Rules of Criminal Procedure; no. 437 criminal procedural rules doc. 4715

EXECUTIVE AGENCIES

DELAWARE RIVER BASIN COMMISSION

Proposed Rulemaking

Proposed amendments to the Water Quality Regulations, Water Code and Comprehensive Plan to revise the human health water quality criteria for carcinogenic effects for PCBs in zones 2 through 6 of the Delaware Estuary and Bay; revised notice of proposed rulemaking and public hearing 4740

DEPARTMENT OF BANKING AND SECURITIES

Notices

Actions on applications 4745
Maximum lawful rate of interest for residential mortgages for the month of September 2013 4746

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

Applications, actions and special notices 4746
Bid opportunity (2 documents) 4806

DEPARTMENT OF HEALTH

Notices

Applications for exception:

Brandywine Hospital 4806
Brookville Hospital 4807
Carlisle Regional Medical Center 4807
Cumberland Surgery Center, Inc. 4807
Dubois Regional Medical Center (2 documents) 4807, 4808
Frick Hospital 4808
Gamma Surgery Center 4808
Geisinger Medical Center 4809
The Good Samaritan Hospital, Lebanon, PA 4809
Holy Redeemer Hospital 4809
Latrobe Hospital (2 documents) 4810
Laurel Surgical Center (5 documents) 4810, 4811
Norwin Medical Commons (2 documents) 4811, 4812
OSS Ambulatory Surgery Center 4812
Penn Presbyterian Medical Center 4812
Pinnacle Health System 4813
Radianc—A Private Outpatient Surgery Center, LLC 4813
Saint Luke’s Hospital, Anderson Campus, Miners Campus, Quakertown Campus 4813
Tyrone Hospital 4813
UPMC Bedford Memorial Hospital 4814
Valley Access Center 4814
Westmoreland Hospital (2 documents) 4814
Long-term care nursing facilities; request for exception 4815

DEPARTMENT OF LABOR AND INDUSTRY

Rules and Regulations

Unemployment compensation; active search for work 4730

DEPARTMENT OF PUBLIC WELFARE

Notices

Inpatient hospitals qualifying for Medical Assistance disproportionate share payments 4815

DEPARTMENT OF TRANSPORTATION

Notices

Contemplated sale of land no longer needed for transportation purposes 4820
Findings 4820

ENVIRONMENTAL HEARING BOARD

Notices

Lackawanna Valley Chapter of Trout Unlimited v. DEP and American Salt Rock Company, LLC, permittee; EHB doc. no. 2013-114-M 4821

GAME COMMISSION

Proposed Rulemaking

Hunting and furtaker licenses; agents 4741

INDEPENDENT REGULATORY REVIEW COMMISSION

Notices

Action taken by the Commission 4821
Notice of comments issued 4822

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

INSURANCE DEPARTMENT

Notices

Appeal of Kang Fuel & Food Mart, Inc. under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF file no. 2012-0079(S); doc. no. UT13-08-001 4823

Application and request for a certificate of authority to provide a continuing care retirement community by Reliant Denver Holdings, LLC 4823

Application and request for a certificate of authority to provide a continuing care retirement community by Reliant Evergreen Holdings, LLC..... 4823

Application and request for a certificate of authority to provide a continuing care retirement community by Reliant Overlook Holdings, LLC 4824

Application and request for a certificate of authority to provide a continuing care retirement community by Reliant Silver Oaks Holdings, LLC 4824

Application and request for a certificate of authority to provide a continuing care retirement community by Reliant Twin Oaks Holdings, LLC 4824

Application and request for a certificate of authority to provide a continuing care retirement community by Reliant Whitecliff Holdings, LLC 4824

Determination of appropriate groupwide supervisor for the Global Indemnity Group of Companies 4825

LEGISLATIVE REFERENCE BUREAU

Notices

Documents filed but not published 4825

PENNSYLVANIA GAMING CONTROL BOARD

Statements of Policy

Corrective amendment to 58 Pa. Code § 461b.3..... 4744

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

Natural gas service 4825

Service of notice of motor carrier applications..... 4826

Transfer of control 4827

Transfer of stock..... 4827

PHILADELPHIA PARKING AUTHORITY

Notices

Motor carrier application for luxury limousine service in the City of Philadelphia 4827

STATE CONSERVATION COMMISSION

Notices

Dirt and Gravel Roads Pollution Prevention Maintenance Program 4828

STATE EMPLOYEES' RETIREMENT BOARD

Notices

Hearing scheduled 4829

READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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.

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

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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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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2013.

4 Pa. Code (Administration)

Proposed Rules

405 1850

Statements of Policy

9 220, 875, 1084, 1283, 1863, 2610, 3113,
3510, 4101, 4601
58 1731
67a 877

7 Pa. Code (Agriculture)

Adopted Rules

143 216
144 216

Proposed Rules

137b 4344

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

Proposed Rules

149 3110

17 Pa. Code (Conservation and Natural Resources)

Adopted Rules

45 4077

Proposed Rules

45 1419

22 Pa. Code (Education)

Adopted Rules

4 4079
19 3337
31 2436

25 Pa. Code (Environmental Protection)

Adopted Rules

78 526
93 4080
105 967
121 806
123 806, 2140
139 806
901 830

Proposed Rules

127 677
208 2587
806 872
901 4740
1021 2591

Statements of Policy

16 4103

31 Pa. Code (Insurance)

Adopted Rules

161 2816
163 2819

Proposed Rules

124 1269

34 Pa. Code (Labor and Industry)

Adopted Rules

63 2438
65 4730

37 Pa. Code (Law)

Proposed Rules

79 2589

40 Pa. Code (Liquor)

Adopted Rules

5 3946
15 12

Proposed Rules

11 2040

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

13 2033
16 2142, 3347, 4329
18 2142, 2145, 4329
25 2147, 4336
36 3098
42 2991, 3350

Proposed Rules

1 1279
3 1854
6 2041
7 1855
13 2044
15 1859
27 2439
33 1857
45 2042
47 1281

Statements of Policy

13 1422

51 Pa. Code (Public Officers)

Proposed Rules

53 3009

52 Pa. Code (Public Utilities)

Adopted Rules

33 2820
59 4586
62 1413
111 3473
1005 2992

Proposed Rules

1 1273, 2602
3 2602
5 1273, 2602
23 2602
29 2602
32 2602
53 2602
54 2602
57 2602
59 2602

4700

62	2602
65	870
1011	1725
1015	1725
1017	1720, 1725
1021	1725
1027	1725
1051	1725
1053	1725
1055	1720
1057	1725
1059	1725

Statements of Policy

41	2852
----	------

55 Pa. Code (Public Welfare)

Adopted Rules

52	833
5230	2572

Proposed Rules

1187	4599
------	------

Statements of Policy

51	878
5200	4355
5210	4355
5320	4355
6000	1732
6400	222

58 Pa. Code (Recreation)

Adopted Rules

29	2714
51	4214
65	3232
69	4214
93	4214
113	4214
139	2999, 3006
141	3006
143	3007
147	2311
401a	660, 4096
403a	660
405a	660
407a	660
437a	4096
441a	4096
461a	660
471a	660
491a	660
493a	660
494a	660
495a	660
497a	660
499a	660
501a	660
511a	660
581	3495
583	3495
585	3495

Proposed Rules

53	3238
61	3237
63	3235
65	2034, 2035
75	15, 3233
101	3238

105	3238
137	2039
139	1712, 1718, 2037
141	1710
143	2037, 4741
421a	2152
421b	2152
439a	2152
461a	834
465a	834, 2152, 2827
481a	2152
501a	2152
503a	2152
503b	2152
513a	2152
525	834
575	834
577	834
579	834
603a	834, 2152
605a	2312
609a	834
623a	834
627a	834
629a	834
631a	834
633a	834, 2152
635a	834
637a	834
639a	2312, 2827
641a	2312, 2827
643a	2312, 2827
645a	2827
647a	2312, 2827
649a	834, 2827
653a	2312, 2827
655a	2312, 2827
657a	2312, 2827
659a	834
661a	834
663a	834
665a	834

Statements of Policy

439b	1733
461b	4744

61 Pa. Code (Revenue)

Adopted Rules

7	532
117	535
119	535
121	535
901	532

67 Pa. Code (Transportation)

Proposed Rules

231	3010
-----	------

101 Pa. Code (General Assembly)

Statements of Policy

31	17
303	878

201 Pa. Code (Rules of Judicial Administration)

Adopted Rules

1	2988
7	3327
19	3223

204 Pa. Code (Judicial System General Provisions)

Adopted Rules
 71 2559
 81 1173
 83 1173
 303 3655

Proposed Rules

71 1699
 81 1997
 303 431

207 Pa. Code (Judicial Conduct)

Proposed Rules
 51 2269

210 Pa. Code (Appellate Procedure)

Adopted Rules
 1 2007
 2 2007
 3 2423, 3327
 5 2423
 9 3327
 11 3223
 15 3327
 17 2271, 3223
 19 2810
 21 2007, 2704
 25 964, 2007
 33 3223, 3470
 37 3225
 63 514, 3227
 65 298

Proposed Rules

3 3082
 9 3082
 11 3082
 19 1700, 3084
 21 3082
 40 1700

225 Pa. Code (Rules of Evidence)

Adopted Rules
 Article I 620
 Article II 620
 Article III 620
 Article IV 620
 Article V 620
 Article VI 620
 Article VII 620
 Article VIII 620
 Article IX 620
 Article X 620

Proposed Rules

Article VIII 210

231 Pa. Code (Rules of Civil Procedure)

Adopted Rules
 200 525
 1000 1835
 1300 2135
 1900 3932
 1910 801, 2272
 1915 2559, 3936, 3937, 4702
 1930 3329
 3000 2136
 Part II 1836

Proposed Rules

1910 3932
 Part II 2010

234 Pa. Code (Rules of Criminal Procedure)

Adopted Rules
 1 652
 2 652
 4 654, 4323
 5 2560, 2704, 3330, 4062, 4715
 6 2704, 3330
 7 1702
 8 4715
 10 2560, 2704, 4062

Proposed Rules

5 210, 4210
 6 2304
 8 801

237 Pa. Code (Juvenile Rules)

Adopted Rules
 1 3938, 3941
 2 3938
 6 1551, 3938
 11 3941

Proposed Rules

1 2306
 11 2306

246 Pa. Code (Minor Court Civil Rules)

Proposed Rules
 200 8, 2136
 300 3470
 400 8
 500 3085, 3470
 1000 3085

249 Pa. Code (Philadelphia Rules)

Unclassified 657, 658, 1078, 2138, 4064, 4212

252 Pa. Code (Allegheny County Rules)

Unclassified 2711, 3229

255 Pa. Code (Local Court Rules)

Unclassified 9, 11, 212, 214, 299, 658, 964, 1173, 1175, 1176, 1408, 1410, 1551, 1842, 2139, 2308, 2309, 2424, 2435, 2563, 2989, 3088, 3230, 3332, 3942, 3943, 4065, 4067, 4070, 4071, 4213, 4326, 4327, 4723, 4724, 4726

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1915]

Amendment of Rules 1915.1, 1915.3, 1915.4-1, 1915.4-2, 1915.4-3, 1915.5, 1915.6, 1915.7, 1915.10, 1915.11, 1915.12, 1915.13, 1915.14, 1915.15, 1915.16 and 1915.25 and Adoption of Rules 1915.3-2, 1915.11-2, 1915.17, 1915.19 and 1915.21 of the Rules of Civil Procedure; No. 586 Civil Procedural Rules Doc.

Amended Order

Per Curiam

And Now, this 1st day of August, 2013, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been published for public comment in the *Pennsylvania Bulletin*, 41 Pa.B. 3719 (July 9, 2011) and *West's Pennsylvania Reporter*, 19 A.3d No. 4, Ct.R-3-28 (July 8, 2011):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1915.1, 1915.3, 1915.4-1, 1915.4-2, 1915.4-3, 1915.5, 1915.6, 1915.7, 1915.10, 1915.11, 1915.12, 1915.13, 1915.14, 1915.15, 1915.16 and 1915.25 of the Pennsylvania Rules of Civil Procedure are amended and Rules 1915.3-2, 1915.11-2, 1915.17, 1915.19 and 1915.21 of the Pennsylvania Rules of Civil Procedure are adopted in the following form.

Mr. Justice Saylor differs with the Court's decision to redefine "relocations," for purposes of 23 Pa.C.S. § 5337, to exclude uncontested relocations. *See* Pa.R.C.P. No. 1915.17(c). In Justice Saylor's view, the General Assembly obviously considered consensual relocations to be "relocations," under 23 Pa.C.S. § 5337, since the Legislature has specified that consent serves as a basis pursuant to which a relocation may occur, *see* 23 Pa.C.S. § 5337(b) ("No relocation shall occur unless . . . every individual who has custody rights to the child consents to the proposed relocation; or . . . the court approves the proposed relocation." (emphasis added)), and required formal confirmation of a child's relocation where no objection is filed, *see id.* § 5337(e). Justice Saylor also dissents relative to the partial suspension of the statute setting forth the duties and responsibilities of a guardian *ad litem*, and corresponding changes to the Rules of Civil Procedure. *See* Pa.R.C.P. Nos. 1915.11(a), 1915.11-2 & Note (reflecting the partial suspension of 23 Pa.C.S. § 5334), 1915.25 (same).

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on September 3, 2013.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE PART I. GENERAL

CHAPTER 1915. ACTIONS FOR CUSTODY[, PARTIAL CUSTODY AND VISITATION] OF MINOR CHILDREN

Rule 1915.1. Scope. Definitions.

(a) [(1)] These rules govern the practice and procedure in all actions for **legal and physical custody**[, **partial**

custody and visitation] of minor children, including habeas corpus proceedings and claims for custody[, **partial custody or visitation**] asserted in an action of divorce [**or support**].

Official Note: The term custody includes [**legal custody, physical custody and shared custody**] **shared legal custody, sole legal custody, partial physical custody, primary physical custody, shared physical custody, sole physical custody and supervised physical custody**. *See* [**Definition Rule 1915.1(b)**] 23 Pa.C.S. § 5322(a). [**Divorce**] Rule 1920.32(a) provides that when a claim for custody is joined with the action of divorce, the practice and procedure governing the claim for custody shall be in accordance with these rules.

[(2) **If a claim for partial custody or visitation is raised during the course of an action for support, the court may**

(i) **enter an order with respect to the right to partial custody or visitation where there is**

(A) **proper venue under Rule 1915.2, and**

(B) **no current order of custody, partial custody or visitation outstanding, and**

(C) **no objection by a party to the determination of the claim, and**

(D) **no delay in the entry of the support order resulting from the determination of the claim; or**

Official Note: *See Myers v. Young*, 285 Pa. Super. 254, 427 A.2d 209, 211 (1981), which held that "the trial court properly declined to defer the entry of an order of support until satisfactory visitation rights had been established."

(ii) **require the commencement of a separate action pursuant to these rules.**

Official Note: *See* 23 Pa.C.S. § 4349 which authorizes custody and visitation proceedings to be consolidated with support proceedings "to facilitate frequent and unimpeded contact between children and parents" if the custody or visitation matter may be "fairly and expeditiously . . . determined and disposed of in the support action or proceeding."]

(b) As used in this chapter, unless the context of a rule indicates otherwise,

"action" means all proceedings for **legal and physical custody**[, **partial custody or visitation**,] and proceedings for modification of prior orders of any court;

* * * * *

"legal custody" means the [**legal**] right to make major decisions [**affecting the best interests of a minor**] **on behalf of the child**, including, but not limited to, medical, religious and educational decisions;

"partial physical custody" means the right to [**take possession of a child away from the custodial person for a certain period of time**] **assume physical custody of the child for less than a majority of the time;**

"person acting as parent" means a person other than a parent, including an institution, who has physical custody

of a child and who has either been awarded custody by a court or claims a right to custody;

“physical custody” means the actual physical possession and control of a child;

“primary physical custody” means the right to assume physical custody of the child for the majority of time;

“relocation” means a change in a residence of the child which significantly impairs the ability of a non-relocating party to exercise custodial rights;

“shared legal custody” means the right of more than one individual to legal custody of the child;

“shared physical custody” means [shared legal or shared physical custody or both of a child in such a way as to assure the child of frequent and continuing contact, including physical access, to both parents; and] the right of more than one individual to assume physical custody of the child, each having significant periods of physical custodial time with the child;

“sole legal custody” means the right of one individual to exclusive legal custody of the child;

“sole physical custody” means the right of one individual to exclusive physical custody of the child; and

“supervised physical custody” means custodial time during which an agency or an adult designated by the court or agreed upon by the parties monitors the interaction between the child and the individual with those rights.

Official Note: The term “supervised visitation” in the prior statute has been replaced by the term “supervised physical custody.”

[“visitation” means the right to visit a child, but does not include the right to remove the child from the custodial person’s control.]

Official Note: The definitions of the terms of the various forms of legal custody[,] and physical custody [and shared custody] are taken from 23 [Pa.C.S.A. §§ 5302] Pa.C.S. § 5322(a).

For additional definitions, see the Uniform Child Custody Jurisdiction and Enforcement Act, 23 [Pa.C.S.A.] Pa.C.S. § 5402.

[Explanatory Comment—1994

Whatever context in which the claim for custody, partial custody or visitation will arise, subdivision (a)(1) provides that the proposed rules will govern the practice and procedure. The custody rule is reinforced by Divorce Rule 1920.32(a).

Subdivision (b) provides the necessary definitions for the rules. The rules adopt the terms “custody,” “partial custody,” and “visitation” suggested by Judge Spaeth in his concurring opinion in *Scott v. Scott*, 240 Pa. Super. 65, 368 A.2d 288, 291 (1976).]

* * * * *

Rule 1915.3. Commencement of Action. Complaint. Order.

(a) Except as provided by subdivision (c), an action shall be commenced by filing a verified complaint substantially in the form provided by Rule 1915.15(a).

(b) An order shall be attached to the complaint directing the defendant to appear at a time and place specified. The order shall be substantially in the form provided by Rule 1915.15(b).

Official Note: See § 5430(d) of the Uniform Child Custody Jurisdiction and Enforcement Act, 23 [Pa.C.S.A.] Pa.C.S. § 5430(d), relating to costs and expenses for appearance of parties and child, and 23 [Pa.C.S.A.] Pa.C.S. § 5471, relating to intrastate application of the Uniform Child Custody Jurisdiction and Enforcement Act.

(c) A claim for custody[, partial custody or visitation] which is joined with an action of divorce shall be asserted in the complaint or a subsequent petition, which shall be substantially in the form provided by Rule 1915.15(a).

Official Note: [Divorce] Rule 1920.13(b) provides that claims which may be joined with an action of divorce shall be raised by the complaint or a subsequent petition.

(d) If the mother of the child is not married and the child has no legal or presumptive father, then a putative father initiating an action for custody[, partial custody or visitation] must file a claim of paternity pursuant to 23 Pa.C.S. § 5103 and attach a copy to the complaint in the custody action.

Official Note: If a putative father is uncertain of paternity, the correct procedure is to commence a civil action for paternity pursuant to the procedures set forth at Rule 1930.6.

(e) A grandparent **who is not in loco parentis to the child and is seeking physical and/or legal custody of a grandchild pursuant to 23 Pa.C.S. §§ [5313(b)] 5323** must plead, in paragraph [7] 9 of the complaint set forth at Rule 1915.15(a), facts establishing [the elements of a cause of action under §§ 5313(b)(1), (2) and (3)] standing under § 5324(3). A grandparent or great-grandparent seeking partial physical custody or supervised physical custody must plead, in paragraph 9 of the complaint, facts establishing standing pursuant to 23 Pa.C.S. § 5325.

[Explanatory Comment—2002

In *R.M. v. Baxter*, 777 A.2d 446 (Pa.2001), the Pennsylvania Supreme Court held that 23 Pa.C.S. § 5313(b) confers automatic standing on grandparents to seek physical and legal custody of a grandchild. However, establishing a cause of action under the statute requires the existence of the elements set forth at 23 Pa.C.S. §§ 5313(b)(1), (2) and (3).]

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

Rule 1915.3-2. Criminal or Abuse History.

(a) *Criminal or Abuse History Verification.* The petitioner must file and serve with the complaint, or any petition for modification, a verification regarding any criminal or abuse history of the petitioner and anyone living in the petitioner’s household. The verification shall be substantially in the form set forth in subdivision (c) below. The petitioner must attach a blank verification form to a complaint or petition served upon the respondent. Although the respondent need not file a responsive pleading pursuant to Rule 1915.5, the respondent must file with the court a verification regarding any criminal or

abuse history of the respondent and anyone living in the respondent's household on or before the initial in-person contact with the court (including, but not limited to, a conference with a conference officer or judge or conciliation, depending upon the procedure in the judicial district) but not later than 30 days after service of the complaint or petition upon the respondent. Both parties shall file and serve updated verifications five days prior to trial.

(b) *Initial Evaluation.* At the initial in-person contact with the court, the judge, conference officer, conciliator or other appointed individual shall perform an initial evaluation to determine whether the existence of a criminal or abuse history of either party or a party's household member poses a threat to the child and whether counseling is necessary. The initial evaluation required by 23 Pa.C.S. § 5329(c) shall not be conducted by a mental health professional. After the initial evaluation, the court may order further evaluation or counseling by a mental health professional if the court determines it is necessary.

Consistent with the best interests of the child, the court may enter a temporary custody order on behalf of a party with a criminal history or a party with a household member who has a criminal history, pending the party's or household member's evaluation and/or counseling.

Official Note: The court shall consider evidence of criminal or abusive history presented by the parties. There is no obligation for the court to conduct an independent investigation of the criminal or abusive history of either party or members of their household. The court should not consider ARD or other diversionary programs. When determining whether a party or household member requires further evaluation or counseling, or whether a party or household member poses a threat to a child, the court should give consideration to the severity of the offense, the age of the offense, whether the victim of the offense was a child or family member and whether the offense involved violence.

(c) *Verification.* The verification regarding criminal or abuse history shall be substantially in the following form:

(Caption)

CRIMINAL RECORD / ABUSE HISTORY VERIFICATION

I _____, hereby swear or affirm, subject to penalties of law including 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities that:

1. Unless indicated by my checking the box next to a crime below, neither I nor any other member of my household have been convicted or pled guilty or pled no contest or was adjudicated delinquent where the record is publicly available pursuant to the Juvenile Act, 42 Pa.C.S. § 6307 to any of the following crimes in Pennsylvania or a substantially equivalent crime in any other jurisdiction, including pending charges:

<i>Check all that apply</i>	<i>Crime</i>	<i>Self</i>	<i>Other household member</i>	<i>Date of conviction, guilty plea, no contest plea or pending charges</i>	<i>Sentence</i>
<input type="checkbox"/>	18 Pa.C.S. Ch. 25 (relating to criminal homicide)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2702 (relating to aggravated assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2706 (relating to terroristic threats)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2709.1 (relating to stalking)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2901 (relating to kidnapping)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2902 (relating to unlawful restraint)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2903 (relating to false imprisonment)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2910 (relating to luring a child into a motor vehicle or structure)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3121 (relating to rape)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3122.1 (relating to statutory sexual assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

<i>Check all that apply</i>	<i>Crime</i>	<i>Self</i>	<i>Other household member</i>	<i>Date of conviction, guilty plea, no contest plea or pending charges</i>	<i>Sentence</i>
<input type="checkbox"/>	18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3124.1 (relating to sexual assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3125 (relating to aggravated indecent assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3126 (relating to indecent assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3127 (relating to indecent exposure)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3129 (relating to sexual intercourse with animal)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3130 (relating to conduct relating to sex offenders)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3301 (relating to arson and related offenses)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 4302 (relating to incest)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 4303 (relating to concealing death of child)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 4304 (relating to endangering welfare of children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 4305 (relating to dealing in infant children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 5902(b) (relating to prostitution and related offenses)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 5903(c) or (d) (relating to obscene and other sexual materials and performances)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 6301 (relating to corruption of minors)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 6312 (relating to sexual abuse of children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 6318 (relating to unlawful contact with minor)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 6320 (relating to sexual exploitation of children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

THE COURTS

<i>Check all that apply</i>	<i>Crime</i>	<i>Self</i>	<i>Other household member</i>	<i>Date of conviction, guilty plea, no contest plea or pending charges</i>	<i>Sentence</i>
<input type="checkbox"/>	23 Pa.C.S. § 6114 (relating to contempt for violation of protection order or agreement)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	Driving under the influence of drugs or alcohol	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	Manufacture, sale, delivery, holding, offering for sale or possession of any controlled substance or other drug or device	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

2. Unless indicated by my checking the box next to an item below, neither I nor any other member of my household have a history of violent or abusive conduct including the following:

<i>Check all that apply</i>	<i>Self</i>	<i>Other household member</i>	<i>Date</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

3. Please list any evaluation, counseling or other treatment received following conviction or finding of abuse: _____

4. If any conviction above applies to a household member, not a party, state that person's name, date of birth and relationship to the child. _____

5. If you are aware that the other party or members of the other party's household has or have a criminal/abuse history, please explain: _____

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

Signature

Printed Name

Rule 1915.4-1. Alternative Hearing Procedures for Partial Custody [or Visitation] Actions.

(a) A custody action shall proceed as prescribed by Rule 1915.4-3 unless the court, by local rule, adopts the alternative hearing procedure authorized by Rule 1915.4-2 pursuant to which an action for partial custody [or visitation] may be heard by a hearing officer, except as provided in subdivision (b) below.

(b) Promptly after the parties' initial contact with the court as set forth in Rule 1915.4(a), a party may move the court for a hearing before a judge, rather than a hearing

officer, in an action for partial custody [or visitation] where:

* * * * *

Explanatory Comment—1994

These [new] rules provide an optional procedure for using hearing officers in partial custody [and visitation] cases. The procedure is similar to the one provided for support cases in Rule 1910.12: a conference, record hearing before a hearing officer and argument on exceptions before a judge. The terms "conference officer" and

“hearing officer” have the same meaning here as in the support rules.

It is important to note that use of the procedure prescribed in Rules 1915.4-1 and 1915.4-2 is optional rather than mandatory. Counties which prefer to have all partial custody [**and visitation**] cases heard by a judge may continue to do so.

* * * * *

Rule 1915.4-2. Partial Custody. [**Visitation.**] Office Conference. Hearing. Record. Exceptions. Order.

(a) *Office Conference.*

* * * * *

(3) The conference officer may make a recommendation to the parties relating to partial custody or [**visitation**] **supervised physical custody** of the child or children. If an agreement for partial custody or [**visitation**] **supervised physical custody** is reached at the conference, the conference officer shall prepare a written order in conformity with the agreement for signature by the parties and submission to the court together with the officer’s recommendation for approval or disapproval. The court may enter an order in accordance with the agreement without hearing the parties.

(4) At the conclusion of the conference, if an agreement relating to partial custody or [**visitation**] **supervised physical custody** has not been reached, the parties shall be given notice of the date, time and place of a hearing before a hearing officer, which may be the same day, but in no event shall be more than forty-five days from the date of the conference.

(b) *Hearing.*

* * * * *

(3) Within ten days of the conclusion of the hearing, the hearing officer shall file with the court and serve upon all parties a report containing a recommendation with respect to the entry of an order of partial custody or [**visitation**] **supervised physical custody**. The report may be in narrative form stating the reasons for the recommendation and shall include a proposed order, including a specific schedule for partial custody or [**visitation**] **supervised physical custody**.

* * * * *

Rule 1915.4-3. Non-Record Proceedings. Trials.

(a) *Non-Record Proceedings.* In those jurisdictions [**which**] **that** utilize an initial non-record proceeding such as a conciliation conference or office conference, if no agreement is reached at the conclusion of the proceeding, the conference officer or conciliator shall promptly notify the court that the matter should be listed for trial.

* * * * *

Rule 1915.5. Question of Jurisdiction or Venue. No Responsive Pleading by Defendant Required. Counterclaim. Discovery.

* * * * *

(b) A party may file a counterclaim asserting the right of **physical or legal custody**[, **partial custody or visitation**] within twenty days of service of the complaint upon that party or at the time of hearing, which

ever first occurs. The claim shall be in the same form as a complaint as required by Rule 1915.3.

* * * * *

Rule 1915.6. Joinder of Parties.

(a)(1) If the court learns from the pleadings or any other source that a parent whose parental rights have not been previously terminated or a person who has physical custody of the child is not a party to the action, it shall order that the person be joined as a party. Such person shall be served with a copy of all prior pleadings and notice of the joinder substantially in the form prescribed by Rule 1915.16(a).

* * * * *

(3) The person joined may file a counterclaim asserting a right to **physical or legal custody**[, **partial custody or visitation**] in the form required for a complaint by Rule 1915.3. A copy of the counterclaim shall be served upon all other parties to the action as provided by Rule 440.

(b) If the court learns from the pleadings or any other source that any other person who claims to have [**custody or visitation**] **custodial** rights with respect to the child is not a party to the action, it shall order that notice be given to that person of the pendency of the action and of the right to intervene therein. The notice shall be substantially in the form prescribed by Rule 1915.16(b).

Explanatory Comment—1994

The position taken by the rules is that a person in physical custody of the child and a parent whose parental rights have not been terminated are necessary parties to a custody determination. While it may be desirable to have other persons who claim custody [**or visitation**] rights as parties to the action, their joinder is not a prerequisite to a custody determination.

Rule 1915.7. Consent Order.

If an agreement for custody[, **partial custody or visitation**] is reached and the parties desire a consent order to be entered, they shall note their agreement upon the record or shall submit to the court a proposed order bearing the written consent of the parties or their counsel.

Rule 1915.10. **Decision. Order.**

(a) The court may make the decision before the testimony has been transcribed. **The court shall state the reasons for its decision either on the record in open court, in a written opinion, or in the order.**

(b) **The terms of the order shall be sufficiently specific to enforce the order. The court’s decision shall include safety provisions designed to protect an endangered party or a child in any case in which the court has found that either is at risk of harm.**

(c) **Any custody order shall include notice of a party’s obligations pursuant to 23 Pa.C.S. § 5337 dealing with a party’s intention to relocate with a minor child.**

(d) No motion for post-trial relief may be filed to an order of **legal or physical custody**[, **partial custody or visitation**].

[*Official Note:* See 23 Pa.C.S. § 5301 et seq. for provisions relating to the award of sole or shared

custody (§§ 5303, 5304), counseling and the temporary award of custody pending counseling (§ 5305), submission of a plan to implement a custody order (§ 5306), removal of a party or child from the Commonwealth (§ 5308), access to records of the child (§ 5309), and modification of existing custody orders (§ 5310).

The statute also provides that the court shall state on the record its reasons when it declines to enter an award of custody as agreed to by the parents or under the plan developed by them (23 Pa.C.S. § 5307).]

[Explanatory Comment—1981

Subdivision (a) attempts to balance the right of the parties to be informed of the bases for the court's decision with the burden that right imposes upon the court. The rule imposes a minimal burden by requiring the court to give the reasons for its decision in contested cases involving custody and partial custody. The court may give its reasons in contested cases involving visitation, but it is not required to do so. The reasons may be stated in narrative form.

The decision differs significantly from the opinion which will be required if an action is appealed to the Superior Court. In that event, the trial judge must file "a complete and comprehensive opinion which contains a thorough analysis of the record and specific reasons for the court's ultimate decision." *In re Jennifer Lynn Arnold*, 286 Pa. Super. 171, 428 A.2d 627 (1981).

Except for enforcement or contempt proceedings, there is no post-trial practice. Subdivision (a) provides that the order entered by the lower court is "a final order for purposes of appeal." Subdivision (c) (now, subd. (b)) prohibits the filing of exceptions to the order of custody, partial custody or visitation.

The court need not wait until the testimony has been transcribed to make its decision and enter the order. This may be done at the conclusion of the hearing.]

Explanatory Comment—2013

The custody statute, at 23 Pa.C.S. § 5323(d), requires the court to delineate the reasons for its decision on the record in open court or in a written opinion or order. Subdivision (b) further defines and reinforces the requirements found in 23 Pa.C.S. § 5323(e). Examples of safety provisions include, but are not limited to: supervised physical custody, supervised or neutral custody exchange location, neutral party presence at custody exchange, telephone or computer-facilitated contact with the child, no direct contact between the parties, third-party contact for cancellations, third-party transportation and designating secure, neutral location for a child's passport. The statute, at 23 Pa.C.S. § 5323, requires that any custody order must include notice of a party's obligations when there is a proposed relocation under 23 Pa.C.S. § 5337. Rule 1915.17 also addresses relocation.

Rule 1915.11. Appointment of Attorney for Child. Interrogation of Child. Attendance of Child at Hearing or Conference.

(a) The court may on its own motion, or the motion of a party, appoint an attorney to represent the child in the

action. Counsel for the child shall represent the child's legal interests and zealously represent the child as any other client in an attorney-client relationship. Counsel for the child shall not perform the role of a guardian ad litem or best interests attorney. The court may assess the cost upon the parties or any of them or as otherwise provided by law. The order appointing an attorney to represent the child shall be in substantially the form set forth in Rule 1915.19.

* * * * *

[Explanatory Comment—1981

Rule 1915.11 does not address the question of the right of the child to separate counsel. It merely recognizes that if the circumstances of a particular case warrant counsel for the child, the court may appoint an attorney on its own motion or on the motion of a party.

The Superior Court has prescribed a procedure for the interrogation of a child who is the subject of a custody action. In *Gerald G. v. Theresa G.*, 284 Pa. Super. 498, 426 A.2d 157 (1981), the court stated that: "when a hearing judge interviews a child in a custody case, certain procedure must be generally met: (1) counsel must be present; (2) counsel must have the opportunity to question the child; and (3) the testimony must be transcribed and made a part of the record." Subdivision (b) incorporates this procedure.

There may be cases in which it is appropriate to interrogate the child in open court or in the presence of the parties. To accommodate these occasions, subdivision (b) leaves these matters to the discretion of the trial judge.]

Explanatory Comment—1991

Rule 1915.15(b) provides a form of order to appear at a conference or hearing in an action for custody, partial custody or visitation of minor children. Prior to its recent amendment, the form required that one or more children who are the subject of the action attend the hearing or conference.

However, the presence of a child in court is not always necessary or desirable. The experience may be traumatic and disruptive. Consequently, the child should not be required to attend a hearing or conference in every case. When the presence of a child is required and the custodial party does not voluntarily bring the child, the court may issue an order for the child's attendance.

[**New subdivision**] Subdivision (c) has been added to Rule 1915.11 to provide that, in the absence of an order of court, a child who is the subject of the action need not be brought to a conference or a hearing before the court. The form of order to appear provided by Rule 1915.15(b) has been revised to implement this policy.

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

Rule 1915.11-2. Appointment of Guardian Ad Litem.

(a) The court may, on its own motion or the motion of a party, appoint a guardian ad litem to represent the best interests of the child in a custody action. The guardian ad litem shall be a licensed attorney or licensed mental health professional. The guardian ad litem shall not act as the child's counsel or represent the child's legal interests. Prior to appointing a guardian ad litem, the

court shall make a finding that the appointment is necessary to assist the court in determining the best interests of the child.

(b) The court may order either or both parties to pay all or part of the costs of appointing a guardian ad litem.

(c) The guardian ad litem shall file of record and provide copies of any reports prepared by the guardian ad litem to each party and the court not later than 20 days prior to trial. The admissibility of the report shall be determined at the hearing. Prior to disclosure to the parties of confidential information prohibited by 23 Pa.C.S. § 5336, the court shall make a determination of whether the information may be disclosed. The guardian ad litem shall attend all proceedings and be prepared to testify. The guardian ad litem shall be subject to cross-examination if called to testify by either party or the court.

(d) The order appointing a guardian ad litem shall be in substantially the form set forth in Rule 1915.21.

Official Note: 23 Pa.C.S. § 5334 is suspended insofar as it (1) requires that a guardian ad litem be an attorney, (2) permits the guardian ad litem to represent both the best interests and legal interests of the child, (3) provides the guardian ad litem the right to examine, cross-examine, present witnesses and present evidence on behalf of the child, and (4) prohibits the guardian ad litem from testifying.

Rule 1915.12. Civil Contempt for Disobedience of Custody Order. Petition. Form of Petition. Service. Order.

(a) A petition for civil contempt shall begin with a notice and order to appear in substantially the following form:

NOTICE AND ORDER TO APPEAR

Legal proceedings have been brought against you alleging you have willfully disobeyed an order of court for [(custody) (partial custody) (visitation)] custody. If you wish to defend against the claim set forth in the following pages, you may but are not required to file in writing with the court your defenses or objections. Whether or not you file in writing with the court your defenses or objections, you must appear in person in court on _____, at _____m., in Courtroom _____, (Day and Date) (Time) _____ (Address)

* * * * *

If the court finds that you have willfully failed to comply with its order [for (custody) (partial custody) (visitation)], you may be found to be in contempt of court and committed to jail, fined or both.

* * * * *

(b) The petition shall allege the facts which constitute [wilful] wilful failure to comply with the custody[, partial custody or visitation] order, a copy of which shall be attached to the petition.

(c) The petition shall be in substantially the following form:

(Caption)

PETITION FOR CIVIL CONTEMPT FOR DISOBEDIENCE OF [(CUSTODY) (PARTIAL CUSTODY) (VISITATION)] CUSTODY ORDER

The Petition of _____, respectfully represents:

1. That on _____, Judge _____ entered an Order awarding (Petitioner) (Respondent) [(custody) (partial custody) (visitation)] (shared legal custody) (sole legal custody) (partial physical custody) (primary physical custody) (shared physical custody) (sole physical custody) (supervised physical custody) of the minor child(ren)

(Name(s) of Child(ren))

* * * * *

(e) After hearing, an order committing a respondent to jail for contempt of a custody[, partial custody or visitation] order shall specify the condition which must be fulfilled to obtain release of the respondent.

Official Note: [See 23 Pa.C.S.A. § 4346 relating to contempt for noncompliance with visitation or partial custody order.]

See the Uniform Child Custody Jurisdiction and Enforcement Act, 23 [Pa.C.S.A.] Pa.C.S. §§ 5443 and 5445, relating to registration and enforcement of custody decrees of another state, and 23 [Pa.C.S.A.] Pa.C.S. § 5471, relating to intrastate application of the Uniform Child Custody Jurisdiction and Enforcement Act.

[Explanatory Comment—1981

In *Cahalin v. Goodman*, 280 Pa. Super. 228, 421 A.2d 696 (1980), the Superior Court imposed upon custody proceedings the five-step contempt procedure mandated by *Crislip v. Harshman*, 243 Pa. Super 349, 365 A.2d 1260 (1976), in actions for support.

Rule 1915.12 provides a streamlined contempt procedure. Subdivision (a) prescribes the nature of the petition. It will begin with a notice and order in the nature of an extended notice to defend. The notice includes the time and location of the hearing upon the petition and the consequences of a failure to appear. The petition must contain facts showing a "willful" failure to obey the custody, partial custody or visitation order.

The prothonotary or another person designated by the court is to serve the petition upon the defendant by regular mail. Safeguards are provided by subdivision (c) for continuance of the hearing when the defendant fails to appear. The court is then given the option of either ordering personal service of the petition with a notice of a new hearing date or issuing a bench warrant as may be appropriate. If personal service is ordered, it shall be by the sheriff. If a bench warrant is issued, the rule directs that the warrant provide for producing the defendant in court and not for imprisonment in the county jail. The object of the warrant is to bring the defendant before the court and not to have the defendant languish in jail overnight or over a weekend.

The defendant is not required to answer the petition and he is given a period of at least seven days in which to defend.

Subdivision (d) continues the present case law requirement that the order state the condition which must be fulfilled so that the defendant will be released from prison.]

Rule 1915.13. Special Relief.

At any time after commencement of the action, the court may on application or its own motion grant appropriate interim or special relief. The relief may include, but is not limited to, the award of temporary legal or physical custody[, partial custody or visitation]; the issuance of appropriate process directing that a child or a party or person having physical custody of a child be brought before the court; and a direction that a person post security to appear with the child when directed by the court or to comply with any order of the court.

Official Note: This rule supplies relief formerly available by habeas corpus for production of the child.

Explanatory Comment—1981

Rule 1915.13 contains a broad provision empowering the court to provide special relief where appropriate. In a custody proceeding, such special relief might include relief in the nature of a writ of ne exeat, directing the parties not to leave the jurisdiction and not to remove the child from the jurisdiction.

The rule catalogs several types of relief which might be granted, including the entry of a temporary order of custody, partial custody or visitation. The rule specifically provides that the power of the court to grant special relief shall not be limited to the types of relief cataloged.

Rule 1915.14. Disobedience of Order. Arrest. Contempt.

If a person disobeys an order of court other than a custody[, partial custody or visitation] order, the court may issue a bench warrant for the arrest of the person and if the disobedience is [wilful] willful may, after hearing, adjudge the person to be in contempt.

Official Note: For disobedience of a custody[, partial custody or visitation] order, see Rule 1915.12.

[Explanatory Comment—1981

Rule 1915.14 governs disobedience of orders of court other than an order of custody, partial custody or visitation. Contempt of a custody, partial custody or visitation order is governed by Rule 1915.12.

Although general in terms, the rule will apply primarily to a party who fails to appear before the judge at the hearing.

The failure to obey a court order includes the failure of a party to bring a child to a hearing as required by order of court as well as the failure to appear in person.

The failure to obey an order of court is itself sufficient to cause the court to issue a warrant. However, the finding of contempt may be made only after a hearing at which it is determined that the failure to obey the order was wilful.]

Rule 1915.15. Form of Complaint. Caption. Order. Petition to Modify a [Partial] Custody [or Visitation] Order.

(a) The complaint in an action for custody[, partial custody or visitation] shall be in substantially the following form:

(Caption)

COMPLAINT FOR [(CUSTODY) (PARTIAL CUSTODY) (VISITATION)] CUSTODY

* * * * *

3. Plaintiff seeks [(custody) (partial custody) (visitation)] (shared legal custody) (sole legal custody) (partial physical custody) (primary physical custody) (shared physical custody) (sole physical custody) (supervised physical custody) of the following child(ren):

* * * * *

Plaintiff (knows) (does not know) of a person not a party to the proceedings who has physical custody of the child or claims to have [custody or visitation] custodial rights with respect to the child. The name and address of such person is: _____.

* * * * *

8. Each parent whose parental rights to the child have not been terminated and the person who has physical custody of the child have been named as parties to this action. All other persons, named below, who are known to have or claim a right to custody [or visitation] of the child will be given notice of the pendency of this action and the right to intervene:

Name	Address	Basis of Claim
_____	_____	_____
_____	_____	_____
_____	_____	_____

9. (a) If the plaintiff is a grandparent who is not in loco parentis to the child and is seeking physical and/or legal custody pursuant to 23 Pa.C.S. § 5323, you must plead facts establishing standing pursuant to 23 Pa.C.S. § 5324(3).

(b) If the plaintiff is a grandparent or great-grandparent who is seeking partial physical custody or supervised physical custody pursuant to 23 Pa.C.S. § 5325, you must plead facts establishing standing pursuant to § 5325.

(c) If the plaintiff is a person seeking physical and/or legal custody pursuant to 23 Pa.C.S. § 5324(2) as a person who stands in loco parentis to the child, you must plead facts establishing standing.

10. I have attached the Criminal Record/Abuse History Verification form required pursuant to Pa.R.C.P. No. 1915.3-2.

Wherefore, plaintiff requests the court to grant [(custody) (partial custody) (visitation)] (shared legal custody) (sole legal custody) (partial physical custody) (primary physical custody) (shared physical custody) (sole physical custody) (supervised physical custody) of the child.

* * * * *

(b) A petition to modify a [partial] custody [or visitation] order shall be in substantially the following form:

(Caption)

PETITION FOR MODIFICATION OF A [PARTIAL] CUSTODY [OR VISITATION] ORDER

1. The petition of _____ respectfully represents that on _____, [19] 20 ____ an Order of Court was entered for [(PARTIAL CUSTODY) (VISITATION)] (shared legal custody) (sole legal custody) (partial physical custody) (primary physical custody) (shared physical custody) (sole physical custody) (supervised physical custody), a true and correct copy of which is attached.

* * * * *

WHEREFORE, Petitioner requests that the Court modify the existing Order [for (PARTIAL CUSTODY) (VISITATION)] because it will be in the best interest of the child(ren).

* * * * *

(c) The order to be attached at the front of the complaint or petition for modification shall be in substantially the following form:

(Caption)

ORDER OF COURT

You, _____, (defendant) (respondent), have been sued in court to (OBTAIN) (MODIFY) [custody, partial custody or visitation] (shared legal custody) (sole legal custody) (partial physical custody) (primary physical custody) (shared physical custody) (sole physical custody) (supervised physical custody) of the child(ren): _____.

* * * * *

If you fail to appear as provided by this order, an order for custody[, partial custody or visitation] may be entered against you or the court may issue a warrant for your arrest.

You must file with the court a verification regarding any criminal record or abuse history regarding you and anyone living in your household on or before the initial in-person contact with the court (including, but not limited to, a conference with a conference officer or judge or conciliation) but not later than 30 days after service of the complaint or petition.

No party may make a change in the residence of any child which significantly impairs the ability of the other party to exercise custodial rights without first complying with all of the applicable provisions of 23 Pa.C.S. § 5337 and Pa.R.C.P. No. 1915.17 regarding relocation.

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

* * * * *

Rule 1915.16. Form of Order and Notice. Joinder. Intervention

(a) The order and notice joining a party in an action under Rule 1915.6(a) shall be substantially in the following form:

(Caption)

ORDER AND NOTICE

A complaint has been filed in the Court of Common Pleas of _____ County concerning custody[, partial custody and visitation] of the following child(ren): _____.

The Court has learned you may have a legal interest in custody[, partial custody or visitation] of the child(ren) named.

A hearing will be held in Courtroom _____ of the Court of Common Pleas, _____, on _____ (Address)

_____, at _____, ____ .M. (Day and Date) (Time)

If you wish to [have custody, partial custody or visitation of the child(ren)] protect any legal interest you may have or wish to present evidence to the

Court on those matters, you should appear at the place and time and on the date above.

If you have the child(ren) in your possession or control, you must appear and bring them to the Courthouse with you.

If you wish to claim [**the**] a right [**to**] of custody[, **partial custody or visitation**], you may file a counterclaim.

If you fail to appear as provided by this order or to bring the child(ren), an order for custody[, **partial custody or visitation**] may be entered against you or the Court may issue a warrant for your arrest.

* * * * *

(b) The order for notice of the pendency of the action and the right to intervene required by Rule 1915.6(b) shall be substantially in the following form:

(Caption)

ORDER AND NOTICE

A complaint has been filed in the Court of Common Pleas of _____ County concerning custody[, **partial custody and visitation**] of the following child(ren): _____.

The Court has learned you claim [**custody, partial custody or visitation**] **custodial** rights with respect to the child(ren) named.

A hearing will be held in Courtroom _____ of the Court of Common Pleas, _____, on _____, at _____, _____.M.
(Day and Date) (Time)

If you wish to assert your claim to [**custody, partial custody or visitation**] **custodial** rights with respect to the child(ren) or wish to present evidence to the Court on those matters, you should petition the Court, on or before the above date, for leave to intervene in the proceedings.

* * * * *

[**Explanatory Comment—1981**

See Explanatory Comment following Rule 1915.15.]

(*Editor's Note:* Rules 1915.17, 1915.19 and 1915.21 are new and printed in regular type to enhance readability.)

Rule 1915.17. Relocation. Notice and Counter-Affidavit.

(a) A party proposing to change the residence of a child must notify every other person who has custodial rights to the child and provide a counter-affidavit by which a person may agree or object. The form of the notice and counter-affidavit are set forth in subdivisions (i) and (j) below. The notice shall be sent by certified mail, return receipt requested, addressee only or pursuant to Pa.R.C.P. No. 1930.4, no later than the sixtieth day before the date of the proposed change of residence or other time frame set forth in 23 Pa.C.S. § 5337(c)(2).

(b) If the other party objects to the proposed change in the child's residence, that party must serve the counter-

affidavit on the party proposing the change by certified mail, return receipt requested, addressee only, or pursuant to Pa.R.C.P. No. 1930.4 within 30 days of receipt of the notice required in subdivision (a) above. If there is an existing child custody case, the objecting party also shall file the counter-affidavit with the court.

(c) If no objection to a proposed change of a child's residence is timely served after notice, the proposing party may change the residence of the child and such shall not be considered a "relocation" under statute or rule.

(d) The procedure in any relocation case shall be expedited. There shall be no requirement for parenting education or mediation prior to an expedited hearing before a judge.

(e) If the party proposing the relocation seeks an order of court, has served a notice of proposed relocation as required by 23 Pa.C.S. § 5337, has not received notice of objection to the move and seeks confirmation of relocation, the party proposing the relocation shall file:

(1) a complaint for custody and petition to confirm relocation, when no custody case exists, or

(2) a petition to confirm relocation when there is an existing custody case and

(3) a proposed order including the information set forth at 23 Pa.C.S. § 5337(c)(3).

(f) If the party proposing the relocation has received notice of objection to the proposed move after serving a notice of proposed relocation as required by 23 Pa.C.S. § 5337 et seq., the party proposing relocation shall file:

(1) a complaint for custody or petition for modification, as applicable;

(2) a copy of the notice of proposed relocation served on the non-relocating party;

(3) a copy of the counter-affidavit indicating objection to relocation; and

(4) a request for a hearing.

(g) If the non-relocating party has been served with a notice of proposed relocation and the party proposing relocation has not complied with subdivision (f) above, the non-relocating party may file:

(1) a complaint for custody or petition for modification, as applicable;

(2) a counter-affidavit as set forth in 23 Pa.C.S. § 5337(d)(1), and

(3) a request for a hearing.

(h) If a non-relocating party has not been served with a notice of proposed relocation and seeks an order of court preventing relocation, the non-relocating party shall file:

(1) a complaint for custody or petition for modification, as applicable;

(2) a statement of objection to relocation; and

(3) a request for a hearing.

(i) The notice of proposed relocation shall be substantially in the following form:

(Caption)

NOTICE OF PROPOSED RELOCATION

You, _____, are hereby notified that _____ (party proposing relocation) _____ proposes to relocate with the following minor child(ren): _____.

To object to the proposed relocation, you must complete the attached counter-affidavit and serve it on the other party by certified mail, return receipt requested, addressee only, or pursuant to Pa.R.C.P. No. 1930.4 within 30 days of receipt of this notice. If there is an existing child custody case, you also must file the counter-affidavit with the court. If you do not object to the proposed relocation within 30 days, the party proposing relocation has the right to relocate and may petition the court to approve the proposed relocation and to modify any effective custody orders or agreements. FAILURE TO OBJECT WITHIN 30 DAYS WILL PREVENT YOU FROM OBJECTING TO THE RELOCATION ABSENT EXIGENT CIRCUMSTANCES.

Address of the proposed new residence: _____

Check here if the address is confidential pursuant to 23 Pa.C.S. § 5336(b).

Mailing address of intended new residence (if not the same as above) _____

Check here if the address is confidential pursuant to 23 Pa.C.S. § 5336(b).

Names and ages of the individuals who intend to reside at the new residence:

Name	Age
_____	_____
_____	_____
_____	_____

Check here if the information is confidential pursuant to 23 Pa.C.S. § 5336(b) or (c).

Home telephone number of the new residence: _____

Check here if the information is confidential pursuant to 23 Pa.C.S. § 5336(b) or (c).

Name of the new school district and school the child(ren) will attend after relocation: _____

Check here if the information is confidential pursuant to 23 Pa.C.S. § 5336(b) or (c).

Date of the proposed relocation: _____

Check here if the information is confidential pursuant to 23 Pa.C.S. § 5336(b) or (c).

Reasons for the proposed relocation: _____

Check here if the information is confidential pursuant to 23 Pa.C.S. § 5336(b) or (c).

Proposed modification of custody schedule following relocation:

Other information: _____

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

(j) The counter-affidavit that must be served with the relocation notice shall be substantially in the following form as set forth at 23 Pa.C.S. § 5337(d):

(Caption)

COUNTER-AFFIDAVIT REGARDING RELOCATION

This proposal of relocation involves the following child/children:

Child's Name	Age	Currently residing at:
_____	_____	_____
Child's Name	Age	Currently residing at:
_____	_____	_____
Child's Name	Age	Currently residing at:
_____	_____	_____

I have received a notice of proposed relocation and (check all that apply):

- 1. I do not object to the relocation
- 2. I do not object to the modification of the custody order consistent with the proposal for modification set forth in the notice.
- 3. I do not object to the relocation, but I do object to modification of the custody order.
- 4. I plan to request that a hearing be scheduled by filing a request for hearing with the court:
 - a. Prior to allowing (name of child/children) to relocate.
 - b. After the child/children relocate.
- 5. I do object to the relocation
- 6. I do object to the modification of the custody order.

I understand that in addition to objecting to the relocation or modification of the custody order above, I must also serve this counter-affidavit on the other party by certified mail, return receipt requested, addressee only, or pursuant to Pa.R.C.P. No. 1930.4, and, if there is an existing custody case, I must file this counter-affidavit with the court. If I fail to do so within 30 days of my receipt of the proposed relocation notice, I understand that I will not be able to object to the relocation at a later time.

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

_____	_____
(Date)	(Signature)

Rule 1915.19. Form of Order Appointing Counsel for the Child.

The order appointing an attorney to represent a child in a child custody action pursuant to Rule 1915.11 shall be in substantially the following form:

(Caption)

ORDER OF COURT

AND NOW, THIS ____ day of _____, 20 __, it is hereby ordered as follows:

Pursuant to Pa.R.C.P. No. 1915.11, _____ is appointed as attorney for the minor child _____ (D.O.B. ____) in connection with the civil proceedings related to the custody of the minor child.

Counsel for the child shall zealously represent the legal interests of the child as any other client in an attorney-client relationship and shall not act as the child's guardian ad litem or best interests attorney. The child's attorney shall not be called to testify and communications between the child's attorney and the child shall be privileged, consistent with the attorney-client relationship.

It is ordered and decreed that all relevant schools, police departments, hospitals and social service agencies including home and school agencies who have records, reports and/or information pertaining to the child relevant to the custody of the child, shall allow the child's attorney access to all files and records in its possession, custody or control and shall cooperate in responding to all relevant inquires. These files/records may include but are

not limited to medical, psychological or psychiatric charts including evaluations and progress notes and records, X-rays, photographs, tests, test evaluations, intake and discharge summaries, police records, and school records including report cards, educational assessments and educational plans, relevant to this custody dispute and/or relevant to any special needs or requirements of the child. The child's attorney shall have the right to copy any part of the files and records maintained in connection with the child.

It is further ordered and decreed that the child's attorney shall be permitted to see and speak with the child, and family, medical and/or social service providers connected with this case, and take all steps appropriate to and consistent with this order.

The fees for the child's attorney shall be paid as follows: _____

This appointment shall terminate upon the entry of a final order resolving the petition pending as of the date of this order or as provided in subsequent order of court.

BY THE COURT:

_____ J.

Rule 1915.21. Form of Order Appointing Guardian Ad Litem.

The order appointing a guardian ad litem in a child custody action pursuant to Rule 1915.11-2 shall be in substantially the following form:

(Caption)
ORDER OF COURT

AND NOW, THIS _____ day of _____, 20____, it is hereby ordered as follows:

Pursuant to Pa.R.C.P. No. 1915.11-2, _____ is appointed as guardian ad litem for the minor child _____ (D.O.B. _____) in connection with the civil proceedings related to the custody of the minor child.

The child’s guardian ad litem shall represent the best interests of the child. The guardian ad litem shall not act as the child’s attorney or represent the child’s legal interests.

It is ordered and decreed that all relevant schools, police departments, hospitals and social service agencies including home and school agencies who have records, reports and/or information pertaining to the child relevant to the custody of the child, shall allow the guardian ad litem access to all files and records in its possession, custody or control and shall cooperate in responding to all relevant inquires. These files/records may include but are not limited to medical, psychological or psychiatric charts including evaluations and progress notes and records, X-rays, photographs, tests, test evaluations, intake and discharge summaries, police records, and school records including report cards, educational assessments and educational plans, relevant to this custody dispute and/or relevant to any special needs or requirements of the child. The guardian ad litem shall have the right to copy any part of the files and records maintained in connection with the child.

It is further ordered and decreed that the guardian ad litem shall be permitted to see and speak with the child, and family, medical and/or social service providers connected with this case, and take all steps appropriate to and consonant with this order.

The guardian ad litem shall provide copies of any reports prepared by the guardian ad litem to each party, or to their counsel, and to the court not later than 20 days prior to trial. The guardian ad litem shall attend all proceedings and be prepared to testify. The guardian ad litem shall be subject to cross-examination if called to testify by either party or the court.

The fees for the guardian ad litem shall be paid as follows: _____

This appointment shall terminate upon the entry of a final order resolving the petition pending as of the date of this order or as provided in subsequent order of court.

BY THE COURT:

J.

Rule 1915.25. Suspension of Acts of Assembly.

* * * * *

Official Note: Rule 1915.6(b) provides that a person not a party who claims to have custody or visitation rights with respect to the child shall be given notice of the pendency of the proceedings and of the right to intervene.

23 Pa.C.S. § 5334 is suspended insofar as it (1) requires that a guardian ad litem be an attorney, (2) permits the guardian ad litem to represent both the best interests and legal interests of the child, (3) provides the guardian ad litem the right to examine, cross-examine, present witnesses and

present evidence on behalf of the child, and (4) prohibits the guardian ad litem from testifying.

[Pa.B. Doc. No. 13-1511. Filed for public inspection August 16, 2013, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 5 AND 8]

Order Adopting New Rules 840—845, Amending Rules 568, 800, 807 and 809 and Approving the Revision of the Comment to Rule 808 of the Rules of Criminal Procedure; No. 437 Criminal Procedural Rules Doc.

Order

Per Curiam

And Now, this 31st day of July, 2013, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 42 Pa.B. 6254 (October 6, 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 Rules of Criminal Procedure 840 through 845 and the amendments to Pennsylvania Rules of Criminal Procedure 568, 800, 807, and 809 are adopted and the revision to the Comment to Pennsylvania Rule of Criminal Procedure 808 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 October 1, 2013.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART G. Procedures Following Filing of Information

Rule 568. Notice of Defense of Insanity or Mental Infirmary; Notice of Expert Evidence of a Mental Condition.

(A) NOTICE BY DEFENDANT

* * * * *

(2) Notice of Expert Evidence of Mental Condition

[A] Except as provided in Rule 841, a defendant who intends to introduce expert evidence relating to a mental disease or defect or any other mental condition of the defendant bearing (1) on the issue of guilt, or (2) in a capital case, on the issue of punishment, shall file with the clerk of courts not later than the time required for filing an omnibus pretrial motion provided in Rule 579 a notice of the intention to offer this expert evidence, and shall serve a copy of the notice and a certificate of service on the attorney for the Commonwealth.

* * * * *

Comment

This rule, which is derived from paragraphs (C)(1)(b), (c)—(f), and (D) of Rule 573 (Pretrial Discovery and Inspection) and was made a separate rule in 2006, sets forth the notice procedures when a defendant intends to raise a defense of insanity or mental infirmity, or introduce evidence relating to a mental disease or defect or any other mental condition at trial.

For the procedures related to the determination of mental retardation precluding imposition of a sentence of death, see Chapter 8 Part (B).

The reference in paragraph (A) to Rule 579 (Time for Omnibus Pretrial Motion and Service) contemplates consideration of the exceptions to the time for filing set forth in Rule 579(A).

* * * * *

Official Note: Adopted January 27, 2006, effective August 1, 2006; **amended July 31, 2013, effective October 1, 2013.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the July 31, 2013 amendment to paragraph (A)(2) and Comment revisions regarding notice of mental retardation published with the Court’s Order at 43 Pa.B. 4722 (August 17, 2013).

CHAPTER 8. SPECIAL RULES FOR CASES IN WHICH DEATH SENTENCE IS AUTHORIZED

PART A. GUILT AND PENALTY DETERMINATION PROCEDURES

Rule 800. Applicability of [Subchapter] Part A.

Except as provided in Rule 801, the rules [of this chapter] in Part A shall apply to the guilt and penalty determination phases of all cases in which the imposition of a sentence of death is authorized by law.

Comment

The 1990 amendment to this rule [makes] made it clear that **Part A of Chapter 8** applies to both the guilt determination and sentencing phases of cases in which the death penalty is authorized. **The chapter was amended in 2013 by the addition of Part B providing special procedures for seeking to preclude imposition of a sentence of death by reason of the defendant’s mental retardation.**

Except as provided in [this chapter] Part A, trial and retrial procedures in death penalty cases are governed by the Rules of Criminal Procedure generally.

For sentencing generally in death penalty cases, see the Sentencing Code, 42 Pa.C.S. § 9711.

The sentencing procedures in [this chapter] Part A and in the Sentencing Code also apply when the trial court orders a new sentencing proceeding, or when the Supreme Court vacates a sentence of death and remands a case for redetermination of sentence pursuant to 42 Pa.C.S. § 9711(h)(4).

When a jury is empaneled for the first time for sentencing, or for resentencing, the jury trial rules (Chapter 6) apply. See, for example, Rule 631 (Examination and Challenges of Trial Jurors).

[This chapter] Part A does not provide procedures for those cases in which the Supreme Court vacates a

sentence of death and remands the case to the trial court for the imposition of a life imprisonment sentence. See 42 Pa.C.S. § 9711(h)(4).

For post-verdict procedures in cases in which a sentence of death is authorized by law, see Rule 811.

Official Note: Previous Rule 351 adopted September 22, 1976, effective November 1, 1976; rescinded April 2, 1978, effective immediately. Present Rule 351 adopted July 1, 1985, effective August 1, 1985; Comment revised February 1, 1989, effective July 1, 1989; amended October 29, 1990, effective January 1, 1991; renumbered Rule 800 and amended March 1, 2000, effective April 1, 2001; amended October 1, 2012, effective November 1, 2012; **amended July 31, 2013, effective October 1, 2013.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the July 31, 2013 adoption of the new rules establishing the procedures for challenging the defendant’s competency to be executed published with the Court’s Order at 43 Pa.B. 4722 (August 17, 2013).

Rule 807. Sentencing Verdict Slip.

(A) JURY

(1) [In] Except as provided in paragraph (2), in all cases in which the sentencing proceeding is conducted before a jury, the judge shall furnish the jury with a jury sentencing verdict slip in the form provided by Rule 808.

(2) In cases in which the jury is to determine if imposition of a sentence of death is precluded due to the defendant’s mental retardation, the judge shall furnish the jury with the sentencing verdict slip in the form required by Rule 845. If the jury subsequently does not find unanimously that the defendant is mentally retarded, the judge then shall furnish the jury with a jury sentencing verdict slip in the form provided by Rule 808.

(3) Before the jury retires to deliberate, the judge shall meet with counsel and determine those aggravating and mitigating circumstances of which there is some evidence. The judge shall then set forth those circumstances on the sentencing verdict slip using the language provided by law.

[(3)] (4) The trial judge shall make the completed sentencing verdict slip part of the record.

(B) TRIAL JUDGE

(1) In all cases in which the defendant has waived a sentencing proceeding before a jury and the trial judge determines the penalty, including those in which the defendant seeks to have the imposition of a sentence of death precluded by reason of mental retardation, the trial judge shall complete a sentencing verdict slip in the form provided by Rule 809.

(2) The trial judge shall make the completed sentencing verdict slip part of the record.

Comment

The purpose of this rule is to provide statewide, uniform jury and trial judge sentencing verdict slips in death penalty cases. The jury sentencing verdict slip is not intended to replace those jury instructions required by law. See Sentencing Code, 42 Pa.C.S. § 9711(c). For the sentencing procedure under paragraph (B), see Sentencing Code, 42 Pa.C.S. § 9711(b).

Official Note: Rule 357 adopted February 1, 1989, effective July 1, 1989; renumbered Rule 806 and amended March 1, 2000, effective April 1, 2001; renumbered Rule 807 June 4, 2004, effective November 1, 2004; **amended July 31, 2013, effective October 1, 2013.**

Committee Explanatory Reports:

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 July 31, 2013 amendments regarding cases in which the defendant has introduced evidence of mental retardation published with the Court's Order at 43 Pa.B. 4722 (August 17, 2013).

Rule 808. Form for Jury Sentencing Verdict Slip.

* * * * *
Comment
* * * * *

The list of aggravating and mitigating circumstances completed by the judge in Part I, and by the jury foreperson in Part II, should use the language provided by law for each circumstance. See Sentencing Code, 42 Pa.C.S. § 9711(d) and (e). The judge's instructions on the weighing of aggravating and mitigating circumstances must comply with *Mills v. Maryland*, 108 S.Ct. 1860 (1988).

See Rule 845 for the jury verdict slip form to be used when the jury is to determine if imposition of the death penalty is precluded due to the defendant's mental retardation.

Official Note: Rule 358A adopted February 1, 1989, effective July 1, 1989; renumbered Rule 807 and amended March 1, 2000, effective April 1, 2001; renumbered Rule 808 June 4, 2004, effective November 1, 2004; **Comment revised July 31, 2013, effective October 1, 2013.**

Committee Explanatory Reports:

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 July 31, 2013 Comment revision cross-referencing Rule 845 published with the Court's Order at 43 Pa.B. 4722 (August 17, 2013).

Rule 809. Form for Trial Judge Sentencing Verdict Slip.

IN THE COURT OF COMMON PLEAS
OF _____ COUNTY, PENNSYLVANIA
CRIMINAL
COMMONWEALTH OF PENNSYLVANIA :
vs. : NO. _____
:
FIRST DEGREE MURDER
SENTENCING VERDICT SLIP
* * * * *

C. The findings on which the sentence of life imprisonment is based are:

_____ **A sentence of death is precluded because the defendant is mentally retarded.**

OR

- _____ 1. No aggravating circumstance exists.
- _____ 2. The mitigating circumstance(s) (is) (are) not outweighed by the aggravating circumstance(s).

* * * * *

Official Note: Rule 358B adopted February 1, 1989, effective July 1, 1989; renumbered Rule 808 and Comment revised March 1, 2000, effective April 1, 2001; renumbered Rule 809 June 4, 2004, effective November 1, 2004; **amended July 31, 2013, effective October 1, 2013.**

Committee Explanatory Reports:

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 July 31, 2013 amendment regarding findings of mental retardation published with the Court's Order at 43 Pa.B. 4722 (August 17, 2013).

PART B. PROCEDURES FOR SEEKING TO PRECLUDE IMPOSITION OF A SENTENCE OF DEATH BY REASON OF THE DEFENDANT'S MENTAL RETARDATION

(*Editor's Note:* Rule 840—845 are new and printed in regular type to enhance readability.)

- Rule 840. Scope.
- 841. Notice of Mental Retardation Precluding Imposition of Sentence of Death.
- 842. Examination of the Defendant by Mental Health Expert.
- 843. Optional Pretrial Hearing.
- 844. Sentencing Procedures in Cases in which the Defendant's Mental Retardation is Asserted.
- 845. Form for Sentencing Verdict Slip in Cases in which the Defendant's Mental Retardation is Asserted.

Rule 840. Scope.

The rules in Part B provide the procedure for determining if imposition of the death penalty is precluded due to the defendant's mental retardation.

Comment

These rules are intended to apply only to cases arising within the context of the United States Supreme Court decision in *Atkins v. Virginia*, 536 U.S. 304 (2002), that held that the execution of a mentally retarded criminal is cruel and unusual punishment prohibited by the Eighth Amendment. Pursuant to *Atkins*, the Pennsylvania Supreme Court held in *Commonwealth v. Sanchez*, 614 Pa. 1, 36 A.3d 24 (2011), that a convicted defendant found mentally retarded is ineligible for the death penalty.

Official Note: New Rule 840 adopted July 31, 2013, effective October 1, 2013.

Committee Explanatory Reports:

Final Report explaining the July 31, 2013 adoption of the new rule published with the Court's Order at 43 Pa.B. 4722 (August 17, 2013).

Rule 841. Notice of Mental Retardation Precluding Imposition of Sentence of Death.

(A) Notice of Mental Retardation Precluding Imposition of a Sentence of Death

A defendant who intends to offer evidence of mental retardation that would preclude the imposition of a sentence of death shall file with the clerk of courts not later than 90 days after arraignment, or within such other time as allowed by the court upon cause shown, a

notice of the intention to offer the evidence and certification of service on the attorney for the Commonwealth.

(1) The notice and certification shall be signed by the attorney for the defendant or the defendant if unrepresented.

(2) The notice shall contain specific available information as to the nature and extent of the alleged mental retardation and the names and addresses of witnesses, expert or otherwise, whom the defendant intends to call to establish mental retardation.

(B) Notice of Expert Evidence of Mental Retardation

A defendant who intends to introduce expert evidence relating to mental retardation that would preclude imposition of a sentence of death shall file with the clerk of courts not later than 90 days after arraignment, or within such other time as allowed by the court upon cause shown, a notice of the intention to offer the expert evidence and a certification of service on the attorney for the Commonwealth.

(1) The notice and certification shall be signed by the attorney for the defendant or the defendant if unrepresented.

(2) The notice shall contain specific available information as to the nature and extent of the alleged mental retardation, and the names and addresses of the expert witness(es) whose evidence the defendant intends to introduce.

(C) Reciprocal Notice of Witnesses

Within 30 days after receipt of the defendant's notice of mental retardation that would preclude the imposition of a sentence of death or notice of expert evidence of mental retardation or within such other time as allowed by the court upon cause shown, the attorney for the Commonwealth shall file and serve upon the defendant's attorney, or the defendant if unrepresented, written notice of the names and addresses of all witnesses the attorney for the Commonwealth intends to call to disprove or discredit the defendant's claim of mental retardation.

(D) If prior to or during trial a party learns of an additional witness or additional information which, if known, should have been included in the notice furnished under paragraphs (A), (B), or (C), the party shall promptly notify the other party's attorney, or if unrepresented, the other party, of the existence and identity of such additional witness.

(E) After docketing the notice, the clerk of courts immediately shall transmit the notice to the trial judge.

Comment

This rule sets forth the notice procedures when a defendant intends to assert his or her mental retardation to preclude imposition of the death penalty pursuant to *Atkins v. Virginia*, 536 U.S. 304 (2002) and *Commonwealth v. Sanchez*, 614 Pa. 1, 36 A.3d 24 (2011). Notices filed in accordance with this rule fall within the definition of "motion" in Rule 575 and must comply with the provisions of Rules 575 and 576.

The requirement in paragraph (B) for a separate notice of intention to introduce expert evidence is intended to alert the Commonwealth that there will be expert evidence. See Rule 842 regarding the requirement that any expert who has examined the defendant must prepare a written report stating the subject matter, the substance of the facts relied upon, and a summary of the expert's opinions and the grounds for each opinion.

Paragraph (E) emphasizes the requirement that the trial judge be informed of the filing of the notice at the earliest time to ensure the prompt collection of all materials relevant to the issue of the defendant's mental retardation.

Nothing in this rule precludes the trial judge from raising the issue of the defendant's mental retardation *sua sponte*.

Official Note: New Rule 841 adopted July 31, 2013, effective October 1, 2013.

Committee Explanatory Reports:

Final Report explaining the July 31, 2013 adoption of the new rule published with the Court's Order at 43 Pa.B. 4722 (August 17, 2013).

Rule 842. Examination of the Defendant by Mental Health Expert.

(A) EXAMINATION OF DEFENDANT

(1) BY AGREEMENT

(a) The defendant, the defendant's counsel, and the attorney for the Commonwealth may agree to an examination of the defendant by the mental health expert(s) designated in the agreement for the purpose of determining mental retardation that would preclude imposition of a sentence of death.

(b) The agreement shall be in writing and signed by the defendant, the defendant's counsel, and the attorney for the Commonwealth, or made orally on the record.

(c) Unless otherwise agreed, the mental health expert(s) promptly shall prepare a written report stating the subject matter, the substance of the facts relied upon, and a summary of the expert's opinions and the grounds for each opinion.

(2) BY COURT ORDER

(a) If the defendant has provided notice of mental retardation that would preclude the imposition of a sentence of death or notice of intention to introduce expert evidence relating to mental retardation that would preclude imposition of a sentence of death, upon motion of the attorney for the Commonwealth, the court shall order that the defendant submit to an examination by one or more mental health experts specified in the motion by the Commonwealth for the purpose of determining the condition of mental retardation put in issue by the defendant.

(b) When the court orders an examination pursuant to this paragraph, the court on the record shall advise the defendant in person and in the presence of the defendant's counsel:

(i) of the purpose of the examination and the contents of the court's order;

(ii) that the information obtained from the examination may be used at trial; and

(iii) the potential consequences of the defendant's refusal to cooperate with the Commonwealth's mental health expert(s).

(c) The court's order shall:

(i) specify who may be present at the examination; and

(ii) specify the time within which the mental health expert(s) must submit the written report of the examination.

(d) Upon completion of the examination of the defendant, the mental health expert(s), within the time specified by the court as provided in paragraph (A)(2)(c)(ii),

shall prepare a written report stating the subject matter, the substance of the facts relied upon, and a summary of the expert's opinions and the grounds for each opinion.

(B) DISCLOSURE OF REPORTS BETWEEN PARTIES

(1) The mental health experts' reports shall be confidential, and not of public record.

(2) Any mental health expert whom either party intends to call to testify concerning the defendant's condition of mental retardation must prepare a written report. No mental health expert may be called to testify concerning the defendant's condition of mental retardation until the expert's report has been disclosed as provided herein.

(3) The court shall set a reasonable time after the Commonwealth's expert's examination for the disclosure of the reports of the parties' mental health experts.

(C) PROTECTIVE ORDERS

Upon a sufficient showing, the court may at any time order that the disclosure of a report or reports be restricted or deferred for a specified time, or make such other order as is appropriate. Upon motion of any party, the court may permit the showing to be made *in camera*.

(D) SANCTIONS FOR NON-COMPLIANCE

At any time during the course of the proceedings, if the court determines there has been a failure to comply with this rule, upon motion or *sua sponte*, the court may order compliance, may grant a continuance, or may grant other appropriate relief. Upon motion, any hearing to determine if there has been a failure to comply may be held *in camera* and the record sealed until after disposition of the case.

Comment

This rule establishes the procedures for the examination of the defendant by a mental health expert(s) retained by the prosecution pursuant to an agreement by the parties, see paragraph (A)(1), or a court order, see paragraph (A)(2), in cases in which the defendant's mental retardation has been raised to preclude the imposition of a sentence of death.

"Mental health expert," as used in this rule, includes a psychiatrist, a licensed psychologist, a physician, or any other expert in the field of mental health who will be of substantial value in the determination of the issues raised by the defendant concerning his or her mental retardation.

Examination of Defendant

Paragraph (A)(1) is intended to encourage the defendant, the defendant's counsel, and the attorney for the Commonwealth to agree to an examination of the defendant by the Commonwealth's mental health expert(s).

When the defendant, the defendant's attorney, and the attorney for the Commonwealth agree that the defendant will be examined under this rule, at a minimum, the agreement should specify the time, place, and conditions of the examination, who may be present during the examination, and the time within which the parties will disclose the reports of their experts.

It is intended that the examining mental health expert(s), whether appointed pursuant to the agreement of the parties or order of court, have substantial discretion in how to conduct an examination. The conduct of the examination, however, must conform to generally recognized and accepted practices in that profession. Therefore, the examination of the defendant may consist of such interviewing, clinical evaluation, and psychological testing

as the examining mental health expert(s) considers appropriate, within the limits of non-experimental, generally accepted medical, psychiatric, or psychological practices.

Nothing in this rule is intended to limit the number of examining experts the defense may use, nor is it to be construed as a limitation on any party with regard to the number of other expert or lay witnesses they may call to testify concerning the defendant's mental retardation.

The court is required in paragraph (A)(2)(b) to inform the defendant, in person on the record, about the request for a compelled examination. See Rule 119 (Use of Two-Way Simultaneous Audio-Visual Communication in Criminal Proceedings). The court is to explain that the examination is being conducted at the request of the attorney for the Commonwealth and that the purpose of the examination is to obtain information about the defendant's mental condition specifically with regard to mental retardation. In addition, the court should explain the procedures for the examination that are included in the court's order as set forth in paragraph (A)(2)(b), and explain the potential consequences of the defendant's failure to cooperate with the examination.

Paragraph (A)(2)(d) requires that the examining mental health expert(s) promptly prepare a written report and sets forth the minimum contents of that report. It is intended that the scope of the mental health expert's report be limited in the court's order to matters related to the defendant's mental retardation.

Disclosure of Reports

After the examination of the defendant by the Commonwealth's mental health expert(s) is completed and the mental health expert's report has been prepared, the defendant and the Commonwealth are required in paragraph (B) to disclose the reports that are made by any experts either party intends to call to testify concerning the defendant's mental retardation. The reports must be in writing, and should comply with the content requirements in paragraph (A)(2)(d). An expert witness, whether or not the expert witness has examined the defendant, cannot testify until the report is disclosed as provided in paragraph (B)(2) and (3). There may be situations in which the court would have to call a short recess to permit the expert to complete a written report and to give the parties an opportunity to review the report, such as when a mental health expert(s) is observing the defendant during the trial and will be called to testify on these observations.

When the parties agree to the examination, the time for the disclosure of the reports should be set by the agreement of the parties. The agreement should permit adequate time to review the reports and prepare for the proceeding. If the parties cannot agree, in cases proceeding pursuant to court order under paragraph (A)(2), the court should set the time for the disclosure of reports, which should afford the parties adequate time to review the reports and prepare for the proceeding.

Establishing a reasonable time frame and providing for the reciprocal disclosure are intended to further promote the fair handling of these cases. In no case should the disclosure occur until after the defendant has been examined by the Commonwealth's mental health expert(s) and the mental health expert(s) has prepared and submitted a written report.

There may be cases in which, although proceeding pursuant to a court order, the parties, with the court's

approval, agree to an earlier time for disclosure consistent with the purposes of this rule. This rule would not preclude such an agreement.

The procedures in paragraph (C) are similar to the existing procedures for protective orders in Rule 573(F).

Because the question of whether the imposition of a sentence of death is precluded due to the defendant's mental retardation ordinarily is a question reserved for sentencing, use of information obtained from the examination of a defendant by a Commonwealth's expert is not to be disclosed or used until after the defendant has been found guilty. This may require that the Commonwealth's examination should be sealed until the penalty phase of the defendant's trial takes place. See *Commonwealth v. Sartin*, 561 Pa. 522, 751 A.2d 1140 (2000). However, where the parties have agreed to a pretrial determination of the issue pursuant to Rule 843, earlier disclosure may be required.

See the Pennsylvania Rules of Evidence concerning the admissibility of the experts' reports and information from any examinations of the defendant by an expert.

Sanctions

The sanctions authorized by paragraph (D) may be imposed on any person who has failed to comply with any of the provisions of this rule, including the attorney for the Commonwealth, the defendant, the defendant's counsel, or an expert.

When the defendant has refused to cooperate in the examination by the Commonwealth's mental health expert(s), before imposing a sanction, the court should consider whether the defendant's failure to cooperate (1) was intentional, (2) was the result of the defendant's mental condition, and (3) will have an adverse and unfair impact on the Commonwealth's ability to respond to the defendant's claim. The court also should consider whether ordering the defendant to resubmit to the examination would result in the defendant's cooperation.

Official Note: New Rule 842 adopted July 31, 2013, effective October 1, 2013.

Committee Explanatory Reports:

Final Report explaining the July 31, 2013 adoption of the new rule published with the Court's Order at 43 Pa.B. 4722 (August 17, 2013).

Rule 843. Optional Pretrial Hearing.

(A) If the parties agree, the issue of the defendant's mental retardation precluding imposition of a sentence of death shall be determined by the judge after a pretrial evidentiary hearing.

(B) The defendant shall appear in person with counsel at the hearing.

(C) The defendant shall have the burden of going forward with the evidence.

(D) No later than the beginning of the evidentiary hearing, the judge shall advise the defendant that, by agreeing to have the issue of his or her mental retardation decided pretrial, the defendant, if found not mentally retarded and later convicted, will not be permitted to seek a preclusion of the imposition of a sentence of death due to mental retardation with a jury. In these cases, however, the defendant may introduce relevant evidence concerning his or her mental state at the guilt phase and the penalty phase, including evidence in support of statutory mitigation.

(E) The attorney for the Commonwealth and the defendant's attorney may introduce evidence and cross-examine any witness, including the examining mental health experts. The judge may call and interrogate witnesses as provided by law.

(F) Within 30 days of the completion of the evidentiary hearing, the judge shall enter an order finding either that the defendant is mentally retarded and therefore is precluded from receiving a sentence of death or that the defendant is not mentally retarded.

Comment

In *Commonwealth v. Sanchez*, 614 Pa. 1, 36 A.3d 24 (2011), the Pennsylvania Supreme Court held that, pursuant to *Atkins v. Virginia*, 536 U.S. 304 (2002), the parties may agree to a pretrial determination of the defendant's ineligibility for the death penalty to be made by the trial judge. The defendant has the burden of proof by a preponderance of the evidence to prove mental retardation. See *Commonwealth v. Sanchez*, 614 Pa. at 65, 36 A.3d at 62-63. If the trial judge finds the defendant is eligible for the death penalty, the defendant may still introduce relevant evidence concerning his or her mental state during the guilt and penalty phases of trial, including evidence in support of statutory mitigation.

Official Note: New Rule 843 adopted July 31, 2013, effective October 1, 2013.

Committee Explanatory Reports:

Final Report explaining the July 31, 2013 adoption of the new rule published with the Court's Order at 43 Pa.B. 4722 (August 17, 2013).

Rule 844. Sentencing Procedures in Cases in which the Defendant's Mental Retardation is Asserted.

(A) Unless the issue is decided pretrial pursuant to Rule 843, in a case in which the defendant has asserted that imposition of a sentence of death is precluded by reason of his or her mental retardation, after a return of a verdict of guilty of murder in the first degree, a sentencing hearing shall be held in which all sentencing evidence shall be presented, including, but not limited to, evidence of the defendant's mental retardation and evidence of aggravating and mitigating circumstances.

(B) In cases in which the defendant has asserted his or her mental retardation as provided in paragraph (A) and the sentencing hearing is conducted before the jury, the following procedures shall apply:

(1) After presentation of the evidence, the judge shall determine if sufficient evidence exists for the jury to decide whether the imposition of a sentence of death should be precluded by reason of mental retardation.

(a) If the judge determines sufficient evidence exists for the jury to consider the issue of the defendant's mental retardation, the case will proceed according to the procedures in paragraphs (B)(2)—(6).

(b) If the judge determines that there is not sufficient evidence for the jury to consider the issue of the defendant's mental retardation, the case will proceed as any other capital case.

(2) After the presentation of evidence, each party shall be entitled to present one closing argument addressing all sentencing issues, including the defendant's alleged mental retardation and arguments for or against a sentence of death. The defendant's argument shall be made last.

(3) Upon completion of argument, the judge shall instruct the jury solely upon the issue of the defendant's

mental retardation and shall submit a special issue to the jury as to whether the defendant is mentally retarded.

(4) The question of the defendant's mental retardation shall be considered and answered by the jury prior to the consideration of any other sentencing issue and the determination of sentence.

(5) If the jury determines the defendant to be mentally retarded, the judge shall sentence the defendant to life imprisonment.

(6) If the jury does not find the defendant mentally retarded, the judge shall instruct the jury on the mitigating and aggravating circumstances and the jury shall deliberate on whether or not to impose the death penalty.

(C) In cases in which the defendant has asserted his or her mental retardation as provided in paragraph (A), and the defendant waives a sentencing proceeding before a jury and the trial judge determines the penalty, the following procedures shall apply:

(1) After the presentation of evidence, each party shall be entitled to present one closing argument addressing all sentencing issues, including the defendant's alleged mental retardation and arguments for or against a sentence of death. The defendant's argument shall be made last.

(2) The trial judge shall consider and answer the question of the defendant's mental retardation prior to the consideration of any other sentencing issue and the determination of sentence.

(3) If the trial judge determines the defendant to be mentally retarded, the trial judge shall sentence the defendant to life imprisonment.

(4) If the trial judge does not find the defendant to be mentally retarded, the trial judge will evaluate the mitigating and aggravating circumstances and determine whether or not to impose a sentence of death.

Comment

In *Commonwealth v. Sanchez*, 614 Pa. 1, 36 A.3d 24 (Pa. 2011), the Pennsylvania Supreme Court held that, pursuant to *Atkins v. Virginia*, 536 U.S. 304 (2002), a determination that a defendant is precluded from receiving the death penalty by reason of mental retardation is to be made as the first issue in sentencing. This rule provides the procedures for that determination whether made by a jury or a judge when the issue has not been decided pretrial pursuant to Rule 843.

Paragraph (B) addresses sentencing proceedings before a jury. The rule contemplates that a single capital sentencing hearing will be held in such cases but the jury's deliberations will be conducted sequentially with the defendant's mental retardation decided first. If the jury finds the defendant not mentally retarded, the judge will instruct the jury on the issues related to the imposition of a sentence of death, including the mitigating and aggravating circumstances, after which the jury will deliberate on the sentence.

Paragraph (C) addresses sentencing proceedings before a judge. See Rule 809 for the form of the trial judge sentencing verdict slip when the defendant has waived a jury for the sentencing proceeding.

Except as otherwise provided in Part B of this Chapter, sentencing shall proceed as provided in Chapter 7.

Official Note: New Rule 844 adopted July 31, 2013, effective October 1, 2013.

Committee Explanatory Reports:

Final Report explaining the July 31, 2013 adoption of the new rule published with the Court's Order at 43 Pa.B. 4722 (August 17, 2013).

Rule 845. Form for Sentencing Verdict Slip in Cases in which the Defendant's Mental Retardation is Asserted.

IN THE COURT OF COMMON PLEAS
OF _____ COUNTY, PENNSYLVANIA

CRIMINAL

COMMONWEALTH OF
PENNSYLVANIA :

vs. : NO. _____

FIRST DEGREE MURDER

SENTENCING VERDICT SLIP

FINDINGS REGARDING MENTAL RETARDATION

INSTRUCTIONS:

Indicate whether you unanimously agree that the defendant has proven that he or she is mentally retarded.

Upon completion of deliberations on the question of the defendant's mental retardation, return to the courtroom for further instructions from the judge.

FINDINGS:

_____ We, the jury, unanimously find that the defendant has proven by a preponderance of the evidence that the defendant is mentally retarded.

_____ We, the jury, unanimously find that the defendant has not proven by a preponderance of the evidence that the defendant is mentally retarded.

_____ We, the jury, cannot agree unanimously that the defendant is mentally retarded.

_____ DATE _____ JURY FOREPERSON

Comment

The verdict slip form was created in 2013 to provide for those cases in which the question of a defendant's mental retardation that would preclude imposition of the death penalty is determined by the jury. See *Atkins v. Virginia*, 536 U.S. 304 (2002) and *Commonwealth v. Sanchez*, 614 Pa. 1, 36 A.3d 24 (2011). See also Rule 844. For optional procedures for a pretrial determination of the defendant's mental retardation, see Rule 843.

The judge should caution the jury that the verdict slip is to be used to record the findings as to mental retardation and that the slip should be completed only after their deliberations are concluded.

Official Note: New Rule 845 adopted July 31, 2013, effective October 1, 2013.

Committee Explanatory Reports:

Final Report explaining the July 31, 2013 adoption of the new rule providing the jury verdict slip form in cases involving a determination of mental retardation precluding imposition of the death penalty published with the Court's Order at 43 Pa.B. 4722 (August 17, 2013).

FINAL REPORT¹

Proposed New Pa.Rs.Crim.P. 840—845
Proposed Amendments to Pa.Rs.Crim.P. 568, 800,
807, and 809
Proposed Revision of the Comment to
Pa.R.Crim.P. 808

Procedures for Seeking to Preclude Imposition of a Sentence of Death by Reason of Defendant's Mental Retardation

On July 31, 2013, effective October 1, 2013, upon the recommendation of the Criminal Procedural Rules Committee, the Court adopted new Rules 840—845, amendments to Rules 568, 800, 807, and 809, and revision to the Comment to Rule 808 to provide procedures for asserting a claim of mental retardation that would preclude imposition of the death penalty.

Pursuant to directions from the Court, the Committee undertook the development of notice procedures for seeking to preclude the imposition of a sentence of death by reason of the defendant's mental retardation. As described more fully below, the Committee concluded that the bench and bar would benefit from having a more detailed procedural framework for asserting these claims. Therefore, the amendments address, in addition to the notice requirements, procedures for examination of the defendant, for disclosure of information, for conducting the optional pre-trial determination, for conducting the sentencing hearing in cases in which the issue is determined by the jury as well as a model jury slip.

Background

The question of the availability of the death penalty for mentally retarded individuals convicted of a capital offense was definitively decided by the U.S. Supreme Court in *Atkins v. Virginia*, 536 U.S. 304 (2002). In *Atkins*, the United States Supreme Court found that the execution of the mentally retarded is "cruel and unusual punishment" within the meaning of the Eighth Amendment's prohibition. In this decision, however, the U.S. Supreme Court did not adopt a definition of mental retardation or a prescribed method of how the issue should be determined. Instead, the Court left those tasks to the individual states to develop, specifically noting that states are "left the task of developing appropriate ways to enforce the constitutional restriction upon execution of sentences." *Id.* at 317. The concept of individual state action on *Atkins* issues was reaffirmed in the case of *Schriro v. Smith*, 546 U.S. 6 (2005), that held that the states must develop their own legal definition of mental retardation. There is currently no statute that provides for an *Atkins* determination in Pennsylvania.³

In the absence of action by the Legislature, the Pennsylvania Supreme Court addressed most of the substantive questions regarding adjudication of *Atkins* claims in *Commonwealth v. Sanchez*, 36 A.3d 24 (Pa. 2011). *Sanchez* provides that the decision regarding this issue will be made by the jury as the first issue to be determined at sentencing, with the requirement that the finding of mental retardation for death penalty preclusion must be unanimous. However, the parties may agree to have the issue decided by the judge pre-trial. The burden of proof

is on the proponent of the *Atkins* claim, usually the defendant, to prove mental retardation by a preponderance of the evidence.

Development of the Rule Changes

As directed by the Court, the Committee's examination initially focused on the question of the timing for raising this issue. The Committee considered a time limit similar to that used for the Rule 568 (Notice of Defense of Insanity or Mental Infirmity; Notice of Expert Evidence of a Mental Condition)—the motion to be filed no later than the time required for filing an omnibus pretrial motion, that is 30 days after arraignment. After further discussion, the Committee concluded that the time limit should not be tied to the omnibus pretrial motions rules but should be based on the arraignment date. This would be consistent with the requirements for the notice of aggravating circumstances in Rule 802. The members settled on the time to be a period of ninety days after arraignment, concluding that this is reasonable given the amount of information that must be gathered in order to present a good faith notice of mental retardation.

In addition to determining the timing for providing the notice, the Committee considered other procedures related to notice that should be addressed. These procedures include the provision for an extension of this time limitation for cause shown, and the provision for encouragement of the early involvement of the trial judge, soon after the notice was filed, in order to provide appropriate supervision of the discovery and examination process. The Committee agreed that the new notice procedures should provide for a response time of 30 days. This would be comparable to the procedures for the notice of insanity defense that served as a model for these notice procedures.

In further discussions, the Committee agreed that procedures comparable to the procedures in Rule 568 (Notice of Defense of Insanity or Mental Infirmity; Notice of Expert Evidence of a Mental Condition) should be added to provide a continuing duty to disclose and reciprocal notice. Lastly, the Committee also considered whether the new procedures should provide for the Commonwealth to obtain an examination of the defendant by a mental health expert similar to the procedures in Rule 569.

Because of the additional elements, particularly the disclosure and examination provisions, the Committee realized that the proposal was extending beyond notice procedures. The Committee determined that an expanded proposal, setting forth as many of the procedures for making an *Atkins/Sanchez* determination as possible, would be helpful to the bench and bar and agreed to examine procedures for how this determination is to be made, either by the jury or, upon agreement of the parties, as a pretrial determination by the trial judge.

Rule Changes

Originally, the Committee considered placing these procedures in Rule 802. Given the increased scope of the proposal, placement in a single rule would make that rule very unwieldy. The Committee concluded that the best structure for these procedures would be as a series of separate rules grouped in a new subchapter B in Chapter 8.

Therefore, new subchapter B includes new Rules 840 (Scope), 841 (Notice of Mental Retardation Precluding Imposition of the Death Penalty), 842 (Examination of Defendant by Mental Health Expert), 843 (Optional Pre-trial Hearing), 844 (Sentencing Procedures in Cases in

¹ 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.

² "Mental retardation" was defined in Pennsylvania in *Commonwealth v. Miller*, 585 Pa. 144, 888 A.2d (2005) which held that a defendant may establish mental retardation as defined by either the American Association of Mental Retardation or *Diagnostic and Statistical Manual Disorders*, 4th Ed. (DMS-IV)

which the Defendant's Mental Retardation is Asserted), and 845 (Form for Sentencing Verdict Slip in Cases in which the Defendant's Mental Retardation is Asserted).

New Rule 840 establishes that the rules in Part B provide the procedure for determining the defendant's ineligibility to be executed by reason of mental retardation. The Comment to Rule 840 includes citations to *Atkins* and *Sanchez*.

New Rule 841 provides for the timing of the filing of the notices. The rule also contains a reciprocal notice provision as well as a continuing duty to disclose. The disclosure requirements in Rule 841 are based on those for the competency to stand trial determination procedures found in Rule 568.

Additionally, Rule 841 contains in paragraph (B) provisions for the filing of the separate notice of expert evidence provision. As this proposal is modeled on the notice of insanity defense procedures, the Committee decided to retain this separate notice of expert evidence to keep the examination procedures for mental retardation similar to those for insanity.

Paragraph (E) of Rule 841 requires the clerk of courts immediately to send a copy of the notice to the trial judge to ensure the judge's supervision of the discovery and examination process at an early stage.

The notices filed under this rule are considered "motions." To make this clear, the Comment contains a cross-reference to Rules 575 and 576 for motion procedures and explains that the term "notices" as used in the rule fall within the definition of "motion" in Rule 575.

Rule 842 provides the procedures by which the Commonwealth may obtain an examination of the defendant by a mental health expert. These procedures are almost identical to those found in Rule 569 with the only differences being changes necessary to conform to the mental retardation procedures.

New Rule 843 provides the procedures for the optional pre-trial hearing for the determination of the issue but only if all the parties agree, as provided in *Sanchez*. If the parties agree, the judge shall hear the issue as provided in this rule. Rule 843 also requires that, within 30 days of the completion of the evidentiary hearing, the judge enter an order finding the defendant either is or is not competent to be executed due to mental retardation. Paragraph (D) requires that the judge advise the defendant that, by agreeing to have this issue decided pretrial, the defendant would not be able to argue for capital punishment preclusion with a jury but only may introduce mental retardation evidence for purposes of mitigation.

The Committee conducted a lengthy examination of the manner in which a sentencing hearing would proceed when the issue of the defendant's mental retardation has not been decided pretrial pursuant to Rule 843. This procedure is detailed in Rule 844. First, after the guilt determination, a single capital sentencing hearing is held in which all sentencing evidence is to be presented, including evidence of the defendant's mental retardation. Under Rule 844(B), the trial judge makes an initial determination that the evidence of the defendant's mental retardation that has been presented is sufficient to raise a question for the jury to determine. If the trial judge determines that sufficient evidence of the defendant's mental retardation had not been presented, the case proceeds as in any other capital case. If the trial judge determines that sufficient evidence has been presented, each party would be permitted to make a single argument encompassing all sentencing issues. At the conclusion of

the arguments, the judge will instruct the jury on the mental retardation issue only. The jury then will deliberate on that single issue. If the jury finds the defendant not mentally retarded, the trial judge will instruct them on the mitigating and aggravating circumstances and the jury will deliberate on that phase of sentencing.

Paragraph (C) provides the procedures to be followed when the defendant has waived sentencing before a jury and is sentenced before the trial judge. As with a jury sentencing proceeding, one hearing would be held and each party would be permitted one argument addressing all sentencing issues. The judge would then consider the question of the defendant's mental retardation prior to the consideration of any other sentencing issue.

In cases in which the jury is asked to make a determination as to the defendant's mental retardation, a new separate jury verdict slip, contained in new Rule 845, would be used to record the jury's determinations regarding mental retardation. Since this is a distinct determination, the slip in Rule 845 poses only one question, whether the jury unanimously finds the defendant was mentally retarded at the time of the murder. If the jury finds the defendant mentally retarded, the jury would not need to consider aggravating or mitigating factors. If the jury does not find the defendant mentally retarded or if the jury cannot unanimously agree that the defendant was mentally retarded, the jury would proceed, after further instruction by the trial judge, to the capital determination guided by the jury slip in Rule 807.

In cases in which the defendant has waived sentencing before a jury and has not sought a pretrial determination of mental retardation as contemplated in Rule 844(C), the judge sentencing verdict slip in Rule 809 has been modified to incorporate this possibility and correlative changes also have been made to Rule 807(B).

Finally, correlative changes to Rule 800 indicating the addition of new Part B to Chapter 8 as well as to Rule 568 to indicate that procedures for *Atkins/Sanchez* determinations are in Chapter 8 Part B have been added.

[Pa.B. Doc. No. 13-1512. Filed for public inspection August 16, 2013, 9:00 a.m.]

Title 255—LOCAL COURT RULES

ADAMS COUNTY

Rule of Civil Procedure 206.1(a)—Amendment; Administrative Order No. 60A of 2013

Order of Court

And Now, this 5th day of August, 2013, to correct an error regarding the publishing requirement for the change of Adams County Rule of Civil Procedure 206.1(a) described in Administrative Order 60 of 2013, the rule change shall become effective upon the publication of the rule change on the Pennsylvania Judiciary's Web Application Portal.

By the Court

MICHAEL A. GEORGE,
President Judge

[Pa.B. Doc. No. 13-1513. Filed for public inspection August 16, 2013, 9:00 a.m.]

BUCKS COUNTY

**Order Promulgating Rule of Civil Procedure
205.4—Electronic Filing and Service of Legal
Papers**

Order

And Now, this 31st day of July, 2013, Bucks County Rule of Civil Procedure 205.4—Electronic Filing and Service of Legal Papers, is promulgated as follows:

**Bucks County Rule 205.4. Electronic Filing and
Service of Legal Papers.**

(a)(1) Any legal paper permitted to be filed under the Pennsylvania Rules of Civil Procedure may be filed electronically under the procedures set forth in this rule.

(b)(1) All legal papers to be electronically filed shall be presented in portable document format (".pdf") as authorized by Pa.R.C.P. No. 205.4(b)(1).

(b)(2) Legal papers may be submitted to the Prothonotary in a hard copy format. In that event, the Prothonotary shall electronically scan such legal paper into .pdf format and maintain it in that format. Any hard copies filed under this subsection will be retained by the Prothonotary.

(c)(1) All legal papers that are filed electronically shall be filed through the Prothonotary's Electronic Filing System ("Electronic Filing System"). General access to the Electronic Filing System shall be provided through a link appearing on the Prothonotary's website, at www.buckscounty.org/government/rowofficers/prothonotary/index.aspx.

(c)(2) Parties who are not attorneys shall register with the Electronic Filing System in order to file legal papers electronically. Registrants shall provide their name, mailing address, e-mail address, phone number, and other identifying information as required by the Office of the Prothonotary.

(d)(1) The Prothonotary shall accept the following credit and debit cards for payment of all filing fees: Discover, MasterCard and Visa. The Prothonotary shall not accept advance deposit on account of future filing fees.

(e) (Reserved)

(f)(1) Upon receipt of an electronically filed legal paper, the Prothonotary shall provide the filing party with an acknowledgement, which includes the date and time the legal paper was received by the Electronic Filing System. The Prothonotary shall also provide the filing party with notice that the legal paper was accepted for filing. If the legal paper is not accepted upon presentation for filing or is refused for filing by the Electronic Filing System, the Prothonotary shall immediately notify the party presenting the legal paper for filing the date of presentation, the fact that the document was not accepted or refused for filing by the system, and the reason therefor. All acknowledgements and notices under this subsection will be sent to the e-mail address provided by the filing party.

(f)(2) The Prothonotary shall maintain an electronic copy of all legal papers filed. In addition, the Prothonotary shall maintain a hard copy of any legal papers filed under subsection (b)(2) hereof.

This new Rule shall become effective thirty days after publication in the *Pennsylvania Bulletin*.

Final written approval for implementation of the Electronic Filing System as described within Bucks County Rule 205.4 shall be issued by the Court.

By the Court

SUSAN DEVLIN SCOTT,
President Judge

[Pa.B. Doc. No. 13-1514. Filed for public inspection August 16, 2013, 9:00 a.m.]

ERIE COUNTY

**Constable Review Board Rules for the Sixth Judicial
District of Pennsylvania; No. 90026-13**

Administrative Order

And Now, to wit, this 31st day of July, 2013 it is hereby *Ordered* that Erie County Rule of Judicial Administration 1907.2, Constable Review Board Procedures, is hereby adopted as a Rule of this Court, effective thirty (30) days after the date of its publication in the *Pennsylvania Bulletin*.

ERNEST J. DISANTIS, Jr.,
President Judge

Rule 1907.2. Constable Review Board Procedures.

Rule 1. Definitions

a. "*Constable.*" Any elected or appointed constable or deputy constable performing judicial duties for the Erie County Court of Common Pleas or any magisterial district court within the Sixth Judicial District.

b. "*Judicial Duties.*" Services performed pursuant to 44 Pa.C.S.A. §§ 7161—7161.1 and further defined by the Pennsylvania Unified Judicial System's Constable Policies, Procedures and Standards of Conduct published by the Administrative Office of Pennsylvania Courts.

Rule 2. Scope

a. Constables are elected and perform numerous functions at the municipal level, apart from the services performed as independent contractors for the judiciary. The Constable Review Board's jurisdiction extends only to constables in the performance of judicial duties.

b. Consistent with the Pennsylvania Unified Judicial System's Constable Policies, Procedures and Standards of Conduct, the Constable Review Board may receive complaints by or against constables regarding:

1. the performance of judicial duties;
2. financial/payment disputes; or
3. other matters relevant to a constable's judicial duties.

c. The Constable Review Board does not have the authority to revise the Constable Policies, Procedures and Standards of Conduct issued by the Administrative Office of Pennsylvania Courts.

d. Nothing in these rules precludes any person or surety of a constable from filing a verified petition in accordance with 44 Pa.C.S. § 7172 alleging that a constable is incompetent to discharge official duties.

Rule 3. Authority

a. The Constable Review Board may make recommendations to the President Judge regarding the judiciary's continued use of a constable's services.

b. If a matter involves a financial dispute or other matter within Erie County's control, the Constable Review Board may make recommendations to the Erie County Executive regarding payment for services.

c. The Constable Review Board shall forward any findings of suspected criminal activity to the Erie County District Attorney.

d. The President Judge remains the ultimate authority with regard to a constable's performance of judicial duties within the Sixth Judicial District. In that respect, the President Judge may, at any time, temporarily place a moratorium on the use of a particular constable pending review and recommendation of the Constable Review Board on any pending complaint.

Rule 4. Membership of the Constable Review Board

- a. The Administrative Judge of the Trial Division
b. The current President of the Magisterial District Judge Association of Erie County
c. The District Court Administrator
d. A Constable selected by the President Judge
e. The County Controller or his/her designee

Rule 5. Filing a Complaint

a. The complaint shall be in writing, signed by the complainant, and contain a statement of the alleged misconduct, financial dispute, or other matter related to the performance of judicial duties.

b. The complaint may be submitted by mail, e-mail, fax, or any other electronic means by which a paper copy may be generated. The contact information for filing the complaint is as follows:

Assistant Court Administrator
Erie County Courthouse
140 West Sixth Street, Room 205
Erie, PA 16501
Fax: 814-451-6223
Email: CRBAdm@eriecountygov.org

c. The written complaint shall substantially conform to the form set forth at Rule 8 herein.

d. The complaint shall initially be forwarded to the Assistant Court Administrator. Upon receipt of a complaint, the Assistant Court Administrator shall:

- 1. Note the date of receipt on the Complaint.
2. Create a file to contain the complaint and all subsequent communications regarding the complaint.
3. Within three (3) business days, the Assistant Court Administrator shall forward a copy of the complaint to the respondent constable, if the complaint is against a constable or to any other respondent if the complaint is by a constable.
4. At the same time as the transmission of the copy of the complaint to the constable/or respondent, the Assistant Court Administrator shall provide written notice to the constable/respondent that he or she must provide to the Assistant Court Administrator a written response to the complaint within 20 days, or less if the President Judge so orders, from the date of such notice. The notice shall further provide that if a constable/respondent fails to respond, such failure may result in a decision by the judiciary based on the information available for review.

Rule 6. Constable Review Board Action

a. Upon receipt of a respondent's written response, or expiration of the response period, whichever comes first,

the Assistant Court Administrator shall, within three (3) business days forward a copy of the complaint, response, and all corroborating documentation to each Constable Review Board member for review.

b. Within 30 days of receipt of the file information, the Constable Review Board shall:

1. in matters falling outside the Constable Review Board's authority, forward the complaint file to the President Judge with written notification to the President Judge, and the complainant, that the complaint falls outside the scope of the Board's authority and list the reason(s) for that finding.

2. in matters involving payment and or possible termination or suspension of the Court's use of a constable, interview the complainant, the constable and all other relevant witnesses. If scheduling conflicts prevent the Board from meeting to conduct interviews before the Board as a whole, the Board may request the President Judge to select two Board members to conduct interviews who shall prepare and submit a report to the Board. Unless the President Judge grants an extension of time, interviews shall be completed and a recommendation to the President Judge shall be made within the 30 day time period.

3. in all other matters, the Constable Review Board may conduct interviews or make a recommendation to the President Judge based exclusively upon the complaint, response, and all other written documentation submitted.

Rule 7. Notice by President Judge

a. Within thirty (30) days of receipt of the Constable Review Board's recommendation, the President Judge shall issue a written notice to the complainant and any constable of the Court's decision.

Rule 8. Form Complaint—See next page

CONSTABLE REVIEW BOARD FOR THE 6TH JUDICIAL DISTRICT OF PENNSYLVANIA COMPLAINT

A. COMPLAINANT:

Your Name: _____

Address: _____

Telephone # _____

B. CONSTABLE COMPLAINED OF:

Name: _____

Contact Info: _____

(if known) _____

C. STATEMENT OF COMPLAINT: PLEASE BE SPECIFIC, relevant dates, names of witnesses and any relevant documents. Explain the conduct or practice complained of, the date(s), names of witnesses and attach copies of relevant documents. You may attach as many additional pages as necessary to fully set forth your complaint.

MONROE COUNTY MORTGAGE FORECLOSURE COVER SHEET

Pursuant to the Administrative Order dated March 2013, pertaining to the Residential Mortgage Foreclosure Diversion Program, I hereby certify that:

1. The property in this case is known and numbered as:

Property Address: _____

2. The property is:

A. ____ Owner-occupied residential

B. ____ Non-owner occupied residential

____ four units or less

____ over four units

C. ____ Commercial

D. ____ Other (explain) _____

3. If owner-occupied residential, the name, address and telephone number of a representative of the lending institution with authority to bind the plaintiff to a stipulation:

4. That the URGENT NOTICE and CERTIFICATE OF PARTICIPATION are being served upon the defendant(s) along with the complaint in mortgage foreclosure.

The undersigned verifies that the statements made herein are true and correct. I understand that false statements are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date:

Signature of Plaintiff or Counsel for Plaintiff

Address:

Exhibit "B"

URGENT NOTICE

IMPORTANT NOTICE TO DEFENDANT(S)
YOU MAY RECEIVE HELP THAT MIGHT SAVE YOUR HOME

MONROE COUNTY RESIDENTIAL MORTGAGE FORECLOSURE DIVERSION PROGRAM

You have been sued. The Plaintiff alleges you have defaulted on your mortgage.

The court has a program that may help save your home from foreclosure if: 1) you are an owner (or an heir to a deceased owner) of the property, 2) you live in the property and 3) the property is your principal residence.

You must complete and return the attached Certificate of Participation to the Prothonotary (3rd Floor, Monroe County Courthouse, Stroudsburg, PA 18360) immediately. When you file this form, an order staying the mortgage foreclosure case against you will be entered by the court.

A conciliation conference before the court will be scheduled with you, your attorney if you have one, and a representative of your lender.

You will be required to submit a complete, written application and proposal for modification of your mortgage, along with supporting financial and employment documentation to the Plaintiff's attorney no later than THIRTY (30) DAYS FROM THE DATE OF THE COURT ORDER SCHEDULING YOUR CONCILIATION CONFERENCE. Further information about the application package may be found at www.monroepacourts.us under the Monroe County Residential Mortgage Foreclosure Diversion Program sub-heading. Any question about the use of these forms and the borrower's rights should be referred to an attorney as the court does not give legal advice.

You may have an attorney of your choosing assist you in making your application and proposal to your lender. If you do not have an attorney, you may contact the Monroe County Bar Association ((570)424-7288, www.monroebar.org for a list of attorneys who will represent homeowners in the Monroe County Residential Foreclosure Diversion program for a fee.

You may also call a housing counselor for assistance. The PENNSYLVANIA HOUSING FINANCE AGENCY (PHFA) maintains a list of agency-approved housing counselors providing services in Monroe County at http://www.phfa.org/consumers/homeowners/mdp.aspx. PHFA's toll-free telephone number is 1-800-635-4747. The housing counselor's services are at no cost to you. Neither the Court nor the County of Monroe endorses any particular housing counselor or program.

THE COURTS

EXHIBIT "C"

IN THE COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA
CIVIL DIVISION

Plaintiff,
vs.
Defendant(s).
: No. Civil 201__
:
:
:
:
:
: Mortgage Foreclosure

CERTIFICATION OF PARTICIPATION

I wish to participate in the Monroe County Residential Mortgage Foreclosure Diversion Program.

I am the owner of the property listed below:

Premises Address: _____

_____, Monroe County, PA

This property is my primary residence. It is the subject of foreclosure, and I would like to try to save my residence from foreclosure.

WITHIN THIRTY (30) DAYS OF THE DATE OF THE COURT ORDER SCHEDULING MY CONCILIATION CONFERENCE, I will submit a complete, written application and proposal for modification of my mortgage to the Plaintiff's counsel (the lawyer for my mortgage lender).

Note: Further information about the application package may be found at www.monroepacourts.us under the Monroe County Residential Mortgage Foreclosure Diversion Program sub-heading. Any question about the use of these forms and the borrower's rights should be referred to an attorney as the court does not give legal advice.

I understand that I may have an attorney of my choosing assist me in submitting this plan to my lender and that if I do not have an attorney, the Monroe County Bar Association (570) 424-7288, www.monroebar.org, has a list of attorneys who will represent mortgage borrowers in the Monroe County Mortgage Foreclosure Diversion Program for a fee.

I also understand that I may seek the assistance of a housing counselor. The Pennsylvania Housing Finance Agency (PHFA) maintains a list of agency-approved housing counselors providing services in Monroe County at http://www.phfa.org/consumers/homeowners/mdp.aspx. I understand that their services are at no cost to me.

I understand that neither the Court nor the County of Monroe endorse any particular housing counselor or program.

_____, Date: _____
Signature

_____,
Printed Name

_____, Date: _____
Signature

_____,
Printed Name

_____,
Mailing Address

_____,
Telephone number

This form must be filed to obtain a stay of this mortgage foreclosure action and a Conciliation/Case Management Conference under the Monroe County Residential Mortgage Foreclosure Diversion Program. This certification is only for Defendants with a case caption of 2011 or later. For those with captions before 2011, a Petition must be filed with the court requesting inclusion in the program, explaining the reasons why participation may lead to a successful modification of the mortgage without undue delay of a foreclosure. The court may also require a petition to be filed if a case is within six months of a scheduled sheriff's sale.

File this form with:

GEORGE J. WARDEN, PROTHONOTARY, THIRD FLOOR
MONROE COUNTY COURTHOUSE
STROUDSBURG, PA 18360
(570) 517-3370

Exhibit "D"

IN THE COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA
CIVIL DIVISION

Plaintiff, : No. Civil 201__
:
:
vs. :
:
Defendant(s). : Residential Mortgage Foreclosure

CONCILIATION/CASE MANAGEMENT ORDER

AND NOW, this ____ day of _____, 20__, a complaint having been filed to foreclose upon a residential mortgage, and the defendant(s) having opted into the Monroe County Residential Mortgage Foreclosure Diversion Program, IT IS ORDERED pursuant to Pa.R.C.P. 212.3 and 1141:

1. A Conciliation/Case Management Conference is scheduled for _____, 20__, at _____ a.m./p.m. in Hearing Room No. _____, Monroe County Courthouse, Stroudsburg, PA 18360. Counsel for the Plaintiff must be present and either (i) have actual authority to modify the mortgage, or to enter into an alternative payment agreement, or to offer another alternative to mortgage foreclosure, or (ii) must have a designated agent of the Plaintiff who has such authority present in person or by telephone. Following the initial conference, the conciliator may require the designated agent to be present in person at future conferences. Defendant(s) are also required to attend the Conciliation/Case Management Conference.

2. Within THIRTY (30) DAYS FROM THE DATE OF THIS ORDER, the Defendant(s) must submit a complete written proposal to modify their mortgage, along with supporting financial and employment information and documentation, to the Plaintiff's counsel.

FAILURE TO SUBMIT A COMPLETE PROPOSAL AND SUPPORTING DOCUMENTATION TO THE PLAINTIFF WITHIN THIRTY (30) DAYS FROM THE DATE OF THIS ORDER MAY RESULT IN YOU BEING DISMISSED FROM THE RESIDENTIAL MORTGAGE FORECLOSURE DIVERSION PROGRAM.

3. The Defendants are urged to obtain help from a housing counselor or an attorney in preparing and submitting their proposal and supporting documents so that their submission is not delayed.

Although an attorney is not required, the Defendant(s) may work with an attorney of their choosing to prepare their case for conciliation. If the Defendant(s) do not have an attorney, a list of attorneys who have agreed to provide assistance for a fee is available from the Monroe County Bar Association, (570) 424-7288, www.monroebar.org.

Housing counselors may also assist the Defendant(s) in addressing their mortgage delinquency. The Pennsylvania Housing Finance Agency (PHFA) maintains a list of agency-approved housing counselors providing services in Monroe County at http://www.phfa.org/consumers/homeowners/mdp.aspx. Their services are at no cost to you.

The court does not endorse any particular housing counselor or program.

Forms which may be useful in submitting a proposal for mortgage modification can be found at www.monroepacourts.us under the Monroe County Residential Mortgage Diversion Program sub-heading.

4) PENDING FURTHER ORDER OF COURT, ALL PROCEEDINGS ARE STAYED EXCEPT FOR SERVICE OF ORIGINAL PROCESS; DEFENDANT(S) NEED NOT FILE AN ANSWER TO THE COMPLAINT; AND NO DEFAULT JUDGMENT MAY BE TAKEN OR SHERIFF'S SALE SCHEDULED OR HELD.

5) Failure to Comply with this order may result in an order lifting the stay of proceedings and allowing the case to proceed to judicial disposition, including the taking of a default judgment or Sheriff's sale.

BY THE COURT:

J.

[Pa.B. Doc. No. 13-1516. Filed for public inspection August 16, 2013, 9:00 a.m.]

RULES AND REGULATIONS

Title 34—LABOR AND INDUSTRY

DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CH 65]

Unemployment Compensation; Active Search for Work

The Department of Labor and Industry (Department) amends § 65.11 (relating to active search for work) to read as set forth in Annex A.

A. *Statutory Authority*

This final-form rulemaking is promulgated under section 201(a) of the Unemployment Compensation Law (law) (43 P.S. § 761(a)), which authorizes the Department to promulgate and amend rules and regulations necessary to administer the law, and section 401(b) of the law (43 P.S. § 801(b)), which directs the Department to establish the requirements a claimant shall meet to make an active search for suitable employment.

B. *Procedural History*

The proposed rulemaking was submitted to the House Labor and Industry Committee and the Senate Labor and Industry Committee (Committees) and the Independent Regulatory Review Commission (IRRC) on April 19, 2012. The proposed rulemaking was published at 42 Pa.B. 2378 (May 5, 2012). The Department submitted the final-form rulemaking to IRRC and the Committees on November 5, 2012. The final-form rulemaking was deemed approved by the Committees on November 30, 2012. At a public meeting on December 13, 2012, IRRC disapproved the final-form rulemaking. IRRC issued its disapproval order to the Department and the Committees on February 15, 2013. On March 26, 2013, the Department submitted a revised final-form rulemaking to IRRC and the Committees to respond to the objections raised by IRRC in its disapproval order. At a public meeting on April 18, 2013, IRRC approved the revised final-form rulemaking. The revised final-form rulemaking was deemed approved by the Committees on May 2, 2013.

C. *Background and Description*

Section 401(b) of the law

Section 401 of the law contains various eligibility criteria for unemployment compensation (UC) benefits. As amended by the act of June 17, 2011 (P. L. 16, No. 6) (Act 6), section 401(b) of the law provides as follows:

- (b)(1) Is making an active search for suitable employment. The requirements for “active search” shall be established by the department and shall include, at a minimum, all of the following:
 - (i) Registration by a claimant for employment search services offered by the Pennsylvania CareerLink system or its successor agency within thirty (30) days after initial application for benefits.
 - (ii) Posting a resume on the system’s database, unless the claimant is seeking work in an employment sector in which resumes are not commonly used.
 - (iii) Applying for positions that offer employment and wages similar to those the claimant had prior to his

unemployment and which are within a forty-five (45) minute commuting distance.

(2) The Pennsylvania CareerLink system or its successor agency shall provide documentation, on a quarterly basis or more frequently, as the secretary deems appropriate, to the Pennsylvania Unemployment Compensation Service Center system so the system can conduct the necessary cross reference checks.

(3) For the purposes of paragraph (1), the department may determine that a claimant has made an active search for suitable work if the claimant’s efforts include actions comparable to those traditional actions in their trade or occupation by which jobs have been found by others in the community and labor market in which the claimant is seeking employment.

(4) The requirements of this subsection do not apply to any week in which the claimant is in training approved under section 236(a)(1) of the Trade Act of 1974 (Public Law 93-618, 19 U.S.C. § 2101 et seq.) or any week in which the claimant is required to participate in reemployment services under section 402(j) of this act.

(5) The requirements of this subsection shall not apply to a claimant who is laid off for lack of work and advised by the employer of the date on which the claimant will return to work.

(6) The department may waive or alter the requirements of this subsection in cases or situations with respect to which the secretary finds that compliance with such requirements would be oppressive or which would be inconsistent with the purposes of this act.

The requirement in section 401(b) of the law that a claimant make an active search for suitable employment took effect on January 1, 2012, and applies to benefit years that begin on or after that date. See sections 9 and 11 of Act 6.

This final-form rulemaking amends § 65.11 to state the requirements that a claimant shall meet to be eligible for benefits under section 401(b) of the law. This final-form rulemaking is undertaken in accordance with the General Assembly’s directive in section 401(b) of the law that “[t]he requirements for ‘active search’ shall be established by the department. . . .”

Work registration

Under subsection (c), a claimant’s initial active search requirement is to register for employment search services in the Pennsylvania CareerLink® system within 30 days after the claimant files his application for benefits. Section 401(b)(1) of the law provides that this requirement must be part of the Department’s overall work search requirements. If the claimant fails to register within the 30-day period, he is ineligible for benefits for each week that ends beyond that 30-day period unless the claimant registers no later than Sunday of the week.

Weekly job applications

In addition to the initial requirement to register for employment search services, generally a claimant shall satisfy the weekly job application requirements of subsection (e)(1).

Proposed rulemaking. The proposed rulemaking contained a two-tiered job applications requirement. From the third consecutive week of the benefit year through the eighth consecutive week of the benefit year, the proposed rulemaking required a claimant to apply for at least two positions each week, within the scope of “suitable work” as defined in section 4(t) of the law (43 P. S. § 753(t)). However, the claimant was allowed to limit his applications to positions that would provide employment and wages similar to those the claimant had prior to his unemployment and were within a 45-minute commute or a commuting distance that is generally accepted in the claimant’s labor market, whichever is greater. The claimant could adhere to this limitation even if doing so resulted in less than two job applications during a week. During the ninth consecutive week of the benefit year and thereafter, the claimant was required to apply for at least three positions each week. The claimant could continue to limit his job search to similar positions within a 45-minute or generally accepted commuting distance as long as that limitation would not result in fewer than three applications per week. The claimant was required to expand the scope of his job search to include other positions that would provide suitable employment if, and to the extent that, doing so was necessary to apply for at least three positions each week.

Final-form rulemaking. The final-form rulemaking contained the same two-tiered job applications provision as the proposed rulemaking with certain modifications. The first tier requirements applied to the third week through the eighth week of the benefit year for which a claim for compensation is filed, rather than the third through the eighth consecutive weeks. Similarly, the second tier requirements began with the ninth week for which a claim is filed, rather than the ninth consecutive week of the benefit year. During the third through the eighth weeks for which a claim is filed, the claimant could limit his applications to positions within a 45-minute commute. He was not required to apply for positions within a generally accepted commuting distance if doing that would require more than a 45-minute commute.

Revised final-form rulemaking. The two-tiered structure in the final-form rulemaking was the primary objection expressed by IRRC in its disapproval order. The Department omitted the two-tiered structure from this revised final-form rulemaking. Instead of increasing the required number of job applications per week from two to three at the ninth week for which a claim for compensation is filed, revised final-form subsection (e)(1) requires only two applications per week for the entire UC claim beginning with the third week for which a claim is filed. Also, the single-tiered job applications provision in the revised final-form rulemaking does not require a claimant to apply for dissimilar positions or positions beyond a 45-minute commuting distance at any time during the benefit year. In addition, the Department added a definition of “similar positions” in the revised final-form rulemaking which mirrors section 401(b)(1)(iii) of the law.

If a claimant chooses to limit his job applications to similar positions within a 45-minute commute, and as a result of that limitation the claimant determines that he would be unable to apply for at least two positions during a week, the revised final-form rulemaking provides an alternative requirement. The claimant may apply for positions offering “suitable work” or he may substitute work search activities listed in subsection (e)(4) for job applications. During the week the claimant may apply for one position and engage in one work search activity, or engage in two work search activities. A claimant is not

required to expand his search to “suitable work” under section 4(t) of the law if he does not desire to do so.

However, there may be claimants who would not want to limit their job applications to similar positions, such as a claimant who desires a career change or a claimant who is willing to accept a lower salary to be re-employed sooner. For that reason, subsection (e)(1)(ii) states that a claimant may apply for positions that would provide “suitable work” under section 4(t) of the law.

Work search activities

Subsection (e)(4) enumerates seven types of work search activities other than applying directly to an employer for a position. Generally, a claimant shall engage in at least one of these activities during each week. If a claimant makes more than the minimum number of job applications required for a week under subsection (e)(1), under subsection (e)(5) the additional application may substitute for a work search activity otherwise required under subsection (e)(4). If a claimant engages in one or two work search activities instead of one or two job applications, respectively, to satisfy the requirements of subsection (e)(1), the claimant shall still engage in an additional work search activity under subsection (e)(4).

Exceptions and alternative requirements

There are certain exceptions and alternative requirements under subsection (f). Notwithstanding the registration requirement in subsection (c) and the weekly requirements in subsection (e), the Department may determine that a claimant has satisfied the active search provision in section 401(b) of the law if the claimant engages in work search efforts that are comparable to the way in which jobs in the claimant’s trade or occupation are found in the claimant’s community and labor market. Job applications and work search activities under subsection (e) are not required for a week if the claimant is a member of a union that has a hiring hall or the claimant is registered with a hiring hall, the claimant is required to obtain employment through the hiring hall and the claimant fulfills the requirements to maintain eligibility for referral by the hiring hall during the week. Job applications and work search activities under subsection (e) also are not required for a week if the claimant actively participates during the week in a program or activity that is approved by the Department as an acceptable work search alternative. If the claimant works part time during a week and earns in excess of the partial benefit credit under section 4(m.3) of the law, the claimant will satisfy subsection (e)(1) by applying for one position and the claimant is not required to satisfy subsection (e)(4) for the week. If a claimant is interviewed for a position, the interview may substitute for an application for a position for purposes of subsection (e)(1) or may substitute for a work search activity for purposes of subsection (e)(4). If a claimant’s labor market is located outside of this Commonwealth, the claimant shall register for employment search services with the employment service that serves the claimant’s labor market in addition to registering with the Pennsylvania CareerLink® system.

Under subsection (g), the active search requirement does not apply to a week in which the claimant is in training with the approval of the Secretary of Labor and Industry or a week in which the claimant is participating in work sharing. The exception for weeks in which the claimant is in approved training is required under section 3304(a)(8) of the Federal Unemployment Tax Act (26 U.S.C.A. § 3304(a)(8)).

Section 401(b)(5) of the law provides that the active search requirement is not applicable to a claimant who is laid off for lack of work and is advised by his employer of the date when he will return to work. Subsection (g)(2) articulates certain criteria to determine if a claimant has been given a return-to-work date for purposes of section 401(b)(5) of the law and specifies certain circumstances when section 401(b)(5) of the law does not apply.

For purposes of eligibility for extended benefits, subsection (h) states that a claimant shall satisfy work search requirements for extended benefits in addition to meeting the requirements of section 401(b) of the law and the regulation.

C. Comments

In response to the proposed rulemaking, the Department received comments from IRRC, Representative William F. Keller (Representative Keller), Community Legal Services (CLS), the Pennsylvania Chamber of Business and Industry (Chamber), the Pennsylvania State Association of Township Supervisors (PSATS) and the Manufacturers' Association of South Central Pennsylvania (MASCP). Comments regarding the final-form rulemaking were submitted to IRRC by Representative Keller, the Pennsylvania AFL-CIO, the Chamber, CLS and PSATS. IRRC objected to the final-form rulemaking for the reasons indicated in its disapproval order. Comments regarding the revised final-form rulemaking were submitted to IRRC by Representative Keller and the Chamber.

Comment: Representative Keller commented that the regulation should provide instructions on the process to register for employment search services with the Pennsylvania CareerLink®, and provide that the claimant will receive a confirmation when the registration is completed.

Response: It would not be advisable to include instructions on the current registration process in the regulation. Information technology is evolving continuously and the systems and methods used to register for employment search services may change over time. When changes occur, instructions on the current process would be obsolete. However, the Department amended the final-form regulation to state that the Department will provide instructions on the process when a claimant files an application for benefits. This language remains in the revised final-form regulation.

The Department recently implemented a new Internet registration system, "JobGatewaySM," which provides a printable confirmation screen to the claimant when the registration for employment search services is completed.

Comment: Representative Keller stated that the regulation should indicate that the Department will advise claimants of the recommended work search record form and provide the form to claimants. IRRC recommended that the regulation identify how claimants can access the form.

Response: The Department incorporated these suggestions into the final-form regulation and they continue to be implemented in the revised final-form regulation.

Comment: Representative Keller stated that the regulation should indicate that use of the recommended work search record form is not mandatory.

Response: The Department incorporated this suggestion into the final-form regulation and it continues to be reflected in the revised final-form regulation. The regulation provides that a claimant may use the work search record form recommended by the Department or use another format as long as the same information is recorded.

Comment: IRRC stated that the regulation should indicate under what circumstances, and in what format, the Department would request a claimant's work search record.

Response: The burden to prove that a claimant has met the eligibility requirements of the law rests with the claimant. See *Schaal v. Unemployment Compensation Board of Review*, 870 A.2d 952 (Pa.Cmwlth. 2005). Therefore, a claimant must be able to establish that he searched for work while claiming UC benefits. Moreover, section 501(c)(1) of the law (43 P. S. § 821(c)(1)) requires the Department to examine each claim for compensation to determine if the claimant is eligible for benefits. The Department does not agree that the regulation should enumerate the circumstances in which it would request a claimant's work search record. This enumeration could be interpreted as a limitation on the claimant's responsibility to establish eligibility or the Department's authority to examine claims, or both. Moreover, the circumstances in which the Department would seek a claimant's work search record likely will change over time, based on the Department's experience administering the work search requirement and technological changes to the way UC claims are submitted.

Comment: The effective date of an application for UC benefits begins a 52-week period known as the "benefit year" as defined in section 4(b) of the law. The regulation would require a claimant to retain his work search records for the 2-year period beginning on the effective date of the application. In other words, work search records shall be retained for the duration of the benefit year plus the 1-year period following the benefit year. Representative Keller stated that the retention period should be limited to the benefit year. IRRC stated that the Department should explain why the 2-year retention period is appropriate.

Response: A requirement that work search records be retained only until the end of the benefit year would be inadequate. Work search records would be needed in connection with a review of the claimant's compliance with the work search requirements, or if an issue arose regarding the claimant's eligibility for benefits in relation to those requirements. The need to review work search records in these circumstances could occur beyond the end of the benefit year. Similarly, if a claim for compensation is included among sample claims reviewed under the Benefit Accuracy Measurement program, work search records could be needed after the benefit year has ended. During periods of high unemployment when Extended Benefits or Federal benefit programs are in effect, compensation may be paid for weeks subsequent to the benefit year. The requirement to retain work search records should be no less applicable to these weeks. Lastly, a requirement to maintain records for as much as 2 years is not unusual. Records relating to Federal Income Tax, for example, shall be retained for a minimum of 3 years after the tax return is filed. See IRS Publication 17, <http://www.irs.gov/pub/irs-pdf/p17.pdf>.

Comment: Under the proposed regulation, first tier job application requirements applied to the third consecutive week of the benefit year through the eighth consecutive week of the benefit year. The second tier requirements began with the ninth consecutive week of the benefit year. CLS commented that the transition from the first tier requirements to the second tier requirements should occur after 8 consecutive weeks of unemployment, and that the count of weeks should be reset at zero if the claimant returns to work during the benefit year. IRRC

asked the Department to clarify why the transition from the first tier requirements to the second tier requirements was based on consecutive weeks of the benefit year rather than the number of consecutive weeks the claimant is unemployed.

Response: In the final-form regulation the Department accepted CLS' suggestion in part. The first tier job application requirements applied to the "third week of the benefit year for which a claim for compensation is filed through the eighth week of the benefit year for which a claim for compensation is filed." The second tier requirements began with the "ninth week of the benefit year for which a claim for compensation is filed." The Department could not use the number of weeks a claimant has been unemployed to determine when the first tier requirements began and when the transition to the second tier requirements occurred, as advocated by CLS, because the Department is aware only of weeks of unemployment for which claims are filed. Also, in the final-form regulation the count of weeks for which claims were filed was not reset at zero if the claimant returns to work. This approach could cause claimants to switch back and forth between the different requirements throughout the benefit year. As a result, the requirements would be difficult to administer and could be confusing to claimants.

In the revised final-form regulation, there is only one tier of job application requirements for the entire benefit year. Accordingly, concerns of CLS and IRRC that the number of weeks in the most recent period of unemployment should determine the transition from first tier to second tier requirements are resolved. Moreover, the revised final-form regulation, like the final-form regulation, begins the job application requirements with the third week for which a claim is filed rather than the third consecutive week of the benefit year, which is partly responsive to CLS' suggestion.

Comment: Section 401(b)(1)(iii) of the law provides that:

(b)(1) Is making an active search for suitable employment. The requirements for "active search" shall be established by the department and shall include, at a minimum, all of the following:

* * * * *

(iii) Applying for positions that offer employment and wages similar to those the claimant had prior to his unemployment and which are within a forty-five (45) minute commuting distance.

Because Representative Keller, CLS and IRRC interpret section 401(b)(1)(iii) of the law to require only that a claimant apply for positions that offer similar employment and wages and are within a 45-minute commute throughout the entire benefit year, they questioned the Department's authority to promulgate the job application provisions in the proposed and final-form regulations. The first tier job applications provision in the proposed rule-making could have required a claimant to apply for positions within a "generally accepted" commuting distance, which could be a commuting distance over 45 minutes. In the proposed and final-form regulations, the second tier job applications provision could have required a claimant to apply for positions that involved more than a 45-minute commute or were not similar positions.

Response: The revised final-form regulation is responsive to the objections of Representative Keller, CLS and IRRC. The revised final-form regulation does not require

a claimant to apply for dissimilar positions or positions beyond a 45-minute commuting distance at any time in the benefit year.

Comment: Various comments and objections were made in response to the two-tiered structure of the job applications provision in the proposed and final-form regulations. Representative Keller, CLS and the Pennsylvania AFL-CIO asserted that the transition to the second tier requirements should not occur between weeks 8 and 9 for all claimants. Rather, these commentators advocated that each claimant's individual circumstances and labor market should be considered. IRRC questioned whether the time period when the first tier requirements are in effect is sufficient to allow a claimant to search for work within his field before the second tier requirements become applicable. IRRC asked the Department to explain how it determined that 9 weeks is the appropriate benchmark for expanding the job application requirements. IRRC also indicated that the law does not state that the job application requirements should change based on the number of weeks for which an individual has claimed compensation. IRRC asked for certain statistics and for more information justifying and explaining the regulation. CLS stated that the second tier requirements could compel a union member who is not associated with a hiring hall to apply for nonunion jobs. Representative Keller indicated that a claimant could be confused about whether he had transitioned to second tier requirements. The first tier provision in the proposed regulation required a claimant to apply for jobs within a 45-minute commute or a "commuting distance that is generally accepted in the claimant's labor market, whichever is greater." IRRC asked how a claimant would know what is a generally accepted commuting distance. The Chamber stated that a requirement to apply for positions within a "generally accepted" commuting distance is unclear and could be circumvented.

Response: Because the revised final-form regulation contains a single-tiered job applications provision that does not require a claimant to apply for dissimilar positions or positions beyond a 45-minute commute, these concerns are resolved.

Comment: Section 401(b)(6) of the law provides that "[t]he department may waive or alter the requirements of this subsection in cases or situations with respect to which the secretary finds that compliance with such requirements would be oppressive or which would be inconsistent with the purposes of this act." Representative Keller, CLS and IRRC stated that this waiver provision should be integrated into the regulation. Representative Keller and IRRC indicated that the regulation should include the criteria to qualify for a waiver. Representative Keller stated that the regulation should include the process to request a waiver.

Response: The Department incorporated the waiver provision into the final-form regulation and it remains in the revised final-form regulation.

Section 401(b)(6) of the law specifies the criteria for a waiver: if "compliance with [the active search] requirements would be oppressive or . . . inconsistent with the purposes of this act." By incorporating the waiver provision into the regulation, the criteria for a waiver also have been included.

Determining whether a given claimant's compliance with the work search requirement would be oppressive or inconsistent with the law will be based on the facts and circumstances surrounding that particular claimant and,

possibly, particular weeks for which claims are filed. It is a fact specific and claimant specific determination. For this reason, it is not possible to include in the regulation a definitive list of "cases or situations" when the waiver provision would apply. Moreover, a list could be interpreted to limit the circumstances when the Department may grant a waiver.

The Department implemented Representative Keller's suggestion. The final-form regulation included a reference to the process to request a waiver, and this reference remains in the revised final-form regulation.

Comment: Representative Keller stated that the regulation should provide an exception to the work search requirements or provide modified requirements for claimants with a disability or work limitation. To the extent that the requirements of the regulation might result in unreasonable or impractical consequences, IRRC indicated that the regulation should clarify how these situations would be addressed.

Response: The circumstances described in these comments can be addressed through the waiver provision in the law and the regulation.

Comment: CLS stated that the regulation should include a definition of "suitable work."

Response: The proposed and final-form regulations could have required a claimant to expand the scope of his job applications beyond positions providing similar work to include positions that would provide suitable work. Under the revised final-form regulation, a claimant is not required to expand his job applications beyond similar positions. Moreover, to the extent that a claimant chooses to apply for positions within the broader scope of "suitable work," that term is defined in section 4(t) of the law. The current definition of "suitable work" has been in the law since 1945. See the act of May 29, 1945 (P. L. 1145, No. 408). There has been case law applying the current definition of suitable work since 1948.

Including a definition of "suitable work" in the regulation would not be advisable. A new definition could be disruptive to the meaning of suitable work as supplied by the statutory definition and over 60 years of case law. Moreover, to the extent that a regulatory definition would be construed by the courts as inconsistent with the statutory definition, it would be invalid.

Comment: Section 401(b)(1)(iii) of the law provides that the work search requirements established by the Department shall include "[a]pplying for positions that offer employment and wages similar to those the claimant had prior to his unemployment. . . ." The first tier job applications requirement in the proposed and final-form regulations allowed a claimant to limit his applications to positions that meet this description. The revised final-form regulation uses this statutory language to define "similar positions" and allows a claimant to limit his job applications to similar positions throughout the benefit year. The Chamber commented that "similar" is ambiguous and could allow claimants to withhold applications for jobs that pay only nominally less than the claimant's prior employment. IRRC recommended that the Department indicate how a claimant can determine if potential employment and wages are similar.

Response: To determine whether the employment associated with a prospective position is similar to the claimant's prior employment, the Department expects that a claimant will make a common sense and straightforward comparison between the job duties and skills associated with the prospective position and the job

duties and the skills used by the claimant in his prior employment. With regard to wages, the Department anticipates that a claimant would compare his prior wages or salary to the wages or salary associated with a prospective position and, in good faith, not withhold an application for the job because of a nominal difference in wages or salary.

Although the revised final-form regulation allows a claimant to restrict job applications to similar positions, that restriction is not required. If a claimant applies for at least two positions each week that would provide suitable work under section 4(t) of the law the claimant will satisfy subsection (e)(1). The claimant will not risk ineligibility for benefits if he applies for positions he mistakenly believes are similar or he simply applies for positions offering suitable work without regard to their similarity to his prior work.

If a claimant chooses to limit his job applications to similar positions, and declines to submit an application for a particular position because he mistakenly believes it is not similar, he can apply for other positions he believes are similar to satisfy subsection (e)(1). If the claimant determines that he is unable to apply for at least two similar positions during a week, he can satisfy the alternative requirements available under subsection (e)(1)(i).

Comment: The proposed and final-form regulations allowed a claimant to limit his job applications to similar positions within a certain commuting distance during weeks when the first tier requirements were in effect. When the second tier requirements were in effect, a claimant could not exercise this limitation if doing so would result in less than the required number of job applications per week. The proposed and final-form regulations did not authorize a claimant to "bank" excess applications made during first tier weeks and apply those applications to second tier weeks. IRRC asked if a claimant who applies for all potential similar positions by the end of the first tier period is unfairly penalized for his efforts to find similar work. CLS made a similar comment. The Pennsylvania AFL-CIO stated that the absence of a banking provision will encourage a claimant to make only the required amount of applications for similar positions during first tier weeks for fear he will not be able to make the required amount of applications during second tier weeks without expanding his applications to suitable work.

Response: The revised final-form regulation eliminates the basis for the concerns of IRRC, CLS and the Pennsylvania AFL-CIO about the absence of a banking provision. Under the one-tiered structure of the revised final-form regulation, the job applications requirement is limited to similar jobs within a 45-minute commute throughout the UC claim. In the absence of a second tier provision that could require a claimant to apply for dissimilar jobs or jobs beyond a 45-minute commute after a certain period of time, there is no motivation to withhold applications for similar jobs in early weeks to "save" those applications for later weeks.

It is important to note that a "banking" provision would be difficult to administer. If the Department is reviewing a claimant's compliance with the job applications requirement for a given week, and the claimant's work search record indicates that he applied one or more "banked" applications to that week, the Department would be required to ask the claimant to submit his work search records for all prior weeks to verify that the banked applications were made. This expanded review process

would be burdensome for both claimants and the Department. Moreover, the requirement to apply for jobs is a weekly requirement. It would not be met if a claimant could suspend job applications for a given week because he had made more than the minimum number of applications in one or more earlier weeks.

Comment: Subsection (f)(1)(i) provides that a claimant is not required to apply for positions under subsection (e)(1) and perform work search activities under subsection (e)(4) during a week if the claimant: (A) is a member of a union that has a hiring hall or the claimant is registered with a hiring hall; (B) is required to obtain employment through the hiring hall; and (C) fulfills the requirements to maintain eligibility for referral by the hiring hall during the week. The Chamber and MASCP suggested that this subparagraph be deleted from the regulation. These organizations stated that the work search requirements of the law and the regulation should apply consistently to all workers, union and nonunion.

Response: This provision is narrowly drafted and requires a claimant to maintain eligibility for referral by the hiring hall. This type of provision is a common feature among state work search requirements. It recognizes that a claimant who is a hiring hall member may be subject to union or hiring hall discipline if he applies directly to an employer for work, rather than follow hiring hall procedures. It is authorized by section 401(b)(3) of the law, which allows the Department to recognize work search efforts that are traditional in a claimant's trade or occupation.

Comment: Subsection (f)(1)(ii) provides that a claimant is not required to apply for positions under subsection (e)(1) and perform work search activities under subsection (e)(4) during a week if the claimant "actively participates during the week in a program or activity approved by the Department as an acceptable work search alternative." IRRC suggested that the regulation identify the types of programs or activities that would be acceptable work search alternatives and where a claimant could locate a list of the alternatives.

Response: To date, the Department has not designated programs or activities as acceptable work search alternatives. The Department will limit approved work search alternatives to robust and worthwhile programs likely to lead to reemployment. The Keystone Works Program established by the act of July 5, 2012 (P. L. 970, No. 107) is an example of the type of program or activity that may be approved under this subparagraph. The Department will list the approved programs on its web site.

Comment: Subsection (e)(4) requires a claimant to do at least one of the listed work search activities each week, in addition to the job applications required under paragraph (1). Representative Keller recommended that a claimant be allowed to use the work search activities under paragraph (4) as alternatives to job applications under paragraph (1).

Response: The Department incorporated this suggestion into the revised final-form regulation. Under subsection (e)(1)(i), if a claimant chooses to limit his applications to similar positions within a 45-minute commute, and the claimant determines that he would be unable to apply for at least two positions in that category during a week, the claimant may substitute work search activities under subsection (e)(4) for job applications. During the week the claimant may apply for one position and engage in one work search activity or engage in two work search activities in addition to the work search activity otherwise required under subsection (e)(4).

Comment: Section 401(b)(3) of the law allows the Department to determine that a claimant is meeting the work search requirements of that section "if the claimant's efforts include actions comparable to those traditional actions in their trade or occupation by which jobs have been found by others in the community and labor market in which the claimant is seeking employment." A similar provision is in subsection (f)(5) of the regulation. Representative Keller suggested that the regulation indicate the process by which a claimant would have his work search efforts approved under this provision.

Response: A separate procedure for purposes of subsection (f)(5) is not necessary. A claimant engaging in work search actions that are traditional to his trade or occupation would keep a record of his efforts as required under subsection (d)(2). To the extent that the claimant's recorded work search actions differ from what is required under subsections (e) and (f), the claimant may be asked to explain how his work search efforts are comparable to what is done in his trade or occupation to find work.

Comment: Section 401(b)(1)(ii) of the law provides that a claimant shall post a resume on the Pennsylvania CareerLink® system "unless the claimant is seeking work in an employment sector in which resumes are not commonly used." Representative Keller stated that the exception for employment sectors that do not use resumes should be included in the regulation.

Response: The Department incorporated this suggestion into the final-form regulation and it continues to be reflected in the revised final-form regulation.

Comment: Representative Keller and CLS commented that the regulation should provide that a claimant will not be disqualified from receiving benefits for failure to meet the requirements of the regulation, including the requirement to maintain work search records, if the claimant had "good cause" for failure.

Response: Although case law recognizes a "good cause" defense to an act of willful misconduct, the other "good cause" exceptions to UC disqualification provisions are statutory. For example, under section 402(a) of the law (43 P. S. § 802(a)), a claimant is not disqualified if he had "good cause" for refusing suitable work. Under section 402(b) of the law, a claimant is not disqualified if he had "cause of a necessitous and compelling nature" to voluntarily leave his job. Section 402(j) of the law provides that a claimant is not disqualified if he had "justifiable cause" for not participating in reemployment services. In the absence of a "good cause" provision in section 401(b) of the law, the Department is not including a similar clause in the regulation. However, if a claimant's "good cause" for noncompliance with the regulation also constitutes a reason why compliance "would be oppressive or . . . inconsistent with the purposes of" the law, the claimant's circumstances could be addressed under the waiver provision in section 401(b)(6) of the law and subsection (f)(6) of the regulation.

Comment: Section 401(b)(5) of the law provides that the work search requirement does not apply to a claimant who is "advised by the employer of the date on which the claimant will return to work." Subsection (g)(2)(i) requires the employer to notify the claimant of the recall date in writing. Representative Keller suggested that the regulation allow an employer to give verbal notice of a recall date to the claimant.

Response: Allowing verbal notice of a recall date would not be prudent. If an employer gives written notice of a recall date to the claimant, the claimant can provide a copy of the notice to the Department. If the employer communicates a recall date verbally, the Department would have to contact the employer to verify that a recall date had been designated. Because of the potential for abuse that would exist if the regulation recognized verbal recall dates, confirming the designated recall date with the employer would be essential. The need to verify a verbal recall date would impose an additional burden on both the Department and the employer. Moreover, the claimant's eligibility for benefits could be affected if the Department is unable to obtain confirmation of the verbal recall date from the employer.

Comment: The work search requirements in section 401(b) of the law were supplied by Act 6. Section 9(3) of Act 6 provides that "[t]he amendment of section 401(b) of the Act shall apply to benefit years that begin on or after January 1, 2012." Consistent with Act 6, the preamble to the proposed rulemaking stated that the regulation would "affect claimants who file an application for UC benefits that takes effect on or after January 1, 2012." IRRC stated that it is unclear how the regulation could affect claimants who file UC applications on and after January 1, 2012, but at the same time not be effective until it is promulgated, as advocated by CLS and Representative Keller. IRRC also stated it is unclear whether the January 1, 2012, applicability date would require claimants already receiving benefits to overhaul their existing job searches or reapply for benefits, and how the Department would notify them of potential changes to their eligibility. IRRC recommended that the regulation only apply to a claimant who files an application after the effective date of the final-form rulemaking.

Response: There is a difference between the universe of claimants to whom the requirements in section 401(b) of the law and the regulation may apply and the effective date of the regulation.

Subject to certain exceptions, an "application for benefits" takes effect on the first day of the calendar week in which it is filed under § 65.42 (relating to application for benefits—effective date). The effective date of an application for benefits begins a 52-week period known as the "benefit year." See section 4(b) of the law. Under Act 6, the work search requirements apply only to applications for benefits effective, and benefit years beginning, on or after January 1, 2012. (It is expected that all weeks of unemployment occurring on or after the date of publication of the revised final-form rulemaking in the *Pennsylvania Bulletin* will correspond to applications and benefit years to which the work search requirements apply.)

The requirements in the regulation are week-by-week eligibility criteria. Therefore, they would take effect beginning with the week following publication of the revised final-form rulemaking in the *Pennsylvania Bulletin*. The regulation would not retroactively affect a claimant's eligibility for prior weeks.

The Department intends to notify the claimant community when the revised final-form rulemaking is officially promulgated.

Comment: IRRC asked the Department to explain why the proposed regulation included certain provisions from section 401(b) of the law, but did not include other provisions from the law.

Response: The proposed regulation did not include the exception to the resume requirement in section

401(b)(1)(ii) of the law or the waiver provision in section 401(b)(6) of the law. Because these exceptions to the general work search rules were established by the law, the Department did not believe it was necessary to incorporate them into the regulation to give them a legal foundation. However, in response to the comments the Department received, these provisions were included in the final-form regulation and remain in the revised final-form regulation.

Comment: IRRC suggested that the Department include cross references to the law in the regulation, move the definitions to the beginning of the regulation and exclude a phrase from final-form subsection (e)(2).

Response: The Department incorporated these suggestions into the final-form regulation and they continue to be reflected in the revised final-form regulation.

Comment: Representative Keller suggested that the Department assist claimants to register for employment search services by telephone, and stated it was unclear whether Pennsylvania CareerLink® offices would register claimants. CLS stated that the Department should presume that the positions for which a claimant has applied would constitute suitable work for the claimant, and should provide information about the work search requirements in languages other than English.

Response: These comments do not address the content of the regulation. Rather, they are suggestions to the Department regarding the manner in which the Department will administer the work search requirements.

D. Affected Persons

Under section 9(3) of Act 6, this regulation applies to a claimant who files an application for UC benefits that takes effect on or after January 1, 2012, and who files claims for compensation for weeks beginning on or after publication of the revised final-form rulemaking in the *Pennsylvania Bulletin*. It will not apply to claimants who qualify for one or more of the exceptions in the regulation.

E. Fiscal Impact

The Department anticipates that a claimant will be able to meet the active work search requirement in section 401(b) of the law and the regulation at minimal or no cost.

The Department will integrate administration of the active work search requirement into its day-to-day administration of the eligibility provisions of the law. It is not possible to accurately isolate the cost to administer only the active search provision.

F. Paperwork Requirements

Section 65.11(d) requires a claimant to create a record of his work search activities that contains information required by the Department, retain the record for 2 years from the effective date of the application for benefits and produce the record for the Department's review at times and in a manner as the Department requires.

G. Sunset Date

The regulation will be monitored through practice and application. Therefore, a sunset date is not designated.

H. Effective Date

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

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 19, 2012, the Department submitted a copy of the notice of proposed rulemaking, published at 42 Pa.B. 2378, to IRRC and the Chairpersons of the Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the Committees and the public.

Under section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)), on November 5, 2012, the Department submitted the final-form rulemaking to IRRC and the Committees. Under section 5.1(j.2) of the Regulatory Review Act, on November 30, 2012, the final-form rulemaking was deemed approved by the Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on December 13, 2012, and disapproved the final-form regulation.

Under section 6(a) of the Regulatory Review Act (71 P. S. § 745.6(a)), IRRC issued its disapproval order to the Department and the Committees on February 15, 2013. Under section 7(c) of the Regulatory Review Act (71 P. S. § 745.7(c)), to respond to objections raised by IRRC, the Department submitted a report and a revised final-form rulemaking to IRRC and the Committees on March 26, 2013.

Under section 7(c.1) of the Regulatory Review Act, IRRC met on April 18, 2013, and approved the revised final-form rulemaking. On the same date, IRRC issued its approval order to the Committees. Neither Committee reported a concurrent resolution on or before May 2, 2013, as provided under section 7(d) of the Regulatory Review Act. Therefore, the Committees are deemed to have approved the revised final-form regulation on that date.

J. Findings

The Department finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) The Department gave public notice of its intention to promulgate this rulemaking by publication of a proposed rulemaking at 42 Pa.B. 2378.
- (3) A public comment period was provided as required by law and the comments received were considered.
- (4) This revised final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 42 Pa.B. 2378.
- (5) This revised final-form rulemaking is necessary and suitable for the administration of the law.

K. Order

The Department, acting under the authority of the law, orders that:

- (a) The regulations of the Department, 34 Pa. Code Chapter 65, are amended by amending § 65.11 to read as set forth in Annex A.

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

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

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

JULIA K. HEARTHWAY,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 43 Pa.B. 2530 (May 4, 2013).)

Fiscal Note: Fiscal Note 12-96 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 34. LABOR AND INDUSTRY

PART II. BUREAU OF EMPLOYMENT SECURITY

Subpart A. UNEMPLOYMENT COMPENSATION

CHAPTER 65. EMPLOYEE PROVISIONS

Subchapter B. PREREQUISITES FOR ELIGIBILITY

ACTIVE SEARCH FOR WORK

§ 65.11. Active search for work.

(a) *Definitions.* For purposes of this section and section 401(b) of the law (43 P. S. § 801(b)), the following words and phrases have the following meanings, unless the context clearly indicates otherwise:

Employment service—The state employment service established under 20 CFR Part 652 (relating to establishment and functioning of state employment services).

Pennsylvania CareerLink® system—The system of offices, personnel and resources, including the Commonwealth Workforce Development System or successor electronic resources, through which the Department provides services under the Wagner-Peyser Act (29 U.S.C.A. §§ 49—49l-2) and the Workforce Investment Act of 1998 (29 U.S.C.A. §§ 2801—2945) or similar or successor statutes.

Register for employment search services—Provide information regarding education, work history and qualifications and other information required by the Department that is relevant to receipt of employment search services.

Similar positions—Positions that offer employment and wages similar to those the claimant had prior to his unemployment and which are within a 45-minute commuting distance.

(b) *Initial procedures.* When a claimant files an application for benefits in accordance with § 65.41 (relating to filing methods), the Department will:

(1) Provide instructions to the claimant regarding the process to register for employment search services and post a resume in the Pennsylvania CareerLink® system.

(2) Advise the claimant of services provided by the Department and the Pennsylvania CareerLink® system.

(3) Provide a copy of the recommended work search record form to the claimant and advise the claimant that the form is available on the Department's web site.

(c) *Work registration.* A claimant shall register for employment search services in the Pennsylvania

CareerLink® system within 30 days after the claimant files his application for benefits. See section 401(b)(1)(i) of the law. If a claimant does not register for employment search services in the Pennsylvania CareerLink® system within 30 days after the claimant files his application for benefits, the claimant will be ineligible for compensation for any week that ends more than 30 days after the claimant files his application for benefits unless the claimant registers by Sunday of that week.

(d) *Weekly requirements.* To be eligible for compensation for the third week of the benefit year for which a claim for compensation is filed and each week thereafter for which a claim for compensation is filed, a claimant shall do the following:

(1) Engage in work search activities during the week in accordance with subsections (e) and (f).

(2) Complete the recommended work search record form for the week or create a record of his work search activities during the week that contains the same information that would be required to complete the recommended form.

(3) Retain the record for 2 years from the effective date of the application for benefits.

(4) Produce the record for the Department's review at the times and in a manner as required by the Department.

(e) *Weekly work search activities.*

(1) A claimant shall apply for at least two positions during the week as follows:

(i) The claimant may limit his applications to similar positions. See section 401(b)(1)(iii) of the law. If a claimant chooses to limit his applications to similar positions and as a result of that limitation the claimant determines that he would be unable to apply for at least two positions during the week, the claimant shall do one or a combination of the following:

(A) The claimant shall apply for positions that would provide suitable work under section 4(t) of the law (43 P. S. § 753(t)) in order to apply for at least two positions during the week.

(B) The claimant shall engage in a work search activity in paragraph (4) instead of an application for a position so that the combined number of applications and work search activities during the week is at least two, determined before the application of paragraph (4).

(ii) The claimant may apply for positions that would provide suitable work under section 4(t) of the law.

(2) For purposes of paragraph (1), a claimant may apply for a position in the following ways:

- (i) In person.
- (ii) By mail, phone or electronic transmission.
- (iii) By submitting a job application or resume to the employer.
- (iv) By following a hiring procedure established by the employer.

(3) A repeated application for the same position does not satisfy the requirements of paragraph (1) unless there is a reasonable basis to believe that the employer's hiring circumstances have changed.

(4) In addition to the requirements of paragraph (1), the claimant shall do at least one of the following during the week:

(i) Attend a job fair.

(ii) Search positions posted on the Pennsylvania CareerLink® system or Internet job banks.

(iii) Post a resume in the Pennsylvania CareerLink® system or other resume posting service.

(iv) Contact colleagues, former coworkers or other individuals in similar professions or occupations to make known the claimant's availability for employment or obtain information about available positions, prospective employers or other employment opportunities.

(v) Utilize an employment agency, employment registry or school placement service.

(vi) Take a civil service test or other pre-employment test.

(vii) Participate in a program or activity offered through the Pennsylvania CareerLink® system.

(5) If a claimant applies for more than the minimum number of positions under paragraph (1), the additional application may substitute for a work search activity under paragraph (4).

(f) *Alternative requirements and waiver.*

(1) Work search activities under subsection (e) are not required for a week if any of the following apply:

(i) The claimant meets all of the following:

(A) Is a member of a union that has a hiring hall or the claimant is registered with a hiring hall.

(B) Is required to obtain employment through the hiring hall.

(C) Fulfills the requirements to maintain eligibility for referral by the hiring hall during the week.

(ii) The claimant actively participates during the week in a program or activity approved by the Department as an acceptable work search alternative.

(2) If a claimant works part time during a week and earns in excess of the claimant's partial benefit credit as defined in section 4(m.3) of the law, the following apply:

(i) The claimant shall satisfy the requirements of subsection (e)(1) by applying for one position during the week.

(ii) The claimant will not be required to satisfy the requirements of subsection (e)(4) during the week.

(3) If a claimant is interviewed for a position by an employer or an employer representative, the interview may substitute for an application for a position for purposes of subsection (e)(1) or may substitute for a work search activity for purposes of subsection (e)(4) for the week in which the interview occurs.

(4) For purposes of subsection (c), if a claimant's labor market is located outside of this Commonwealth the claimant shall register for employment search services with the employment service that serves the claimant's labor market in addition to registering with the Pennsylvania CareerLink® system.

(5) Notwithstanding any other provision of this section, the Department may determine that a claimant has satisfied the requirements of section 401(b) of the law if the claimant's work search efforts include actions comparable to traditional actions in the claimant's trade or occupation by which jobs have been found by others in the community and labor market in which the claimant is seeking employment. See section 401(b)(3) of the law.

(6) The Department may waive or alter the requirements of this section or section 401(b) of the law in cases or situations with respect to which the Secretary finds that compliance with these requirements would be oppressive or which would be inconsistent with the purposes of the law. See section 401(b)(6) of the law. A claimant may submit a request to the Department to waive or alter the requirements of this section or section 401(b) of the law. The claimant may complete and submit the recommended waiver request form available on the Department's web site or submit a written request that contains the same information that would be required to complete the recommended form.

(g) *Applicability.*

(1) This section does not apply:

(i) As provided in section 401(b)(4) and (5) of the law.

(ii) To a week in which a claimant is in training with the approval of the Secretary.

(iii) To a week in which a claimant is participating in a work sharing plan under Article XIII of the law (43 P. S. §§ 916.1—916.13).

(2) For purposes of section 401(b)(5) of the law:

(i) A claimant is advised by the employer of the date on which he will return to work only if both of the following conditions are satisfied:

(A) The employer designates a specific recall date and notifies the claimant of the recall date in writing.

(B) The employer's designation of a recall date is bona fide.

(ii) Section 401(b)(5) of the law does not apply to a week following the week in which either of the following occur:

(A) The designated recall date is rescinded by the employer or is rescinded in fact.

(B) The designated recall date has passed.

(3) The requirement in section 401(b)(1)(ii) of the law does not apply to a claimant who is seeking work in an employment sector in which resumes are not commonly used.

(h) *Extended benefits.* For purposes of extended benefits under Article IV-A of the law (43 P. S. §§ 811—818), if the eligibility requirements for extended benefits include work search requirements in addition to the requirements of section 401(b) of the law and this section, the claimant also shall satisfy the additional work search requirements applicable to extended benefits.

[Pa.B. Doc. No. 13-1517. Filed for public inspection August 16, 2013, 9:00 a.m.]

PROPOSED RULEMAKING

DELAWARE RIVER BASIN COMMISSION

[25 PA. CODE CH. 901]

Proposed Amendments to the Water Quality Regulations, Water Code and Comprehensive Plan to Revise the Human Health Water Quality Criteria for Carcinogenic Effects for PCBs in Zones 2 through 6 of the Delaware Estuary and Bay; Revised Notice of Proposed Rulemaking and Public Hearing

Summary:

The Delaware River Basin Commission ("DRBC" or "Commission") will hold a public hearing to receive comments on proposed amendments to the Commission's Water Quality Regulations, Water Code and Comprehensive Plan to revise the water quality criteria for polychlorinated biphenyls ("PCBs") in the Delaware Estuary and Bay, DRBC Water Quality Management Zones 2 through 6, for the protection of human health from carcinogenic effects. The Commission will simultaneously solicit comment on a draft implementation strategy to support achievement of the criteria.

Dates:

The public hearing will be held starting at 1:00 P.M. on Tuesday, September 10, 2013. The hearing will continue until all those wishing to testify have had an opportunity to do so. Written comments will be accepted and must be received by 5:00 P.M. on Friday, September 20, 2013. Additional information regarding the procedures for the hearing and comments is set forth below.

Addresses:

The public hearing will be held in the Goddard Conference Room at the Commission's office building located at 25 State Police Drive, West Trenton, NJ. As Internet mapping tools are inaccurate for this location, please use the driving directions posted on the Commission's website.

Oral Testimony and Written Comments:

Persons wishing to testify at the hearing are asked to register in advance by phoning Paula Schmitt at 609-883-9500, ext. 224. Written comments may be submitted as follows: If by email, to paula.schmitt@drbc.state.nj.us; if by fax, to Commission Secretary at 609-883-9522; if by U.S. Mail, to Commission Secretary, DRBC, P.O. Box 7360, West Trenton, NJ 08628-0360; and if by overnight mail, to Commission Secretary, DRBC, 25 State Police Drive, West Trenton, NJ 08628-0360. Comments also may be delivered by hand at any time during the Commission's regular office hours (Mon. through Fri., 8:30 a.m. through 5:00 p.m. except on national holidays) until the close of the comment period at 5:00 p.m. on Friday, September 20. In all cases, please include the commenter's name, address and affiliation, if any, in the comment document and "PCB Rulemaking" in the subject line.

For Further Information:

The basis and background document and the draft Implementation Strategy are available on the DRBC

website, DRBC.net. A May 10, 2012 PowerPoint presentation that illustrates PCB loading reductions achieved through the implementation of the Commission's PMP Rule is also posted on the website. For further information, please contact Commission Secretary Pamela M. Bush, 609-883-9500 ext. 203.

Supplementary Information

Re-Proposal. A notice of proposed rulemaking to amend the current PCB criteria and to invite comment on an implementation plan was published in the *Pennsylvania Bulletin* on August 15, 2009 (39 Pa.B. 4892) and in the *Federal Register* (74 FR 41100) on August 14, 2009. The Commission deferred action on the proposal, however, pending the refinement of implementation strategies for point sources. Today, the uniform criterion of 16 picograms per liter is re-proposed, and a draft implementation strategy that has been revised for point sources is simultaneously published for comment.

Current Criteria. The human health water quality criteria for PCBs currently in effect in Zones 2 through 5 of the Delaware Estuary were established by the Commission in 1996 (see 61 FR 58047 and incorporation by reference at 18 C.F.R. Part 410). The 1996 criterion applicable to the lower portion of Zone 5 was extended to Zone 6, Delaware Bay, in 2010, effective the following year (see 76 FR 16285). The development of these PCB criteria pre-dated the collection of site-specific bioaccumulation data for the Estuary and Bay and site-specific fish-consumption data for Zones 2 through 4 that are relevant to the development of human health water quality criteria. They are also inconsistent with current guidance issued by the U.S. Environmental Protection Agency ("EPA") for the development of such criteria, and they vary by water quality zone, adding undue complexity to application of the criteria in these tidal waters.

Development of New Criteria. By Resolution No. 2003-11 on March 19, 2003 the Commission directed the executive director to initiate rulemaking on a proposal to revise the Commission's water quality criteria for PCBs for the protection of human health from carcinogenic effects to reflect site-specific data on fish consumption, site-specific bioaccumulation factors, and current EPA guidance on development of human health criteria. Amendment of the PCB criteria was delayed, however, pending ongoing work by the Commission's Toxics Advisory Committee ("TAC") to develop the new criterion and a simultaneous initiative by the Commission and diverse stakeholders to develop an implementation plan. The TAC is a standing committee of stakeholders, including regulators, municipal and industrial dischargers and environmental organizations that advises the Commission on technical matters relating to the control of toxic contaminants in shared waters of the Basin.

Rigorously applying the most current available data and methodology, including site-specific data on fish consumption, site-specific bioaccumulation factors, and the current EPA methodology for the development of human health criteria for toxic pollutants (see EPA-822-B-00-004, October 2000), the TAC in July 2005 completed development of a revised PCB water quality criterion for the protection of human health from carcinogenic effects for the Delaware Estuary and Bay, recommending adoption of a uniform criterion of 16 picograms per liter for Water Quality Management Zones 2 through 6. By Resolution No. 2005-19 on December 7, 2005, the Commission

again directed the executive director to conduct rulemaking, specifically to replace the existing criteria for PCBs with the uniform criterion of 16 picograms per liter.

Over the course of the next three-and-a-half years, the Commission continued to work with co-regulators on an implementation strategy for point and non-point sources to accompany the proposed uniform criterion. A notice of proposed rulemaking to amend the current PCB criteria and to invite comment on an implementation plan was issued in August 2009 (see 74 FR 41100). The Commission deferred action on the proposal, however, pending the refinement of implementation strategies for point sources. The updated, uniform criterion of 16 picograms per liter is now re-proposed, and a draft implementation strategy that has been revised for point sources is simultaneously published for comment.

Water Quality Impairment for PCBs. Because high levels of PCBs have resulted in state-issued fish consumption advisories for certain species caught in the Estuary and Bay, these waters are listed by the bordering states as impaired under Section 303(d) of the federal Clean Water Act ("CWA"), and a total maximum daily load ("TMDL") is required to be established for them. A TMDL expresses the maximum amount of a pollutant that a water body can receive and still attain water quality standards. Once the TMDL is calculated, it is allocated to all sources in the watershed—point and nonpoint. In order to ensure the attainment and maintenance of water quality standards, a source must not discharge a load in excess of its allocated share of the TMDL.

The EPA established TMDLs for PCBs on behalf of the states in December of 2003 for the Delaware Estuary and in December of 2006 for the Delaware Bay ("Stage 1 TMDLs"). Upon adoption of revised human health water quality criteria for PCBs in the Delaware Estuary and Bay, it is anticipated that EPA will establish new TMDLs ("Stage 2 TMDLs") corresponding to the updated criteria.

Implementing PCB Load Reductions. To initiate PCB reductions, by Resolution No. 2005-9 in May 2005, the Commission amended its Water Quality Regulations ("WQR") to establish a requirement for PCB Pollutant Minimization Plans ("PMPs") (see Section 4.30.9 of the WQR, incorporated by reference at 18 C.F.R. Part 410) ("the PMP Rule"). In accordance with the PMP Rule the largest point source dischargers of PCBs to the Delaware Estuary and Bay undertook the development and implementation of PMPs, including a variety of track-down and load reduction strategies. Ambient and effluent data collected between 2005 and 2011 show that their efforts over the past 12 years (and in some cases longer) have substantially reduced point source PCB loadings to the Estuary and Bay. However, because PCBs persist in the environment, including in soils that drain to municipal and industrial discharge facilities, most dischargers will require more time, including in some instances decades, to achieve the PCB loading reductions needed to meet their assigned wasteload allocations.

The draft document entitled Implementation Strategy for Polychlorinated Biphenyls for Zones 2—6 of the Delaware River Estuary ("Implementation Strategy") builds on the approach embodied by the PMP Rule. Among other things, it attempts to better integrate PMP requirements with the National Pollutant Discharge Elimination System (NPDES) permit program administered by the Estuary states of Delaware, New Jersey and Pennsylvania pursuant to the CWA.

Notably, the 2003 Delaware Estuary TMDL report projected that "due to the scope and complexity of the

problem that has been defined through these TMDLs, achieving the estuary water quality standards for PCBs will take decades." (EPA 2003, Executive Summary, p. xiii). Adoption of an updated, uniform criterion for the Delaware Estuary and Bay and implementation of the criterion by means of the proposed strategy will not alter this prognosis. However, the proposed criterion and Implementation Strategy are intended to align the Commission's water quality criteria with current science and to ensure that increasingly protective pollutant levels in fish and ambient water are achieved at an aggressive pace until the protected use—fishable waters—is restored.

Subjects on Which Comment is Expressly Solicited. Public comment is solicited on all aspects of the proposed rule. These include but are not limited to the assumptions applied in developing the criterion, as set forth in a basis and background document that is available on the DRBC website, DRBC.net. Comment on the proposed Implementation Strategy for the new criterion, also posted on the website, is simultaneously requested.

Dated: July 5, 2013

PAMELA M. BUSH, Esq.,
Secretary

Fiscal Note: 68-53. No fiscal impact; (8) recommends adoption.

Text of proposed amendments:

It is proposed to amend the Comprehensive Plan, Article 3 of the Water Quality Regulations (WQR) and Article 3 of the Water Code (WC) as set forth below. Editor's instructions are denoted by underscore thus. Added text is denoted by boldface **thus**.

Amend Table 6 of Section 3.30 of Article 3 of the WQR and WC as follows:

For the parameter "PCBs (Total)", in the column headed "Freshwater Objectives (ug/l): Fish & Water Ingestion," remove the number "0.0000444" and insert "0.000016"; in the column headed "Freshwater Objectives (ug/l): Fish Ingestion Only," remove the number "0.0000448" and insert "0.000016"; and in the column headed "Marine Objectives (ug/l): Fish Ingestion Only," remove the number "0.0000079" and insert "0.000016".

[Pa.B. Doc. No. 13-1518. Filed for public inspection August 16, 2013, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 143]

Hunting and Furtaker Licenses; Agents

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its June 25, 2013, meeting to amend Chapter 143, Subchapter B (relating to appointment of agents) to eliminate the late fees for late agent applications and also to make housekeeping amendments to related text.

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the June 25, 2013, meeting of the Commission. Comments can be

sent until September 20, 2013, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

Section 143.29 (relating to fee for late applications) requires applicants who submit their agent applications from April 1 through October 31 to pay a \$100 late fee. In the past, ample time was needed to create agent accounts and expedite shipment of hunting licenses before the start of the new license year. Due the implementation of the automated license system, there are no longer time constraints that necessitate timely applications. Therefore, the Commission has determined that the late fee is no longer necessary. The Commission is proposing to amend Chapter 143, Subchapter B to eliminate the late fees for late agent applications and also to make housekeeping amendments to related text.

Section 2722(g) of the code (relating to authorized license-issuing agents) directs the Commission to adopt regulations for the administration, control and performance of license issuing activities. Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to Chapter 143, Subchapter B are proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend Chapter 143, Subchapter B to eliminate the late fees for late agent applications and also to make housekeeping amendments to related text.

3. Persons Affected

Persons wishing to make application to become a hunting/furtaking license issuing agent within this Commonwealth may be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

5. Effective Date

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. Contact Person

For further information regarding the proposed rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

Fiscal Note: 48-355. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 143. HUNTING AND FURTKAKER LICENSES

Subchapter B. APPOINTMENT OF AGENTS

§ 143.22. Rebate [schedule] for first year agents.

(a) An agent shall be entitled to a rebate based upon [the first year only license] his first license year only sales as follows:

* * * * *

(4) Rebate \$400 if 1,000 licenses are sold.

(b) A rebate will not be given after the first license year of sales.

§ 143.23. Minimum sales requirement.

To continue as an agent, a minimum of 200 hunting licenses shall be sold [annually] each license year. Qualifying licenses, for the purpose of calculating 200 hunting licenses, will be the regular resident, nonresident hunting and furtakers licenses. [Archery and muzzleloader are not included as qualifying licenses.] Archery, muzzleloader, bear, special wild turkey, migratory game bird and replacement licenses are not included as qualifying licenses. In addition, an agent shall continue to meet the requirements in § 143.27 (relating to conditions for appointment).

§ 143.24. Fee for reapplication.

If an agent sells less than the required 200 qualifying licenses in a given license year, and is removed by the Commission, or if an agent voluntarily withdraws, a subsequent reapplication requires payment of the application fee.

§ 143.25. Rebate restrictions.

[Rebate] A rebate will not be granted if the agent is delinquent in [reporting and remitting license reports and monies] remitting moneys as required.

§ 143.27. Conditions for appointment.

A person desiring consideration for appointment as an agent shall meet the following conditions:

(1) Be a resident of this Commonwealth or an entity registered to do business in this Commonwealth.

(2) [Operate a bona fide sporting goods sales outlet where the public expects to find this service.

(3)] Be open to the public during reasonable daylight and evening hours.

[(4)] (3) Not operate on a seasonal or part-time basis.

[(5)] (4) Agree to and demonstrate ability to provide full license service and cooperation to the public throughout the entire license sales period, and keep records required by the Commission and by statute.

[(6)] (5) Provide security to the Commission in an amount of at least \$18,000.

§ 143.28. Application period.

(a) A person requesting appointment as an agent shall submit the appropriate completed application form to the Commission in Harrisburg during the period November 1

through March 31 of the following year [**in order**] to be eligible for appointment as an issuing agent for the license year beginning the following July 1. [**Exceptions to this period may be considered due to changes of ownership of business establishments who are agents.**]

(b) An application received outside of the application period is not guaranteed to be processed by the Commission before the start of the license year beginning July 1.

§ 143.29. [**Fee for late applications**] (Reserved).

[An application, other than a change of ownership application, received during the period April 1 through October 31 may be accepted if the applicant includes an additional nonreturnable fee of \$100. A late applicant shall be bound by this subchapter. Nothing contained in the section may be construed to guarantee approval of a late application.]

[Pa.B. Doc. No. 13-1519. Filed for public inspection August 16, 2013, 9:00 a.m.]

STATEMENTS OF POLICY

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CH. 461b]

Corrective Amendment to 58 Pa. Code § 461b.3

The Pennsylvania Gaming Control Board has discovered a discrepancy between the agency text of 58 Pa. Code § 461b.3 (relating to gaming vouchers), as deposited with the Legislative Reference Bureau and published at 38 Pa.B. 354 (January 19, 2008), and the official text currently appearing in the *Pennsylvania Code*. The codification of the amendment to 58 Pa. Code § 461b.3 was inadvertently omitted from the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 401, April 2008).

Therefore, under 45 Pa.C.S. § 901: The Pennsylvania Gaming Control Board has deposited with the Legislative Reference Bureau a corrective amendment to 58 Pa. Code § 461b.3. The corrective amendment to 58 Pa. Code § 461b.3 is effective as of April 5, 2008, the date the defective official text was announced in the *Pennsylvania Bulletin*.

The correct version of 58 Pa. Code § 461b.3 appears in Annex A, with ellipses referring to the existing text of the regulation.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart E. SLOT MACHINES AND ASSOCIATED EQUIPMENT

CHAPTER 461b. TECHNICAL STANDARDS—STATEMENT OF POLICY

§ 461b.3. Gaming vouchers.

(a) A gaming voucher may not expire. The value of gaming vouchers that have not been redeemed within 5 years of the date of issuance and a report containing the

information required under subsection (b)(1)—(4) shall be forwarded to the State Treasurer as required under Article XIII.1 of The Fiscal Code (72 P.S. §§ 1301.1—1301.28a) regarding the disposition of abandoned and unclaimed property.

* * * * *

(d) Any system of internal controls over the issuance and redemption of gaming vouchers must provide for the following:

(1) Upon the presentation of a gaming voucher for redemption, the slot cashier or slot machine shall use the gaming voucher system to verify the validity of the serial number and value of the voucher, and if valid, the system must immediately cancel the voucher electronically and permit the redemption of the voucher for the value printed thereon. Prior to the redemption of a gaming voucher, the complete serial number of the unredeemed gaming voucher must only be available to the system.

(2) The slot machine licensee shall maintain a record of all transactions in the gaming voucher system for at least 210 days from the date of the transaction.

(3) Notwithstanding paragraph (2), the slot machine licensee shall maintain an unredeemed gaming voucher record containing the information required in subsection (b)(1)—(5), for gaming vouchers that have been issued but not redeemed. The record shall be stored in the system for a period of time approved by the Board, which must be at least 5 years from the date of issuance of the gaming voucher, provided that:

(i) Any unredeemed gaming voucher record removed from the system after 5 years shall be stored and controlled in a manner approved by the Board.

(ii) Any unredeemed gaming voucher record removed from the system is subject to the standard record retention provisions of this part.

* * * * *

[Pa.B. Doc. No. 13-1520. Filed for public inspection August 16, 2013, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of 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 August 6, 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

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
7-29-2013	Investment Savings Bank Altoona Blair County	200 Patchway Road Duncansville Blair County	Opened
8-1-2013	Somerset Trust Company Somerset Somerset County	1176 National Pike Hopwood Fayette County	Approved
8-6-2013	Metro Bank Lemoyne Cumberland County	2121 Lincoln Highway East Lancaster Lancaster County	Approved

Discontinued Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
7-31-2013	Meridian Bank Malvern Chester County	60 East Uwchlan Lionville Chester County	Closed

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
8-5-2013	Somerset Trust Company Somerset Somerset County	<i>To:</i> 4640 National Pike Markleysburg Fayette County <i>From:</i> 4364 National Pike Markleysburg Fayette County	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
8-1-2013	Lancaster Red Rose Credit Union Lancaster Lancaster County	Effective

Application for approval to merge United People's Federal Credit Union of Lancaster, Lancaster, with and into Lancaster Red Rose Credit Union, Lancaster.

As a result of the merger, the sole office of United People's Federal Credit Union of Lancaster, located at the following address, became a branch office of Lancaster Red Rose Credit Union:

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
	2137 Embassy Drive, Suite 101 Lancaster Lancaster County	

Change of Principal Place of Business

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Address</i>	<i>Action</i>
8-6-2013	Bradford Area School Employees CU	<i>To:</i> 15 Kennedy Street Bradford McKean County <i>From:</i> 32 York Street Bradford McKean County	Effective

The Department's web site at www.dobs.state.pa.us includes public notices for more recently filed applications.

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 13-1521. Filed for public inspection August 16, 2013, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of September 2013

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of September, 2013, is 5 3/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which

the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 3.17 to which was added 2.50 percentage points for a total of 5.67 that by law is rounded off to the nearest quarter at 5 3/4%.

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 13-1522. Filed for public inspection August 16, 2013, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

Applications

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL 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

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0244422 (Storm Water)	Norfolk Southern Abrams Yard 850 North Henderson Road King of Prussia, PA 19406	Montgomery County Upper Merion Township	Schuylkill River (3-F)	Y

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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0012742 (IW)	Copperhead Chemicals Tamaqua Plant 120 River Road Tamaqua, PA 18252	Schuylkill County Walker Township	Brushy Run and Little Schuylkill River (3-A)	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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0083607— (Sew)	Union Township—Lickdale STP 3111 State Route 72 Jonestown, PA 17038	Lebanon County / Union Township	Forge Creek / 7D	Y
PA0246867 (Sew)	Riverside Apartments 4 Benvenue Road Duncannon, PA 17020	Dauphin County Reed Township	Susquehanna River / 6-C	Y
PA0247201 (IW)	City of Lancaster 120 N. Duke Street PO Box 1599 Lancaster, PA 17608-1599	Lancaster County West Hempfield Township	Strickler Run / 7-G	Y

Northcentral Regional Office: Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3664.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0101427	Brian J Buchsen SF System 383 Irish Road Coudersport, PA 16915	Potter County Sweden Township	UNT to Trout Run (16-C)	Y

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0037117 (Sewage)	Abraxas I 165 Abraxas Road Marienville, PA 16239	Forest County Howe Township	Unnamed Tributary to Branch and The (16-F)	Y
PA0239399 (Sewage)	Craig V. & Julie K. King SRSTP 2552 Mercer-Butler Pike Grove City, PA 16127	Mercer County Liberty Township	Unnamed Tributary of Black Run (20-C)	Y

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401

PA0056553, Storm Water, SIC Code 3271, **Allan A. Myers, LP dba Independence Construction Materials**, 638 Lancaster Avenue, Malvern, PA 19355. Facility Name: Devault Yard. This existing facility is located in Charlestown Township, **Chester County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of Storm Water.

The receiving stream(s), Unnamed Tributary of Pickering Creek, is located in State Water Plan watershed 3-D and is classified for High Quality Waters—Trout Stocking 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 an average stormwater flow.

<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>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
CBOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX

In addition, the permit contains the following major special conditions:

- A. Acquire Necessary Property Rights
- B. Proper Sludge Disposal
- C. WQM Requirement
- D. BAT/ELG Reopener
- E. Stormwater Condition

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

PA0080721, Sewage, SIC Code, 6515, **Frank T Perano**, PO Box 677, Morgantown, PA 19543-0677. Facility Name: Cedar Manor MHP. This existing facility is located in Londonderry Township, **Dauphin County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Unnamed Tributary to Conewago Creek, is located in State Water Plan watershed 7-G and is classified for Trout Stocking 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 0.072 MGD.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Total Annual		Average Monthly	Daily	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
		Daily Max				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (Interim)	XXX	XXX	XXX	1	XXX	2
(Final)	XXX	XXX	XXX	0.036	XXX	0.116
CBOD ₅	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
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	XXX	10,000
Ammonia-Nitrogen				Geo Mean		
May 1 - Oct 31	XXX	XXX	XXX	1.6	XXX	3.2
Nov 1 - Apr 30	XXX	XXX	XXX	4.8	XXX	9.6
Total Phosphorus	Report	XXX	XXX	2.0	XXX	4.0
Total Phosphorus	XXX	438	XXX	XXX	XXX	XXX
Total Phosphorus	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					

In addition, the permit contains the following major special conditions:

- Construction schedule for collection system

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.

PA0083674, Sewage, SIC Code 3999, 5812, **Rainworth, Inc.**, 1979 Biglerville Road, Gettysburg, PA 17325-8038. Facility Name: Rainworth Apartments. This existing facility is located in Straban Township, **Adams County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Unnamed Tributary to White Run, is located in State Water Plan watershed 13-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.004 MGD.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD ₅	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
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	XXX	10,000
Ammonia-Nitrogen				Geo Mean		
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Annl Avg Report	XXX	XXX
				Annl Avg		

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

PA0020851, Sewage, SIC Code 4952, **Hyndman Borough Municipal Authority Bedford County**, PO Box 445, Hyndman, PA 15545-0445. Facility Name: Hyndman Borough STP. This existing facility is located in Hyndman Borough, **Bedford 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), Wills Creek, is located in State Water Plan watershed 13-A 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 0.365 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	Instant. Maximum
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
UV Dosage ($\mu\text{ws}/\text{cm}^2$)	XXX	XXX	Report	XXX	XXX	XXX
CBOD ₅	76	122	XXX	25	40	50
		Wkly Avg				
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	91	137	XXX	30	45	60
		Wkly Avg				
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2000	XXX	10000
				Geo Mean		

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

Parameters	Mass (lbs)			Concentration (mg/l)	
	Monthly	Annual	Minimum	Monthly Average	Maximum
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX
Net Total Nitrogen	Report	7,306	XXX	XXX	XXX
Net Total Phosphorus	Report	974	XXX	XXX	XXX

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is not in effect.

PA0020249, Sewage, SIC Code 4952, **Roaring Spring Borough Municipal Authority Blair County**, 616 Spang Street, Roaring Spring, PA 16673-1481. Facility Name: Roaring Spring Borough STP. This existing facility is located in Roaring Spring Borough, **Blair 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), Frankstown Branch Juniata River and Halter Creek, is located in State Water Plan watershed 11-A and is classified for Warm Water Fishes, Trout Stocking 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 0.7 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>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
UV Intensity (µw/cm ²)	XXX	XXX	Report	XXX	XXX	XXX
CBOD ₅	146	233	XXX	25	40	50
		Wkly Avg				
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	175	263	XXX	30	45	60
		Wkly Avg				
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000
Ammonia-Nitrogen						
May 1 - Oct 31	20	XXX	XXX	3.5	XXX	7.0
Nov 1 - Apr 30	58	XXX	XXX	10	XXX	20

The proposed effluent limits for Outfall 002 are based on a design flow of 0.7 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>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
UV Intensity (µw/cm ²)	XXX	XXX	Report	XXX	XXX	XXX
CBOD ₅	146	233	XXX	25	40	50
		Wkly Avg				
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	175	263	XXX	30	45	60
		Wkly Avg				
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000
Ammonia-Nitrogen						
May 1 - Oct 31	58	XXX	XXX	10	XXX	20
Nov 1 - Apr 30	Report	XXX	XXX	Report	XXX	XXX

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001 & Outfall 002

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX
Net Total Nitrogen	Report	12,785	XXX	XXX	XXX
Net Total Phosphorus	Report	1,705	XXX	XXX	XXX

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is not in effect.

PA0081833, Sewage, SIC Code 4952, **SK Part II LTD**, 6085 Delta Road, Delta, PA 17314-9209. Facility Name: Peach Bottom Inn STP. This existing facility is located in Peach Bottom Township, **York County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Unnamed Tributary to Scott Creek, is located in State Water Plan watershed 7-I and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.013 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
UV Transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	20	XXX	40
Total Phosphorus	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report Annl Avg	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

PA0083208, Sewage, SIC Code 4952, **Refreshing Mountain Camp, Inc.**, 455 Camp Road, Stevens, PA 17578. Facility Name: Refreshing Mountain Camp. This existing facility is located in Clay Township, **Lancaster County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Unnamed Tributary to Middle Creek, is located in State Water Plan watershed 7-J and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.006 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Total Annual</i>	<i>Minimum</i>	<i>Average Monthly</i>		
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.50	XXX	1.6
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Nitrate-Nitrite as N (lbs/year)	XXX	Report	XXX	Report Annual Avg	XXX	XXX
Total Nitrogen (lbs/year)	XXX	Report	XXX	Report Annual Avg	XXX	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Annual Avg</i>	
Total Kjeldahl Nitrogen (lbs/year)	XXX	Report	XXX	Report	XXX	XXX
Total Phosphorus (lbs/year)	XXX	Report	XXX	Report	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

PA0262064, Sewage, SIC Code 5800, **The Wago Club**, 1095 Wago Road, Mount Wolf, PA 17347. Facility Name: The Wago Club. This proposed facility is located in East Manchester Township, **York County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated Sewage.

The receiving stream(s), Hartman Run, is located in State Water Plan watershed 7-H 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 0.0015 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Annual Avg</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
CBOD ₅	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	XXX
UV Intensity (µw/cm ²)	XXX	XXX	XXX	Geo Mean Report	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

Southwest Regional Office: Regional Manager, Clean Water, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; 412-442-4000

PA0110990, Industrial Waste, SIC Code 4941, **Central City Water Authority**, 314 Central Avenue Suite 203, Central City, PA 15926. Facility Name: Central City Authority Water System. This existing facility is located in Shade Township, **Somerset County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Industrial Waste.

The receiving stream(s), Dark Shade Creek, is located in State Water Plan watershed 18-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.02 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.0
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Total Aluminum	XXX	XXX	XXX	0.75	XXX	1.5
Total Iron	XXX	XXX	XXX	1.5	XXX	3.0
Total Manganese	XXX	XXX	XXX	1.0	XXX	2.0

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.

PA0253561, SIC Code 4941, **Somerset County General Authority**, 146 W Main Street, Somerset, PA 15501. Facility Name: Somerset County General Authority Water System. This existing facility is located in Jenner Township, **Somerset County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated backwash water.

The receiving stream(s), Unnamed Tributary to Quemahoning Creek, is located in State Water Plan watershed 18-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.099 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.0
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Total Aluminum	XXX	XXX	XXX	0.75	XXX	1.5
Total Iron	XXX	XXX	XXX	2.0	XXX	4.0
Total Manganese	XXX	XXX	XXX	1.0	XXX	2.0

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.

PA0205991, SIC Code 4941, **Moon Township Municipal Authority**, 1700 Beaver Grade Road, Moon Township, PA 15108. Facility Name: Moon Township Municipal Authority. This existing facility is located in Moon Township, **Allegheny County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated water treatment plant backwash and storm water runoff.

The receiving stream(s), Ohio River and Unnamed Tributary to Thorn Run, is located in State Water Plan watershed 20-G 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 0.053 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly		

This outfall shall consist solely of the sources from Internal Monitoring Point 101

The proposed effluent limits for Internal Monitoring Point 101 are based on a design flow of 0.053 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.0
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Total Aluminum	XXX	XXX	XXX	4.0	XXX	8.0
Total Iron	XXX	XXX	XXX	2.0	XXX	4.0
Total Manganese	XXX	XXX	XXX	1.0	XXX	2.0

The EPA Waiver is in effect.

PA0097306, SIC Code 4941, **Robinson Township Municipal Authority**, PO Box 15539, Pittsburgh, PA 15244-0539. Facility Name: Robinson Township WTP. This existing facility is located in Coraopolis Borough, **Allegheny County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated water treatment backwash water.

The receiving stream(s), Ohio River, is located in State Water Plan watershed 20-G 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 0.276 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.0
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Total Aluminum	XXX	XXX	XXX	4.0	XXX	8.0
Total Iron	XXX	XXX	XXX	2.0	XXX	4.0
Total Manganese	XXX	XXX	XXX	1.0	XXX	2.0

The EPA Waiver is in effect.

PA0027537, Industrial Waste, SIC Code 4941, **Hampton Shaler Water Authority**, PO Box 66, Allison Park, PA 15101-0066. Facility Name: Hampton Shaler Water Authority. This existing facility is located in Shaler Township, **Allegheny County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Industrial Waste.

The receiving stream(s), Allegheny River, is located in State Water Plan watershed 18-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.22 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.0
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Total Aluminum	XXX	XXX	XXX	4.0	XXX	8.0
Total Iron	XXX	XXX	XXX	2.0	XXX	4.0
Total Manganese	XXX	XXX	XXX	1.0	XXX	2.0

The EPA Waiver is in effect.

PA0218227, Industrial Waste, SIC Code 4941, **Washington Township Municipal Authority Fayette County**, 1390 Fayette Avenue, Belle Vernon, PA 15012-2535. Facility Name: Washington Township Municipal Authority WTP. This existing facility is located in Fayette City Borough, **Fayette County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Industrial Waste.

The receiving stream(s), Monongahela River, is located in State Water Plan watershed 19-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.55 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.0
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Total Aluminum	XXX	XXX	XXX	4.0	XXX	8.0
Total Iron	XXX	XXX	XXX	2.0	XXX	4.0
Total Manganese	XXX	XXX	XXX	1.0	XXX	2.0

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.

PA0027219, Sewage, SIC Code 4952, **Greater Uniontown Joint Sewer Plant Authority**, 90 Romeo Lane, Uniontown, PA 15401. Facility Name: Uniontown STP. This existing facility is located in Uniontown City, **Fayette 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), Redstone Creek, is located in State Water Plan watershed 19-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 9.40 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
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
CBOD ₅						
Influent	Report	Report	XXX	Report	Report	XXX
May 1 - Oct 31	784	1,177	XXX	10	15	20
Nov 1 - Apr 30	1,568.9	2,353.3	XXX	20	30	40
Total Suspended Solids						
Influent	Report	Report	XXX	Report	Report	XXX

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Total Suspended Solids	2,353	3,530	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	XXX	10,000
UV Transmittance (%)	XXX	XXX	Report	Report	XXX	XXX
Total Nitrogen	XXX	Report	XXX	XXX	Report	XXX
		Daily Max			Daily Max	
Ammonia-Nitrogen						
May 1 - Oct 31	180	271	XXX	2.3	3.5	4.6
Nov 1 - Apr 30	408	612	XXX	5.2	7.8	10.4
Total Phosphorus	XXX	Report	XXX	XXX	Report	XXX
		Daily Max			Daily Max	
Total Aluminum	XXX	Report	XXX	XXX	Report	XXX
		Daily Max			Daily Max	
Total Copper	XXX	XXX	XXX	Report	Report	XXX
					Daily Max	
Free Available Cyanide						
(Interim)	XXX	XXX	XXX	Report	XXX	Report
(Final)	XXX	XXX	XXX	0.007	XXX	0.014
Total Iron	XXX	Report	XXX	XXX	Report	XXX
		Daily Max			Daily Max	
Total Manganese	XXX	Report	XXX	XXX	Report	XXX
		Daily Max			Daily Max	
Bis(2-Ethylhexyl)Phthalate						
(Interim)	XXX	XXX	XXX	Report	XXX	Report
Bis(2-Ethylhexyl)Phthalate						
(Final)	XXX	XXX	XXX	0.003	XXX	0.006

In addition, the permit contains the following major special conditions:

- A toxics reduction evaluation is included in the permit for bis(2-ethylhexyl)phthalate and free cyanide
- The development of a pretreatment program for industrial contributors is to be submitted by February 1, 2014

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is not in effect.

III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401.

WQM Permit No. WQG02231310, Sewage, **Concord Township Sewer Department**, 43 Thornton Road, Glen Mills, PA 19342.

This proposed facility is located in Concord Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a sewer extension.

WQM Permit No. 4613201, Industrial Waste, **Lower Merion Township**, 75 East Lancaster Avenue, Ardmore, PA 19003-2376.

This proposed facility is located in Lower Merion Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a groundwater seep passive treatment system.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

WQM Permit No. 2213404, Sewerage, **Gerald Mishler**, 1040 Manada Bottom Road, Harrisburg, PA 17112.

This proposed facility is located in East Hanover Township, **Dauphin County**.

Description of Proposed Action/Activity: Replacing a failed septic system using a 2-compartment Monarch precast concrete septic tank with the second compartment housing a Peaksys Clearrex Bubber unit.

WQM Permit No. 2113403, Sewerage, **Jeff Pierson**, 357 Sherwood Drive, Carlisle, PA 17015.

This proposed facility is located in Middlesex Township, **Cumberland County**.

Description of Proposed Action/Activity: Proposed using a Premier Tech Aqua system for a three bedroom single family home.

Northcentral Regional Office: Regional Clean Water Program Manager, 208 W THIRD ST STE 101, Williamsport, PA 17701-6448. Phone: 570.327.3664.

WQM Permit No. 4113402, Sewage, **Carol Phillips**, 22861 Route 287, Morris, PA 16938.

This proposed facility is located in Pine Township, **Lycoming County**.

Description of Proposed Action/Activity: Project is to abate the failing on lot sewage disposal system serving the motel units and dwelling units.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

WQM Permit No. 0213404, Sewerage, **PWSA**, 1200 Penn Ave., PGH, PA 15222-4211

This proposed facility is located in PGH City, **Allegheny County**

Description of Proposed Action/Activity: Application for construction and operation of sewer lines.

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

WQM Permit No. 1013405, Sewage, **Kelly A. Slagle**, 225 Green Street, Monroe City, MO 63456.

This proposed facility is located in Portersville Borough, **Butler County**.

Description of Proposed Action/Activity: New Single Residence Sewage Treatment Plant to replace a malfunctioning on-lot system.

IV. NPDES Applications for Stormwater Discharges from MS4

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401

PAI130538, MS4, **PA State University Brandywine Campus**, 25 Yersley Mill Road, Media, PA 19063. 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 Middletown Township, **Delaware County**. The receiving stream(s), Rocky Run, is located in State Water Plan watershed 3-G and is classified for High Quality Waters—Cold Water Fishes and, 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 484-250-5910.

The EPA waiver is not in effect.

PAI130506, MS4, **Solebury Township**, 3092 Sugas Road, Solebury, PA 18963-0139. 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 Solebury Township, **Bucks County**. The receiving stream(s), Aquetong Creek, Cuttalosa Creek, Dark Hollow Run, Lahaska Creek, Paunacussing Creek, Pidcock Creek, Rabbit Run and Unnamed Stream, is located in State Water Plan watershed 2-E and 2-F and is classified for Warm Water Fishes, Migratory Fishes, High Quality Waters—Cold Water Fishes, Trout Stocking, Migratory Fishes, Cold Water Fishes and Migratory 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 484-250-5910.

The EPA waiver is not in effect.

PAI130022, MS4, **Milford Township**, 2100 Krammes Road, Quakertown, PA 18951. The application is for a new individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Quakertown Borough, **Bucks County**. The receiving stream(s), Beaver Run, Molasses Creek, Unami Creek, Unnamed Tributary of Unami Creek and Unnamed Tributary to Unami Creek, is located in State Water Plan watershed 2-D and 3-E and is classified for High Quality Waters—Trout Stocking, Mi, Trout Stocking and Migratory 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 484-250-5910.

The EPA waiver is not in effect.

PAI133507, MS4, **Cumru Township Berks County**, 1775 Welsh Road, Mohnton, PA 19540. 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 Cumru Township, **Berks County**. The receiving stream(s), Schuylkill River, Unnamed Tributary to Allegheny Creek, Unnamed Tributary to Angelica Creek and Unnamed Tributary to Wyomissing Creek, is located in State Water Plan watershed 3-C and is classified for Warm Water Fishes, Migratory Fishes, High Quality Waters—Cold Water Fishes, Cold Water Fishes and Migratory 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 484.250.5910.

The EPA waiver is not in effect.

PAI133500, MS4, Mohnton Borough Berks County, 21 N Oneil Street, Mohnton, PA 19540-1603. 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 Mohnton Borough, **Berks County**. The receiving stream(s), Wyomissing Creek, is located in State Water Plan watershed 3-C and is classified for High Quality Waters—Cold Water Fishes and, 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 484.250.5910.

The EPA waiver is not in effect.

PAI133501, MS4, Reading City Berks County, 815 Washington Street, Reading, PA 19601. 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 Reading City, **Berks County**. The receiving stream(s), Angelica Creek, Schuylkill River, Tulpehocken Creek and Wyomissing Creek, is located in State Water Plan watershed 3-C and is classified for Warm Water Fishes, Migratory Fishes, Cold Water Fishes and Migratory 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 484.250.5910.

The EPA waiver is not in effect.

PAI133502, MS4, Shillington Borough Berks County, 2 E Lancaster Avenue, Shillington, PA 19607-2632. 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 Shillington Borough, **Berks County**. The receiving stream(s), Unnamed Tributary to Angelica Creek and Wyomissing Creek, is located in State Water Plan watershed 3-C and is classified for High Quality Waters—Cold Water Fishes, Cold Water Fishes and Migratory 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 484.250.5910.

The EPA waiver is not in effect.

PAI133503, MS4, Spring Township Municipal Authority Berks County, 2850 Windmill Road, Reading, PA 19608-1668. 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 Spring Township, **Berks County**. The receiving stream(s), Cacoosing Creek, Little Cocalico Creek, Little Muddy Creek, Unnamed Tributary of Wyomissing Creek and Unnamed Tributary to Tulpehocken Creek, is located in State Water Plan watershed 3-C and 7-J and is classified for Warm Water Fishes, Migratory Fishes, High Quality Waters—Cold Water Fishes, Trout Stocking, Migratory Fishes, Cold Water Fishes and Migratory 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 484.250.5910.

The EPA waiver is not in effect.

PAI133504, MS4, West Reading Borough Berks County, 500 Chestnut Street, West Reading, PA 19611. 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 West Reading Borough, **Berks County**. The receiving stream(s), Schuylkill River and Wyomissing Creek, are located in State Water Plan watershed 3C and are classified for migratory fishery and high quality water respectively.

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 484-250-5910

The EPA waiver is not in effect.

PAI133506, MS4, Wyomissing Borough Berks County, 22 Reading Boulevard, Wyomissing, PA 19610-2038. 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 Wyomissing Borough, **Berks County**. The receiving stream(s), Schuylkill River, Tulpehocken Creek and Wyomissing Creek, is located in State Water Plan watershed 3-C and is classified for Warm Water Fishes, Migratory Fishes, Cold Water Fishes and Migratory 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 484.250.5910.

The EPA waiver is not in effect.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.

PAI133518, MS4, Washington Township Berks County, 120 Barto Road, Barto, PA 19504. The application is for a new individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Washington Township, **Berks County**. The receiving stream(s), Middle Creek, Unnamed Tributary to Swamp Creek, Unnamed Tributary to West Branch Perkiomen Creek and West Branch Perkiomen Creek, is located in State Water Plan watershed 3-E and is classified for High Quality Waters—Cold Water Fishes, Trout Stocking, Migratory Fishes, Cold Water Fishes and Migratory 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 717-705-4732.

The EPA waiver is not in effect.

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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI012311005-1	Castleway Properties 10 Industrial Highway Mail Stop 1, E Bldg. Suite 101 Lester, PA 19113	Delaware	Tinicum Township	Tributary to Delaware River WWF-MF
PAI015113008	Summit Realty Advisors 201 S. Maple Ave, Suite 100 Ambler, PA 19002	Philadelphia	City of Philadelphia	Poquessing Creek WWF-MF

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Luzerne County Conserve District, 325 Smiths Pond Road, Shavertown, Pa 18708, 570-674-7991

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024013002	STJ Williams Family Partnership, Ltd. c/o Scott Williams P. O. Box 3655 Scranton, PA 18505	Luzerne	Wright Township	UNT to Bow Creek (CWF, MF)

Lehigh County Conserve District, Lehigh Ag Center, Suite 102, 4184 Dorney Park Rd, Allentown Pa 18104, 610-391-9583

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023913007	Monti Kalsi ANR III LLC 4500 Falmer Dr. Bethlehem, PA 18020	Lehigh	Upper Macungie Township	Schaefer 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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI064213003	Bradford Regional Airport 212 Airport Drive Lewis Run PA 16738	McKean	Lafayette Township	Unt Three-mile Run CWF Unt East Branch Tunungwant Creek HQ; CWF

VII. List of NOIs for NPDES and/or Other General Permit Types

PAG-12 CAFOs

CAFO Notices of Intent Received

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.

PAG123668, CAFO, **Jeffery L. Kline, Kline's Hillside Farm**, 167 Coble Road, Chambersburg, PA 17201.

This proposed facility is located in St. Thomas Township, **Franklin County**.

Description of Size and Scope of Proposed Operation/Activity: Permit renewal for 428 AEU turkey and swine operation.

The receiving stream, UNT Back Creek, is in watershed 13-C, and classified for: TSF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

PAG123598, CAFO, **Lloyd S. Brubaker**, 561 Brown Road, Myerstown, PA 17067.

This proposed facility is located in Bethel Township, **Berks County**.

Description of Size and Scope of Proposed Operation/Activity: Permit renewal for 265 AEU Poultry operation.

The receiving stream, UNT Crosskill Creek, is in watershed 7-D, and classified for: CWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

PAG123670, CAFO, **Daniel and Dwight Forry**, 1015 Prospect Road, Columbia, PA 17512.

This proposed facility is located in West Hempfield Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Permit renewal for 661 AEU Swine / Beef / Goat operation.

The receiving stream, UNT Strickler Run, is in watershed WWF, and classified for: 7-G.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

PAG123600, CAFO, **David L. Weaver, Clear Spring Egg Farm**, 740 Marion Drive, Womelsdorf, PA 19567.

This proposed facility is located in Marion Township, **Berks County**.

Description of Size and Scope of Proposed Operation/Activity: Permit renewal for 331 AEU Poultry operation.

The receiving stream, UNT Tulpehocken Creek, is in watershed 3-C, and classified for: TSF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

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

Central Office: Bureau Director, Safe Drinking Water, P. O. Box 8467, Harrisburg, PA 17105-8467

Permit No. [9996596], Public Water Supply.

Applicant	[CG Roxane LLC]
[Township or Borough]	[Johnstown, New York]
Responsible Official	[Anne-Sophia Boizard, Quality Assurance Manager]
Type of Facility	[Out of State Bottled Water System]
Application Received Date	[July 1, 2013]
Description of Action	[Applicant requesting Department approval to sell bottled water in Pennsylvania under the brand names: Roxane Mountain Spring Water Crystal Geyser Natural Alpine Spring Water and 365 Spring Water.]

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745

Permit No. 1113504—Republish, Public Water Supply.

Applicant	Northern Cambria Municipal Authority 1202 Philadelphia Avenue Northern Cambria, PA 15714
[Township or Borough]	Barr Township
Responsible Official	Paul Weaver, Chairman Northern Cambria Municipal Authority 1202 Philadelphia Avenue Northern Cambria, PA 15714
Type of Facility	water system
Consulting Engineer	Stiffler, McGraw & Associates, Inc. 1731 North Juniata Street PO Box 462 Hollidaysburg, PA 16648
Application Received Date	May 14, 2013
Description of Action	Development of the Krumenaker Test Well No. 2; installation of a meter pit and a 6-inch diameter raw water supply line.

Northwest Region: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Permit No. 4313505, Public Water Supply

Applicant	Glen Lake Estates Mobile Home Park
Township or Borough	Pine Township
County	Mercer
Responsible Official	Jack Berkovitz
Type of Facility	Public Water Supply
Consulting Engineer	Corbet G. Martin, P.E. Herbert Rowland & Grubic, Inc. 200 West Kensing Drive, Suite 400 Cranberry Township, PA 16066
Application Received Date	June 21, 2013
Description of Action	Change the three individual contact tanks to run in series instead of parallel. Install additional piping at the treatment facility to meet 4 log inactivation of viruses prior to entering distribution system.

Permit No. 3313501, Public Water Supply

Applicant	Soldier Water System
Township or Borough	Winslow Township
County	Jefferson
Responsible Official	Robert Krajewski
Type of Facility	Public Water Supply
Consulting Engineer	Brian S. Sekula, P.E. The EADS Group, Inc. 15392 Route 322 Clarion, PA 16214
Application Received Date	June 14, 2013
Description of Action	Permitting of chemical feed equipment in existing booster pump station for disinfection and corrosion control.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745

Application No. 1113512GWR, Minor Amendment.

Applicant	Country Living Estates, Inc. 313 Humbert Road Sidman, PA 15955
[Township or Borough]	Croyle Township
Responsible Official	Zubair Mansori Country Living Estates, Inc. 313 Humbert Road Sidman, PA 15955
Type of Facility	Forest Hills Personal Care Home
Consulting Engineer	

Application Received Date	August 6, 2013
Description of Action	Demonstration of 4-log treatment for groundwater sources
Application No. 6513503MA, Minor Amendment.	
Applicant	Municipal Authority of Westmoreland County 124 Park & Pool Road New Stanton, PA 15672
[Township or Borough]	Boroughs of Jeanette, Adamsburg, New Stanton, South Greensburg and Hempfield Township
Responsible Official	John Ashton, Assistant Manager Municipal Authority of Westmoreland County 124 Park & Pool Road New Stanton, PA 15672
Type of Facility	Water system
Consulting Engineer	Gibson-Thomas Engineering, Co., Inc. PO Box 853 Latrobe, PA 15650
Application Received Date	August 2, 2013
Description of Action	Installation of approximately 89,000 feet of 48-inch diameter transmission line.

Northwest Region: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Application No. 4283501-MA3, Minor Amendment.

Applicant	Bradford City Water Authority
Township or Borough	Bradford Township
Responsible Official	Kim R. Benjamin
Type of Facility	Public Water Supply
Consulting Engineer	Kevin L. Szakelyhidi, P.E. Bankson Engineers, Inc. 267 Blue Run Road P. O. Box 200 Indianola, PA 15051
Application Received Date	July 5, 2013
Description of Action	Provide water source to natural gas drillers and contractors.

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.

Warriors Mark Fuel Tanker Release, approximately 1.1 miles south of SR 350 and SR 550, Warriors Mark Township, **Huntingdon County**. CardnoATC Associates, 103 North Meadows Drive, Suite 211, Wexford, PA 155090, on behalf of Sel-Lo Oil, 703 Ellenberger Drive, Altoona, PA 16601, and Steven and Marilee Ormsby, 4296 Warriors Mark Path, Warriors Mark, PA 16877, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with unleaded gasoline that was released in a truck accident. The site will be remediated to the Residential Statewide Health standard. Future use of the site continues as a support embankment for the roadway. The Notice of Intent to Remediate was published in *Altoona Mirror* on July 26, 2013.

Custom Tool & Die (former), 2970 Old Tree Drive, East Hempfield Township, **Lancaster County**. GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602, on behalf of William Woratyla, 3932 Marietta Avenue, Columbia, PA 17512, submitted a Notice of Intent to Remediate site soil and groundwater contaminated with #2 fuel oil. The site will be remediated to the Site Specific standard and remain industrial. The Notice of Intent to Remediate was published in the *Intelligencer Journal-New Era* on July 26, 2013.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401

PAR000537548. Waste Management of Fairless LLC, 1000 New Ford Mill Road, Morrisville, PA 19067. This Application for permit renewal is for the existing RCRA Post-Closure Borrow Pit—20 (BP-20), a closed hazardous waste land unit that was originally permitted to the United States Steel Corporation (USS) under ID No. PAD002375376. BP-20 is part of the 252 acres of the Fairless Landfill parcel owned by Waste Management of Fairless, LLC, and located in the USS properties in Falls Township, **Buck County**. Application was received at the Southeast Regional Office on June 24, 2013.

RESIDUAL WASTE GENERAL PERMITS

Application(s) Received Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes Barre, PA 18701-1915

General Permit Application No. WMGR096. Program I.D. WMGR096-NE001. Hazleton Creek Properties. 580 Third Avenue, P. O. Box 1389, Kingston, PA 18704. A renewal application for the continued use of regulated fill as construction material at the Hazleton Mine Reclamation Project located in Hazleton City, **Luzerne County**. The application was received on June 24, 2013 and deemed administratively complete by the Regional Office on August 5, 2013.

Comments concerning the application should be directed to William Tomayko, Environmental Program Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790 at 570-826-2511. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Application No. WMGR145. Beaver Valley Slag, Inc., 100 Bet-Tech Drive, Aliquippa, PA 15001, **Beaver County**. This general permit application is for the beneficial use of industrial water from wells

associated with a former steelmaking and foundry site for use to develop or hydraulically fracture an oil or gas well. The application was determined to be administratively complete by Central Office on July 17, 2013.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on WMGR144" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

General Permit Application No. WMGR144. Beaver Valley Slag, Inc., 100 Bet-Tech Drive, Aliquippa, PA 15001, **Beaver County**. This general permit application is for the beneficial use of blast furnace slag and steel slag from historic steelmaking operations extracted from the site for use as sub-base construction material, pavement aggregate, ready mix concrete ingredient, gas well construction and gas well pad construction. The application was determined to be administratively complete by Central Office on July 11, 2013.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on WMGR144" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Application for Determination of Applicability Received Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401

General Permit Application No. WMGR017SE001. Tri-County Spreading, 5144 Snyderstown Road, Pazinos, PA 17860. This application for a determination of applicability (DOA) for the beneficial use of drinking water plant treatment sludge for use as a soil additive on agricultural lands. The facility will be located on Swinehart Road, Coatesville, PA 19320, in West Brandywine Township, **Chester County**. The application for DOA was received by the Southeast Regional Office on March 14, 2013.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application Received Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401

Permit Application No. 101376. Waste Management of Pennsylvania, Inc., the Forge Recycling and Resource Recovery Center, 5245 Bleigh Avenue, Philadelphia PA 19136-4225. This Solid Waste Permit Renewal Application is for approval to extend the permit term for 10 years for the Forge Recycling and Resource Recovery Center, a municipal waste transfer and processing facility located at 5245 Bleigh Avenue, Philadelphia, PA 19136, in the City of Philadelphia, **Philadelphia County**. The application was received by the Southeast Regional Office on July 25, 2013.

Permit Application No. 400694. Med-Flex, Inc., Ford Road and Frost Road, Bristol PA 19007. This application is submitted for the construction and operation of a new transfer and processing facility to be called "Med-Flex" that will operate 24 hours/day, 7days/week with maximum volume of 54 tons per day (TPD) of Infectious, Chemotherapeutic and Pharmaceutical waste to be located at Ford Road & Frost Road in Bristol Township, **Bucks County**. The application was considered received by the Southeast Regional office on June 19, 2013.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401

Permit Application No. 400558. Covanta Plymouth Renewable Energy Limited Partnership, 1155 Conshohocken Road, Conshohocken PA 19428. This Application is for the renewal of the solid waste permit (400558) for Covanta Plymouth Renewable Energy Facility, a municipal waste resource recovery facility located at 1155 Conshohocken Road, Conshohocken, PA 19428 in Plymouth Township, **Montgomery County**. The application was received by the Southeast Regional Office on June 25, 2013.

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 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.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

18-00030A: First Quality Tissue, LLC (904 Woods Avenue, Lock Haven, PA 17745) for installation of venture scrubbers to control the particulate matter emissions from the dry-end sections of the facility's two paper machines at their facility in Castanea Township, **Clinton County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

16-132J: Clarion Boards, Inc. (143 Fiberboard Road, Shippensburg, PA 16254) for modification of destruction efficiencies associated with the RTO in Paint Township, **Clarion County**. This is a Title V facility.

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.

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.

21-05039B: Land O' Lakes, Inc. (405 Park Drive, Carlisle, PA 17015) for reactivation of a milk powder storage bin and reconstruction of its associated fabric filter emissions control unit in South Middleton Township, **Cumberland 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.

Plan Approval No. 21-05039B will provide for the return to service of a milk powder storage bin and its emissions control system which have been out of service for a short period. The previous bags in the fabric filter will now be replaced with filter cartridges for improved residual powder removal. Facility emissions will not be impacted by the proposed actions. Along with the existing emission limits, the plan approval will contain monitoring, recordkeeping, reporting and work practice standards to ensure the facility complies with all applicable air quality requirements.

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.

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.

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

32-00428A: Creps United Publications, LLP (1163 Water Street, Indiana, PA 15701) to allow construction and temporary operation of a new commercial printing facility including four heat set web offset lithographic printing presses controlled by two regenerative thermal oxidizers and to be located at the Windy Ridge Industrial Park in White Township, **Indiana County**.

In accordance with 25 Pa. Code §§ 127.44—127.46 the Department of Environmental Protection (DEP) intends to issue Air Quality Plan Approval: PA-32-00428A to allow the construction and temporary operation of a new commercial printing facility including four heatset web offset lithographic printing presses controlled by two regenerative thermal oxidizers and to be located at the Windy Ridge Industrial Park in White Township, Indiana County.

Potential to emit from the facility is estimated to be 49.08 tons of volatile organic compounds (VOC), 7.61 tons of ethylene glycol, 0.23 ton of naphthalene, 8.13 tons of total hazardous air pollutants (HAP), 15.6 tons of nitrogen oxides (NO_x), 13.1 tons of carbon monoxide (CO), 1.19 tons of particulate matter (PM), 0.09 ton of sulfur dioxide (SO₂), and 18,753 tons of carbon dioxide equivalents (CO₂e) per year. Best available technology (BAT) for the operation of heatset web offset lithographic printing presses is emissions capture and destruction by regenerative thermal oxidizers, use of low VOC content fountain solution and low vapor pressure cleaning solvent, and good work practices. Work practices include operating press dryers at a negative pressure relative to the press room, minimizing the use of manual cleaning solvent, and keeping cleaning solvent and used cleaning rags in closed containers when not in use. The authorization is subject to State regulations including 25 Pa. Code §§ 123.1, 123.2, and 123.31. Plan Approval has been conditioned to ensure compliance with all applicable rules. This includes emission limitations, monitoring, recordkeeping, reporting, and work practice conditions. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently apply for a State Only Operating Permit in accordance with 25 Pa. Code Subchapter F.

A person may oppose the proposed plan approval by filing a written protest with the Department through Alan Binder, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Additional written comments may also be submitted. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-32-00428A) and concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

All comments must be received prior to the close of business 30 days after the date of this publication.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing in writing or by publication in the newspaper and the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

For additional information you may contact Alan Binder at 412-442-4168.

32-00429A: Reparex Fabricated Systems, Inc. (P. O. Box 705, Latrobe, PA 15650) for a reinforced plastic composite manufacturing facility at RPX Composites in Green Township, **Indiana County**. This is a minor facility Plan Approval application submittal.

32-00394A: Bowser-Minich Pet Crematory (498 Ben Franklin Road South, Indiana, PA 15701) for their pet crematory in White Township, **Indiana County**. This is a minor facility Plan Approval submittal.

Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

06-03095: DirectLink Technologies Corp. (2561 Bernville Road, Reading, PA 19605-9611) for operation of data processing center with six (6) emergency generators in Bern Township, **Berks County**. This is a renewal of the State-only operating permit issued in 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 issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility has the potential to emit 0.6 tpy PM₁₀, 3.6 tpy of CO, 19.2 tpy NO_x, 1.3 tpy SO_x, & 0.7 tpy VOC. The operating permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines

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.

Tom 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 or protests.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

63-00895: Ensinger, Inc. (365 Meadowland Boulevard, Washington, PA 15301-8904) for manufacturing laminated plastics, plate, and sheet at the Washington Facility in North Strabane Township, **Washington County**. This is a State Only Operating Permit renewal application submittal.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Matthew M. Williams—Telephone: 814-332-6131

62-00148: Elkhorn Gas Processing (15470 Route 6, Warren, PA 16365) to issue a renewal of the Natural Minor Operating Permit to operate the natural gas processing plant in Sheffield Township, **Warren County**. The facility's primary emission sources include two inlet compressors, dehydration unit, combustion emissions for the dehydration unit, a hot oil heater, a refrigerant compressor, potential equipment leaks, product storage tanks and loading, and an emergency generator. The two inlet compressors and the refrigerant compressor engines are subject to 40 CFR 63 Subpart ZZZZ—NESHAPs for Stationary Reciprocating Internal Combustion Units. The dehydration unit is subject to 40 CFR 63 Subpart HH—NESHAPs from Oil and Natural Gas Production Facilities. Actual emissions from the facility are less than the Title V emission thresholds. The conditions of the previous plan approval and operating permit were incorporated into the renewal permit.

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

30841316. Consol Pennsylvania Coal Company, LLC, (PO Box J, 1525 Pleasant Grove Road, Claysville, PA 15323). To revise the permit for the Bailey Mine & Prep Plant in Richhill Township, **Greene County** to install the 1M Bleeder Shaft and site. Application also includes a request for a Section 401 Water Quality Certification. Surface Acres Proposed 48.0. No additional discharges. The application was considered administratively complete on August 1, 2013. Application received June 14, 2013.

32011302. AMFIRE Mining Company, LLC, (One Energy Place, Latrobe, PA 15650). To revise the permit for the Gillhouser Run Deep Mine in Brush Valley and Buffington Townships, **Indiana County** to add acreage to the underground permit boundary and subsidence control plan area. Underground Acres Proposed 711.2, Subsidence Control Plan Acres Proposed 713.7. No additional discharges. The application was considered administratively complete on August 5, 2013. Application received May 31, 2013.

65130702 (formerly 65881701) and NPDES No. PA0214116. Consolidation Coal Company, (CNX Center, 1000 Consol Energy Drive, Canonsburg, PA 15317). To renew the permit for the Hutchinson AMD Plant in Sewickley Township, **Westmoreland County** and related NPDES permit for post-mining water treatment. No additional discharges. The application was considered administratively complete on August 5, 2013. Application received June 27, 2013.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

Permit No. 56880101 and NPDES No. PA0598127. Cooney Brothers Coal Co., P. O. Box 246, Cresson, PA

16630, revision of an existing bituminous surface mine to change the land use from forestland to wildlife habitat, unmanaged natural habitat, pastureland/land occasionally cut for hay or industrial/commercial and pastureland or land occasionally cut for hay to wildlife habitat, unmanaged natural habitat, forestland, cropland or industrial/commercial in Paint township, **Somerset County**, affecting 191.8 acres. Receiving streams: unnamed tributaries to/and Shade Creek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received March 25, 2013.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

03060104 and NPDES Permit No. PA0250996. Rosebud Mining Co. (301 Market Street, Kittanning, PA 16201). Revision application for land use change for 5.6 acres from Forestland to a post-mining land use of Pastureland/Land Occasionally Cut for Hay to an existing bituminous surface mine, located in Manor & Kittanning Townships, **Armstrong County**, affecting 85.4 acres. Receiving streams: unnamed tributaries to Campbell Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: July 22, 2013.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191 10110102.

K & A Mining (P. O. Box 288, Grove City, PA 16127) Revision to an existing bituminous surface mine to add blasting in Marion Township, **Butler County**. Receiving streams: Unnamed tributary to North Branch Slippery Rock Creek and North Branch Slippery Rock Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: August 2, 2013.

Noncoal Applications Received

Effluent Limits—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Table 2

Parameter	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

37100301 and NPDES Permit No. PA0258890. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201) Transfer of an existing large industrial minerals mine and NPDES permit from Quality Aggregates, Inc. in Slippery Rock Township, **Lawrence**

County affecting 47.0 acres. Receiving streams: Slippery Rock Creek, classified for the following uses: CWF. The first downstream potable surface water supply intake from the point of discharge is Camp Allegheny. Application received: July 25, 2013.

37050302 and NPDES Permit No. PA0242632. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201) Transfer of an existing large industrial minerals mine and NPDES permit from Quality Aggregates, Inc. in Slippery Rock Township, **Lawrence County** affecting 100.0 acres. Receiving streams: Unnamed tributaries to Slippery Rock Creek, classified for the following uses: CWF. The first downstream potable surface water supply intake from the point of discharge is Camp Allegheny. Application received: July 25, 2013.

37970302 and NPDES Permit No. PA0227579. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201) Transfer of an existing large industrial minerals mine and NPDES permit from Quality Aggregates, Inc. in Slippery Rock Township, **Lawrence County** affecting 270.0 acres. Receiving streams: 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 received: July 25, 2013.

37070302 and NPDES Permit No. PA0258423. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201) Transfer of an existing large industrial minerals mine and NPDES permit from Quality Aggregates, Inc. in Slippery Rock Township, **Lawrence County** affecting 101.0 acres. Receiving streams: Unnamed tributaries to Slippery Rock Creek, classified for the following uses: CWF. The first downstream potable surface water supply intake from the point of discharge is Camp Allegheny. Application received: July 25, 2013.

10060306 and NPDES Permit No. PA0258211. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201) Transfer of an existing large industrial minerals mine and NPDES permit from Quality Aggregates, Inc. in Marion Township, **Butler County** affecting 54.5 acres. Receiving streams: Five unnamed tributaries to Blacks Creek and Blacks Creek, one unnamed tributary to North Branch Slippery Rock Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: July 25, 2013.

10960301 and NPDES Permit No. PA0227196. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201) Transfer of an existing large industrial minerals mine and NPDES permit from Quality Aggregates, Inc. in Marion Township, **Butler County** affecting 131.8 acres. Receiving streams: Unnamed tributaries to Blacks Creek and Blacks Creek, one unnamed tributary to Slippery Rock Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: July 25, 2013.

37010301 and NPDES Permit No. PA0241881. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201) Transfer of an existing large industrial minerals mine and NPDES permit from Quality Aggregates, Inc. in Slippery Rock Township, **Lawrence County** affecting 197.0 acres. Receiving streams: Slippery Rock Creek, classified for the following uses: CWF. The first downstream potable surface water supply intake from the point of discharge is Camp Allegheny. Application received: July 25, 2013.

37930302 and NPDES Permit No. PA0211583. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201) Transfer of an existing large industrial minerals mine and NPDES permit from Quality Aggregates, Inc. in Slippery Rock Township, **Lawrence County** affecting 140.0 acres. Receiving streams: Unnamed tributaries to Slippery Rock Creek, classified for the following uses: CWF. The first downstream potable surface water supply intake from the point of discharge is Camp Allegheny. Application received: July 25, 2013.

10850306 and NPDES Permit No. PA0106453. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201) Transfer of an existing large industrial minerals mine and NPDES permit from Quality Aggregates, Inc. in Marion Township, **Butler County** affecting

69.0 acres. Receiving streams: Unnamed tributaries to Blacks Creek and Blacks Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: July 25, 2013.

37880304 and NPDES Permit No. PA0204906. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201) Transfer of an existing large industrial minerals mine and NPDES permit from Quality Aggregates, Inc. in Slippery Rock Township, **Lawrence County** affecting 227.5 acres. Receiving streams: 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 received: July 25, 2013.

37930302. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201) Renewal of NPDES Permit No. PA0211583 in Slippery Rock Township, **Lawrence County**. Receiving streams: Unnamed tributaries to Slippery Rock Creek, classified for the following uses: CWF. The first downstream potable surface water supply intake from the point of discharge is Camp Allegheny. Application received: July 25, 2013.

10850306. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201) Renewal of NPDES Permit No. PA0106453 in Marion Township, **Butler County**. Receiving streams: Unnamed tributaries to Blacks Creek and Blacks Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: July 25, 2013.

37880304. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201) Renewal of NPDES Permit No. PA0204096 in Slippery Rock Township, **Lawrence County**. Receiving streams: 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 received: July 25, 2013.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

58080842. Dennis R. Bevan, (136 Barbour Lane, Hallstead, PA 18822), Stage I & II bond release of a quarry operation in Liberty Township, **Susquehanna County** affecting 3.0 acres on property owned by Dennis R. Bevan. Application received: July 10, 2013.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the

comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Region: Waterways and Wetlands Program

	<i>Address</i>	<i>Waterway</i>	<i>Chapter 93 Designation</i>	<i>USGS Quadrangle</i>	<i>Latitude</i>	<i>Longitude</i>
1	814 Hoffer Street Middletown, PA 17057	Swatara Creek	WWF MF	Middletown	40.205385	-76.718479
2	809 Few Avenue Middletown, PA 17057	Swatara Creek	WWF MF	Middletown	40.205185	-76.717769
3	744 Hoffer Street Middletown, PA 17057	Swatara Creek	WWF MF	Middletown	40.204157	-76.718650

F22-598: Swatara Township, 599 Eisenhower Boulevard, Harrisburg, PA 17111-2397 in Swatara Township, **Dauphin County**, ACOE Baltimore.

To remove structures from the floodplain at the locations listed. The projects propose to temporarily affect approximately 0.20 acre of floodplains. The issuance of this permit will not constitute approval of Water Quality Certification under Section 401 of the Federal Clean Water Act (33 U.S.C.A. § 1341).

	<i>Address</i>	<i>Waterway</i>	<i>Chapter 93 Designation</i>	<i>USGS Quadrangle</i>	<i>Latitude</i>	<i>Longitude</i>
1	3756 Brisban Street Harrisburg, PA 17111	Spring Creek	CWF MF	Harrisburg East	40° 15' 35.1"	-76° 49' 30.1"
2	3758 Brisban Street Harrisburg, PA 17111	Spring Creek	CWF MF	Harrisburg East	40° 15' 35.2"	-76° 49' 29.7"

Southwest Region: Waterways & Wetlands Program
Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E56-366. Stonycreek Township, 120 Municipal Road, Friedens, PA 15541-6414, Stonycreek Township and Shanksville Borough, **Somerset County**; ACOE Pittsburgh District

Applicant proposes to construct and maintain a 12" steel casing sanitary sewer utility line stream crossing that will impact approximately 0.04 acre of Lake Stonycreek (CWF), by attaching this utility line to the bridge that carries Causeway Drive (S.R. 1006) over Lake Stonycreek. In addition, to construct and maintain twenty-three (23) sanitary sewer utility line stream cross-

ings across Rhoads Creek (CWF), Boone Run (CWF), several unnamed tributaries (UNTs) to these water-courses, and UNTs to Lake Stonycreek, which will cumulatively impact approximately 920' of watercourse. In addition, to construct and maintain nineteen (19) sanitary sewer utility line crossings across wetlands, which will impact approximately 0.03 acre of wetland, some of which are exceptional value, due to the presence of a PA threatened plant species. These utility line stream crossings are associated with the Lake Stonycreek Sewer Project, in Stonycreek Township and Shanksville Borough, Somerset County. (Central City, PA Quadrangle: N: 4.49 inches; W: 17.15 inches; Latitude: 40° 01' 29"; Longitude: 78° 52' 21"; Sub-basin 18E, Chapter 93, Type CWF)

E48-423. Pennsylvania Department of Transportation Engineering District 5-0, 1002 Hamilton Street, Allentown, PA 18103-1013, in Williams Township, **Northampton County**, U.S. Army Corps of Engineers, Philadelphia District.

To remove the existing structure; and to construct and maintain a 178-foot long, 10-foot high soldier pile wall in the Delaware Canal which is located in the Delaware River (WWF, MF) floodway. The project is located along S.R. 611, Segment 0040, Offset 1345 (Easton, PA Quadrangle, Latitude: 40°37'32N"; Longitude: -75°11'26W").

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717.705.4802.

F22-599: Middletown Borough, 60 West Emaus Street, Middletown, PA 17057 in Middletown Borough, **Dauphin County**, ACOE Baltimore.

To remove structures from the floodplain at the locations listed. The projects propose to temporarily affect approximately 0.34 acre of floodplains. The issuance of this permit will not constitute approval of Water Quality Certification under Section 401 of the Federal Clean Water Act (33 U.S.C.A. § 1341).

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335

E43-08-003, Halcon Field Service LLC, 1000 Louisiana Street, Suite 6700, Houston, TX 77002-6003, Stevenson to Tennessee Natural Gas Pipeline in Salem, Perry, New Vernon, and Sandy Creek Townships, **Mercer County**, ACOE Pittsburgh District (Greenville West and Hadley, PA Quadrangle, N: 41° 28' 4.869"; W: 80° 17' 0.314").

The applicant proposes to construct and maintain approximately 8.4 miles of 16 inch diameter, steel natural gas pipeline in Salem, Perry, New Vernon, and Sandy Creek Townships, Mercer County, PA. The proposed pipeline will connect Halcon Field Services, LLC's Stevenson well pad to the Tennessee Natural Gas transmission line.

The water obstructions and encroachments for the purposes of installing the pipeline are described below:

- 01 One (1) 16 inch diameter, steel natural gas gathering line to be bored under a UNT to Sandy Creek (WWF). 41° 28' .182"N; -80° 15' 43.752"W
- 02 One (1) 16 inch diameter, steel natural gas gathering line to be bored under a UNT to Sandy Creek (WWF). 41° 27' 57.028"N; -80° 15' 41.091"W
- 03 One (1) 16 inch diameter, steel natural gas gathering line to be bored under a palustrine forested (PFO) wetland. 41° 27' 55.497"N; -80° 15' 39.813"W
- 04 One (1) 16 inch diameter, steel natural gas gathering line with associated right-of-way and a temporary road to cross a UNT to Sandy Creek (WWF), having 61 linear feet of temporary stream impact. 41° 27' 51.189" N; -80° 15' 36.154" W
- 05 One (1) 16 inch diameter, steel natural gas gathering line with associated right-of-way and a temporary road to cross a UNT to Sandy Creek (WWF), having 45 linear feet of temporary stream impact. 41° 27' 41.693" N; -80° 15' 34.055" W
- 06 One (1) 16 inch diameter, steel natural gas gathering line with associated right-of-way and a temporary road to cross a UNT to Morrison Run (WWF), having 43 linear feet of temporary stream impact. 41° 27' 34.774"N; -80° 15' 33.579" W
- 07 One (1) 16 inch diameter, steel natural gas gathering line with associated right-of-way and a temporary road to cross a palustrine Emergent (PEM) wetland, having .05 acres of temporary impact. 41° 27' 34.870" N; -80° 14' 57.003" W
- 08 One (1) 16 inch diameter, steel natural gas gathering line to be bored under a palustrine forested (PFO) wetland. 41° 26' 57.502"N; -80° 14' 2.443"W
- 09 One (1) 16 inch diameter, steel natural gas gathering line to be bored under a palustrine forested (PFO) wetland. 41° 26' 50.982"N; -80° 13' 57.636"W
- 10 One (1) 16 inch diameter, steel natural gas gathering line to be bored under Mill Run and its associated floodway consisting of a palustrine forested/ palustrine emergent (PFO/PEM) wetland. 41° 26' 19.782" N; -80° 13' 37.359" W
- 11 One (1) 16 inch diameter, steel natural gas gathering line to be bored under a palustrine forested/ palustrine emergent (PFO/PEM) wetland. 41° 26' 18.817" N; -80° 13' 37.301" W

- 12 One (1) 16 inch diameter, steel natural gas gathering line with associated right-of-way, temporary road crossing and bore pit to be placed the floodway of a UNT Mill Run. A portion of this crossing will be bored under a palustrine forested/ palustrine emergent (PFO/PEM) wetland that is also within the same floodway. 41° 26' 16.404" N; -80° 13' 37.116" W
- 13 One (1) 16 inch diameter, steel natural gas gathering line with associated right-of-way and a temporary road to cross a UNT to Mill Run (WWF), having 40 linear feet of temporary stream impact. 41° 26' 14.896" N; -80° 13' 29.051" W
- 14 One (1) 16 inch diameter, steel natural gas gathering line to be bored under a UNT to Mill Run (WWF) and its floodway consisting of a palustrine emergent (PEM) wetland. 41° 26' 3.654" N; -80° 13' 17.463" W
- 15 A temporary access road to cross a UNT to Mill Run (WWF), having 21 linear feet of temporary stream impact. 41° 26' 7.128" N; -80° 13' 15.863" W
- 16 One (1) 16 inch diameter, steel natural gas gathering line to be bored under a palustrine forested (PFO) wetland. 41° 25' 58.374" N; -80° 13' 10.343" W
- 17 One (1) 16 inch diameter, steel natural gas gathering line to be bored under a UNT to Mill Run (WWF) and its associated floodway consisting partially of a palustrine forested (PFO) wetland. 41° 25' 58.707" N; -80° 13' 10.449" W
- 18 One (1) 16 inch diameter, steel natural gas gathering line to be bored under a UNT to Mill Run (WWF) and its associated floodway consisting partially of a palustrine forested (PFO) wetland. 41° 25' 53.327" N; -80° 13' 8.742" W
- 19 One (1) 16 inch diameter, steel natural gas gathering line to be bored under, and a temporary road crossing of a UNT to Little Shenango River (TSF), having 40 linear feet of temporary stream impact. A rock construction entrance and bore pits will be temporarily placed in the floodway. 41° 25' 29.232" N; -80° 13' 2.257" W
- 20 One (1) 16 inch diameter, steel natural gas gathering line with associated right-of-way and a temporary road to cross a UNT to Little Shenango River (TSF), having 66 linear feet of temporary stream impact. 41° 25' 15.586" N; -80° 12' 59.428" W
- 21 A temporary road to cross a UNT to Little Shenango River (TSF), having 20 linear feet of temporary stream impact. 41° 25' 19.507" N; -80° 12' 49.681" W
- 22 One (1) 16 inch diameter, steel natural gas gathering line with associated right-of-way and a temporary road to cross a UNT to Little Shenango River (TSF), having 44 linear feet of temporary stream impact. 41° 25' 15.480" N; -80° 12' 28.422" W
- 23 One (1) 16 inch diameter, steel natural gas gathering line with associated right-of-way and a temporary road to cross a UNT to Little Shenango River (TSF), having 63 linear feet of temporary stream impact. 41° 25' 16.120" N; -80° 12' 24.881" W

- 24 One (1) 16 inch diameter, steel natural gas gathering line with associated right-of-way and a temporary road to cross a UNT to Little Shenango River (TSF) and its associated floodway consisting partially of a palustrine forested (PFO) wetland, having 40 linear feet of temporary stream impact and .05 acre of temporary wetland impact. 41° 25' 15.926" N; -80° 12' 16.919" W
- 25 One (1) 16 inch diameter, steel natural gas gathering line with associated right-of-way and a temporary road to cross a UNT to Little Shenango River (TSF), having 44 linear feet of temporary stream impact. 41° 25' 17.140" N; -80° 12' 2.009" W
- 26 One (1) 16 inch diameter, steel natural gas gathering line to be bored under a palustrine emergent/palustrine shrub, scrub (PEM/PSS) wetland. 41° 25' 21.421" N; -80° 11' 45.330" W
- 27 One (1) 16 inch diameter, steel natural gas gathering line to be bored under a UNT to Little Shenango River (TSF) and its associated floodway consisting of a partially palustrine emergent/palustrine shrub, scrub (PEM/PSS) wetland. 41° 25' 21.551" N; -80° 11' 43.999" W
- 28 One (1) 16 inch diameter, steel natural gas gathering line to be bored under a UNT to Little Shenango River (TSF) and its associated floodway consisting of a partially palustrine emergent/palustrine shrub, scrub (PEM/PSS) wetland. 41° 25' 18.74" N; -80° 11' 19.314" W
- 28 One (1) 16 inch diameter, steel natural gas gathering line to be bored under a UNT to Little Shenango River (TSF) and its associated floodway consisting of a partially palustrine emergent/palustrine shrub, scrub (PEM/PSS) wetland. 41° 25' 18.615" N; -80° 11' 18.224" W
- 29 One (1) 16 inch diameter, steel natural gas gathering line to be bored under a palustrine emergent/palustrine shrub, scrub (PEM/PSS) wetland. 41° 25' 18.522" N; -80° 11' 17.439" W
- 30 One (1) 16 inch diameter, steel natural gas gathering line to be bored under a UNT to Little Shenango River (TSF) and its associated floodway consisting of a partially palustrine shrub, scrub (PSS) wetland. 41° 25' 15.743" N; -80° 11' 8.533" W
- 31 One (1) 16 inch diameter, steel natural gas gathering line with associated right-of-way and a temporary road to cross a UNT to Little Shenango River (TSF), having 50 linear feet of temporary stream impact. 41° 25' 13.997" N; -80° 11' .576" W

Northcentral Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701

E4129-079: Pennsylvania General Energy Company, LLC, 120 Market Street, Warren, PA 16365, Cummings Township, **Lycoming County**, ACOE Baltimore District. To construct, operate, and maintain:

1) a 24-inch gas pipeline, fiber optic cable, and a timber mat bridge impacting 67 linear feet of an unnamed tributary to Ramsey Run (HQ-CWF) (Waterville, PA Quadrangle 41°17'58"N 77°18'43"W);

2) a 24-inch gas pipeline, fiber optic cable, and a timber mat bridge impacting 79 linear feet of an unnamed tributary to Ramsey Run (HQ-CWF) (Waterville, PA Quadrangle 41°17'59"N 76°18'43"W);

3) a 24-inch gas pipeline, fiber optic cable, and a timber mat bridge impacting 97 linear feet of an unnamed tributary to Ramsey Run (HQ-CWF) (Waterville, PA Quadrangle 41°18'34"N 77°18'51"W);

4) a 24-inch gas pipeline, fiber optic cable, and a timber mat bridge impacting 48 linear feet of an unnamed tributary to Ramsey Run (HQ-CWF) and 3,809 square feet of adjacent palustrine emergent (PEM) wetland (Waterville, PA Quadrangle 41°19'02"N 77°19'04"W);

5) a 24-inch gas pipeline, fiber optic cable, and a timber mat bridge impacting 43 linear feet of Ramsey Run (HQ-CWF) (Waterville, PA Quadrangle 41°19'13"N 77°19'34"W).

The project will result in a total of 334 linear feet of stream impacts and 0.09 acre of wetland impacts all for the purpose of installing a natural gas gathering line, fiber optic cable, and temporary access roadways for Marcellus well development.

E5729-062: Appalachia Midstream Services, LLC, 100 IST Center, Horseheads, NY 14845, Cherry Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary access road using a timber mat bridge and a 6 inch diameter well line impacting 191 linear feet of an unnamed tributary to the Little Loyalsock Creek (EV) (Dushore, PA Quadrangle 41°31'17"N, 76°25'07"W);

2) A temporary access road using a timber mats and a 6 inch diameter well line impacting 3,530 square feet of a palustrine emergent (PEM) wetland (Dushore, PA Quadrangle 41°31'24"N, 76°25'57"W);

3) A temporary access road using a timber mat bridge and a 6 inch diameter well line impacting 194 linear feet of an unnamed tributary to the Little Loyalsock Creek (EV) (Dushore, PA Quadrangle 41°31'15"N, 76°25'57"W);

4) A temporary access road using a timber mat bridge and a 6 inch diameter well line impacting 120 linear feet of an unnamed tributary to the Little Loyalsock Creek (EV) (Dushore, PA Quadrangle 41°31'11"N, 76°26'09"W);

5) A temporary access road using a timber mat bridge and a 6 inch diameter well line impacting 194 linear feet of an unnamed tributary to the Little Loyalsock Creek (EV) (Dushore, PA Quadrangle 41°31'14"N, 76°26'17"W);

The project will result in 699 linear feet of temporary stream impacts, and 3,530 square feet (0.08 acre) of temporary wetland impacts all for the purpose of installing a gathering line for Marcellus well development in Cherry Township, Sullivan County.

EROSION AND SEDIMENT CONTROL PERMITS

The following parties have applied for Erosion and Sediment Control Permits for earth disturbance activities associated with either road maintenance or timber harvesting operations.

Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department proposes to issue a permit to discharge, subject to certain limitations in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices which restrict the rate and quantity of sediment discharged.

A person wishing to comment on a proposed permit are invited to submit a statement to the appropriate Department regional office listed before the application within

30 days of this public notice. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and relevant facts upon which it is based. A public hearing may be held after consideration of comments received by the appropriate Department regional office during the 30-day public comment period.

Following the 30-day comment period, the appropriate regional office water management program manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board (Board).

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity, are on file and may be inspected at the appropriate regional office.

Persons with a disability that require an auxiliary aid, service or other accommodation to participate during the 30-day public comment period should contact the specified regional office. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications received under sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402)

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701

ESCGP-1 # ESG13-115-0079
 Applicant Name Cabot Oil and Gas Corporation
 Contact Person Kenneth Marcum
 Address Five Penn Center West, Suite 401
 City, State, Zip Pittsburgh, PA 15276
 County Susquehanna County
 Township(s) Middletown Township
 Receiving Stream(s) and Classification(s) UNT to North Branch Wyalusing Creek (CWF/MF)

ESCGP-1 # ESG13-115-0074
 Applicant Name Carrizo (Marcellus), LLC
 Contact Person Gary Byron
 Address PO Box 231
 City, State, Zip Drifting, PA 16834
 County Susquehanna County
 Township(s) Forest Lake Township
 Receiving Stream(s) and Classification(s) Forest Lake Creek and Fall Brook (CWF/MF);
 Secondary: Susquehanna River

ESCGP-1 # ESX13-117-0023
 Applicant Name SWEPI LP
 Contact Person Jason Shoemaker
 Address 2100 Georgetown Drive, Suite 400
 City, State, Zip Sewickley, PA 15143
 County Tioga County
 Township(s) Deerfield Township
 Receiving Stream(s) and Classification(s) Tribes to Yarnell Brook (WWF/MF);
 Secondary: Cowanesque River (WWF/MF)

ESCGP-1 # ESG13-081-0039
 Applicant Name Range Resources Appalachia, LLC
 Contact Person Mary C. Patton
 Address 100 Throckmorton Street, Suite 1200
 City, State, Zip Ft. Worth, TX 76102
 County Lycoming County
 Township(s) Lewis Township
 Receiving Stream(s) and Classification(s) Steam Valle Run/UNT to Wolf Run (HQ/CWF);
 Secondary: Lycoming Creek (EV)

ESCGP-1 # ESG13-081-0038
 Applicant Name Pennsylvania General Energy Company, LLC
 Contact Person Douglas Kuntz
 Address 120 Market Street
 City, State, Zip Warren, PA 16365
 County Lycoming County
 Township(s) Cummings Township
 Receiving Stream(s) and Classification(s) UNT to Little Pine Creek (EV);
 Secondary: Little Pine Creek

ESCGP-1 # ESG13-081-0040
 Applicant Name Anadarko E&P Onshore, LLC
 Contact Person Rane Wilson
 Address 33 W. Third Street, Suite 200
 City, State, Zip Williamsport, PA 17701
 County Lycoming County
 Township(s) Lewis and Cogan House Townships
 Receiving Stream(s) and Classification(s) UNT Wolf Run, Wolf Run (Both HQ-CWF/MF);
 Secondary: Wolf Run (HQ-CWF/MF), Lycoming Creek (EV/MF)

ESCGP-1 # ESX12-081-0132 (01)
 Applicant Name Anadarko Marcellus Midstream LLC
 Contact Person Nathan Bennett
 Address 33 W. Third Street, Suite 200
 City, State, Zip Williamsport, PA 17701
 County Lycoming County
 Township(s) Pine Township
 Receiving Stream(s) and Classification(s) Bonnell Run, Fourmile Run, Hughes Run, Smith Run (All EV/MF)

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Wastes; Discharges to Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania 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 pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. NPDES Renewal Permit Actions

Northeast Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2511.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0064149 (Sewage)	Lehigh County Authority Arcadia West Industrial Park WWTP 9767 Commerce Circle Kutztown, PA 19530	Lehigh County Weisenberg Township	Unnamed Tributary to Mill Creek (3-B)	N
PAS702203 (Storm Water)	Eastern Ind Bath Plant 7901 Beth Bath Pike (Route 512) Bath, PA 18014	Northampton County East Allen Township	Monocacy Creek (2-C)	Y

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0094226 Industrial Waste	Wilkesburg Penn Jt Water Auth 7603 Tyler Rd Verona, PA 15147-1530	Allegheny Cnty Penn Hills Twp	Allegheny River	Y

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0044016 (Concentrated Aquatic Animal Production Facility)	Linesville Fish Culture Station 13300 Hartstown Road Linesville, PA 16424	Crawford County Pine Township	Shenango River (Pymatuning Reservoir) (20-A)	Y

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401

NPDES Permit No. PA0012769, Industrial, **Rohm & Haas Chemicals, LLC**, 200 Route 413, Bristol, PA 19007.

This proposed facility is located in Bristol Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated industrial waste from a facility known as Rohm & Haas—Bristol Facility to Hog Run Creek, Otter Creek, Unnamed Tributary of Delaware River in Watershed 2-E.

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

NPDES Permit No. PA0065412, Pesticide, SIC Code 0782, **Lakeside Outing Club**, 227 East Shore Drive, Susquehanna, PA 18847.

This proposed facility is located in New Milford Township, **Susquehanna County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for the application of pesticide (copper sulfate algicide) to control algae in Page Lake.

Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701

NPDES Permit No. PA0232360, Sewage SIC Code 8811, **Paul & Sarah Eberly**, 1255 Industrial Park Road, Milton, PA 17847.

This facility is located in West Chillisquaque Township, **Northumberland County**.

Description of Proposed Action: Issuance of an NPDES Permit for a new discharge of treated sewage effluent.

The receiving stream(s), Unnamed Tributary to Chillisquaque Creek, 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 effluent limits for Outfall 001 are based on a design flow of 0.0004 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>Minimum</i>	<i>Average Monthly</i>	<i>Geo Mean</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
BOD ₅	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000

The EPA Waiver is in effect.

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

PA0264024, Sewage, SIC Code 4952, **Hickory Township Forest County**, PO Box 44, Endeavor, PA 16353. Facility Name: Hickory Township STP.

This proposed facility is located in Hickory Township, **Forest County**.

Description of Proposed Activity: New NPDES permit for a new discharge of treated Sewage.

PA0021504, Sewage, SIC Code 4952, **Western Butler County Authority**, 607 Market Street, Zelenople, PA 16063-1830. Facility Name: Western Butler County Authority STP.

This existing facility is located in Zelenople Borough, **Butler County**.

Description of Existing Activity: Renewal of an NPDES permit for an existing discharge of treated sewage.

III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401

WQM Permit No. 0906407, Sewage, **Amendment, Warwick Township Water & Sewer Authority**, 1733 Township Greene, P.O. Box 315, Jamison, PA 18929.

This proposed facility is located in Warwick Township, **Bucks County**.

Description of Action/Activity: Modifications to the Fish Creek STP. Converting the existing influent equalization tank to an SBR (SBR 3A).

WQM Permit No. WQG02231310, Sewage, **Concord Township Sewer Department**, 43 Thornton Road, Glen Mills, PA 19342.

This proposed facility is located in Concord Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a sewer extension.

WQM Permit No. 0913401, Sewage, **Lower Bucks County Joint Municipal Authority**, 7811 New Falls Road, Levittown, PA 19055.

This proposed facility is located in Bristol Township, **Bucks County**.

Description of Action/Activity: Approval for an organic load rerate to increase the capacity to 39,800 lbs/day from 17,514 lbs/day.

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

WQM Permit No. 6413401, Sewage, SIC Code 4941, **South Wayne County Water & Sewer Authority**, P O Box 6, Lake Ariel, PA 18436-0006.

This proposed facility is located in Salem Township, **Wayne County**.

Description of Proposed Action/Activity: Automation improvements at the Headworks of the Roamingwood WWTP / South Wayne Co. Water & Sewer Authority.

WQM Permit No. 1311401, Sewerage, **Tuthill Corporation d/b/a Blue Mountain Ski Area**, PO Box 216, Palmerton, PA 18071-0216.

This proposed facility is located in Lower Towamensing Township, **Carbon County**.

Description of Proposed Action/Activity: Issuance of a WQM Permit for installation of additional facilities at the existing Blue Mountain Ski Area to increase the capacity of the existing sewage treatment facility from 0.060 MGD to 0.028 MGD.

WQM Permit No. WQG012225 T-1, SIC Code 4952, **Tracy Jaimie & Justin**, 2634 Easton Road, Hellertown, PA 18055.

This existing facility is located in Lower Saucon Township, **Northampton County**.

Description of Proposed Action/Activity: Transfer of ownership from Jill Mickey to Jaimie & Justin Tracy

WQM Permit No. 5813401, Sewage, SIC Code 4952, **Harford Township (Susquehanna County)**, P O Box 1, Harford, PA 18823-9701.

This proposed facility is located in Harford Township, **Susquehanna County**.

Description of Proposed Action/Activity: Installation of UV disinfection unit in former chlorine contact tank.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

WQM Permit No. 0605408 12-01, Sewerage, **Bear Creek Management Co.**, 1950 Old Gallows Road Suite 600, Vienna, VA 22182.

This proposed facility is located in Longswamp Township, **Berks County**.

Description of Proposed Action/Activity: Permit amendment approval for the construction / modification / operation of sewage facilities consisting of sewage treatment facilities: extended aeration, anoxic tanks, mixed media filtration, disinfection using Ultraviolet Radiation; Land application to spray field (Slow Rate Infiltration) at a maximum daily hydraulic capacity of 0.035 MGD or, alternatively, reuse of treated effluent by snowmaking on ski slopes during cold months using a freshwater to treated effluent ration of 10:1 and with no treated effluent (not including surface runoff) being introduced into the existing freshwater ponds; Lined Impoundment holding treated effluent before land application or reuse; Groundwater Monitoring Wells around lined impoundment and spray field; In-Stream Monitoring of Swabia Creek (HQ-CWF-Trout classification).

Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3664.

WQM Permit No. 02141301, SIC Code 4952, **Pine Hall Development Co. Inc.**, 1653 Circleville Road, State College, PA 16803.

This proposed facility is located in Ferguson Township, **Centre County**.

Description of Proposed Action/Activity: Issuance of a general permit for sewer extensions for Phase 2A of the Pine Hill TTD sewer extension. The approval is for Sewer Trunk B, which is 1227 linear feet of 8" gravity sewer line.

WQM Permit No. WQG01171301, Sewage, SIC Code 1623, **Domenic Lombardi**, 427 West Race Street, Stowe, PA 19464.

This proposed facility is located in Girard Township, **Clearfield County**.

Description of Proposed Action/Activity: Installation of a replacement Single Residence Sewage Treatment Plant (SRSTP) that will serve an existing single residence.

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

WQM Permit No. 4213201, Industrial Waste, **Clermont Water Association**, 14200 Wilcox Road, Mount Jewett, PA 16740.

This proposed facility is located in Sergeant Township, **McKean County**.

Description of Proposed Action/Activity: Permit for discharge of backwash water from water treatment system to tank and sand bed with groundwater discharge.

WQM Permit No. 2712402, Sewage, **Hickory Township**, P.O. Box 44, Endeavor, PA 16353.

This proposed facility is located in Hickory Township, **Forest County**.

Description of Proposed Action/Activity: Permit to authorize the Hickory Township collection system, WWTP design, construction, and operation.

IV. NPDES Stormwater Discharges from MS4 Permit Actions**V. NPDES Waiver Stormwater Discharges from MS4 Actions****VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 0913003	Bristol Borough School District 1776 Farragut Avenue Bristol, PA 19007	Bucks	Bristol Borough	Delaware River WWF
PAI01 1513006	Bentley Homes 1595 Paoli Pike West Chester, PA 19380	Chester	West Vincent Township	Unnamed Tributary to French Creek HQ-TSF-EV
PAI01 1513011	Gregory Levinson 5 Harrison Drive Newtown Square, PA 19073	Chester	Willistown Township	Crum Creek HQ-CWF

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021312009	Pennsylvania Department of Transportation Engineering District 5-0 1002 Hamilton Street Allentown, PA 18101-1013	Carbon	Jim Thorpe Borough	Robertson Run (EV) Lehigh River (HQ-CWF, MF)
PAI023912015	Realty World—Breisch c/o Delores Breisch 4205 W. Tilghman Street Allentown, PA 18104	Lehigh	Macungie Borough	Little Lehigh Creek (HQ-CWF, MF)
PAPAI024507009(1)	The Spirit of Swiftwater, Inc. 1 Empire Plaza Stroudsburg, PA 18360	Monroe	Pocono Township	Swiftwater Creek (HQ-CWF, MF)
PAI023913001	Peter A. Cooper 4500 Broadway Allentown, PA 18104	Lehigh	South Whitehall Township	UNT to Cedar Creek (HQ-CWF, MF)
PAI023906028R	Posocco Equities 2610 Walbert Avenue Allentown, PA 18104	Lehigh	South Whitehall Township	Little Cedar Creek (HQ-CWF, MF)
PAI024512011	M.S. Logistics, LLC 101 Hodencamp Road, Suite #200 Thousand Oaks, CA 92360	Monroe	Coolbaugh Township	Tobyhanna Creek (HQ-CWF, MF)
PAI023912022	Big Bear Management Fund c/o 1-A Realty Inc. 7475 Hamilton Blvd., P.O. Box 8 Trexlerstown, PA 18087	Lehigh	Lower Macungie Township	Little Lehigh Creek (HQ-CWF, MF)

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone 717.705.4802.

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032109006	Residential Homes, ET AL 1545 Holly Pike Carlisle, PA 17015-7515	Cumberland	South Middleton Township	UNT to Letort Spring Run (EV)
PAI032109007	Lexington Land Developers Corporation 336 West King Street Lancaster, PA 17603	Cumberland	South Middleton Township	UNT to Letort Spring Run (EV)

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032809001	Green Castle Land, LLC 5709 Avery Park Drive Rockville, MD 20855	Franklin	Antrim Township	UNT to Muddy Run (HQ-CWF)
PAI032107004R	Classic Communities Corporation 2151 Linglestown Road, Ste 300 Harrisburg, PA 17110	Cumberland	Hampden Township & Mechanicsburg Borough	Trindle Spring Run (HQ-CWF)

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701

Potter County Conservation District: 107 Market Street, Coudersport, PA 16915 (814) 274-8411, X 4

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI045313001	Preston Hoopes 1002 Empson Rd Ulysses PA 16948	Potter	Ulysses Township	Ludington Run HQ-CWF
PAI045313002	Francis J Palo Inc 309 S 4th Ave Clarion PA 16214	Potter	Portage Township	Freeman Run HQ-CWF

Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056312003	Washington Area Humane Society PO Box 66 Eighty-Four, PA 15330	Washington	North Strabane Township	UNT to Little Chartiers Creek (HQ-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 & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Richland Township Bucks County	PAG0200 0903113-R	Judd Builders, Inc. 1750 Walton Road Blue Bell, PA 19422	Morgan Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bedminster Township Bucks County	PAG0200 0904051-R	Toll PA, L.P. 250 Gibraltar Road Horsham, PA 19044	Deep Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Plumstead Township Bucks County	PAG0200 0912045-1	Bailey Square, LLC 76 Griffith Miles Circle Warminster, PA 18974	Unnamed Tributary to North Branch Neshaminy WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Middletown Township Bucks County	PAG0200 0912046-1	Team Toyota 746 Lincoln Highway Langhorne, PA 19047	Unnamed Tributary to Mill Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bensalem Township Bucks County	PAG0200 0911038-R	Costa Homes 665 Amalie Lane Southampton, PA 18966	Unnamed Tributary to Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bedminster Township Bucks County	PAG0200 0903130-R	T.H. Properties 345 Main Street Harleysville, PA 19438	Deep Run WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Warwick Township Bucks County	PAG0200 0913026	Warwick Township 1733 Township Greene Jamison, PA 18929-1621	Little Neshaminy Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511313	3000 Grays Ferry Partners, LP 875 Berkshire Blvd., Suite 102 Wyomissing, PA 19610	Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511128	Enon Tabernacle Baptist Church 2800 West Cheltenham Avenue Philadelphia, PA 19150	Tributary to Tacony Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511116	Land Use Matters Verizon Pennsylvania, Inc. 9 Gates Avenue Montclair, NJ 07042	Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bethlehem Township Northampton County	PAG02004813005	CPD 1 LLC c/o Robert P. Cahill 5 Ivy Court Easton, PA 18045-5816	Nancy Run (CWF, MF)	Northampton County Conservation District 610-746-1971
Kline Township Schuylkill County	PAG02005413005	McAdoo DG LLC 361 Summit Blvd., Suite 110 Birmingham, AL 35243	Catawissa Creek (CWF, MF)	Schuylkill County Conservation District 570-622-3742
Tunkhannock Township Wyoming County	PAG02006613002	S2W Property Management LLC 136 Miramar Circle Weatherford, TX 76085	UNT to Tunkhannock Creek (CWF, MF)	Wyoming County Conservation District 570-836-2589

Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Spring Township, Berks County	PAG02000613009	Ajesh Patel, AVA Development, Inc. 3737 Route 46 East Parsippany, NJ 07054	UNT to Tulpehocken Creek (MWF, MF)	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Tulpehocken Township, Berks County	PAG02000613021	Gerald R. Martin 59 New Shaefferstown Road, Bernville, PA 19506	01908 to Little Northkill Creek (CWF)	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Douglass Township, Berks County	PAG02000610038R	Marco Folino Rodolfo Folino & Sons 68 South Hampton Drive Wyomissing, PA 19610	UNT to Manatawny Creek (CWF, MF)	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Perry Township, Berks County	PAG02000613025	Matthew Clymer Hamburg Logistics Park, LP 930 East Boot Road Suite 400 West Chester, PA 19380	Pigeon Creek & Schuylkill River (WWF)	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Exeter Township, Berks County	PAG02000613018	James McGee PennDOT Engineering Dist. 5-0 1002 Hamilton Street Allentown, PA 18101	Antietam Creek (CWF, MF)	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Silver Spring Township, Cumberland County	PAG02002106027R	Woods Partners Dave Strong PO Box 217 Curwensville, PA 16833	Trindle Spring Run (CWF)	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
Hopewell, Upper Mifflin, Lower Mifflin, Upper Frankford, West Pennsboro, North Middleton, Middlesex and Lurgan Townships, Cumberland County	PAG02002113029 (Renewal)	PA Turnpike Commission PO Box 67676	Conodoguinet Creek (WWF), Clippingers Run (WWF), Newburg Run (WWF), Peebles Run (WWF), Bore Mill Run (WWF), Three Square Hollow Run (WWF), Brandy Run (CWF), Whiskey Run (TSF), Back Creek (WWF), Doubling Gap Creek (CWF), Rock Run (WWF), Mount Rock Spring Creek (WWF) and Alexander Spring Creek (CWF)	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
Waynesboro Borough, Franklin County	PAG02002811014R	WBWWTP S. Leiter Pryor PO Box 310 Waynesboro, PA 17268	UNT to West Branch Antietam Creek (CWF, MF)	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Chambersburg Borough and Hamilton Twp, Franklin County	PAG02002806027R	Grandview Crossing Darrin Rine 39 Independence Drive Shippensburg, PA 17257	Conococheague Creek (WWF)	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499
Fannett Township, Franklin County	PAG02002813019	Huntsman Land Development Clinton Huntsman 23400 Back Road Concord, PA 17217	UNT to Tuscarora Creek (CWF, MF)	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499
Washington Township, Franklin County	PAG02002813020	Walnut Acres Ronnie Martin 1625 East Main Street Waynesboro, PA 17268	UNT to W. Branch Antietam Creek (CWF)	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499
Washington Township, Franklin County	PAG02002813021	Blue Ridge Summit Sewer Sean McFarland 11102 Buchanan Trail East Waynesboro, PA 17268	Red Run (CWF)	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499
Montgomery Township, Franklin County	PAG02002803028R	Northern Lights John Helman 1115 Shellar Avenue Chambersburg, PA 17201	UNT to Licking Creek (CWF)	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499
Greene Township, Franklin County	PAG02002813025	CVBP Salt Depot Sam Lansbury Woodland Equipment and Supple Co. PO Box 241 Woodland, PA 16881	UNT to Rowe Run (CWF)	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499
West Earl Township, Lancaster County	PAG02003613037	George M. Hurst 2870 Oregon Pike Lititz, PA 17543	Cocalico Creek (WWF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Pequea Township, Lancaster County	PAG02003613045	Elam Miller 2612 West Eby Road Bird In Hand, PA 17505	UNT to Conestoga River (WWF, MF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Strasburg Township, Lancaster County	PAG02003613046	Strasburg Township 400 Bunker Hill Road Strasburg, PA 17579	Pequea Creek (WWF, MF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
York City and Spring Garden Township, York County	PAG02006711015R	York College of Pennsylvania 441 Country Club Road York PA 17403	Codorus Creek— main stem, Oil Creek to Mouth/ WWF	York Co Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Penn Township, York County	PAG02006705085R1	Brookside LLC 1500 Baltimore Street Hanover PA 17331	Unt to Oil Creek/ WWF	York Co Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
North Codorus Township, York County	PAG02006713022	Neal J & Billie Sue Metzger 90 Glenmar Drive Spring Grove PA 17362	Unt to SB Codorus Creek/WWF	York Co Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
North Codorus Township, York County	PAG02006713021	South Branch Limited Partnership 6257 Reynolds Mill Road Seven Valleys PA 17360	Unt to South Branch Codorus Creek	York Co Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Conewago Township, York County	PAG02006713017	Shayesteh Property 1045 Green Springs Road York PA 17406	Pine Run/WWF	York Co Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
West Burlington Township Bradford County	PAG02000813013	Scott D. Warner 14 School House Dr Troy PA 16947	Sugar Creek TSF	Bradford County Conservation District Stoll Natural Resource Center RR 5, Box 5030C Towanda, PA 18848 (570) 265-5539, X 6

Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Chippewa Township Beaver County	PAG02000413014	Peter Kladias 211 Katerina Drive Monaca, PA 15061	Wallace Run (WWF)	Beaver County CD 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
North Union Township Fayette County	PAG02002608018R	Null Land, Inc. 682 West Main St. Uniontown, PA 15401	Jennings Run (WWF)	Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
Burrell Township Indiana County	PAG02003213006	Burrell Township Sewer Authority PO Box 454 Blacklick, PA 15716	UNT to Conemaugh River (CWF)	Indiana County CD 625 Kolter Drive Suite 8 Indiana, PA 15701 (724) 471-4751

General Permit Type—PAG-03

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Wyalusing Borough Bradford County	PAR314846	Mountain Energy Services, Inc. 205 West Tioga Street Tunkhannock, PA 18657	Unnamed Tributary to Wyalusing Creek— 4-D	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
PGH City Allegheny Cnty	PAR806257	First Student, Inc. 110 Perimeter Park Ste E Knoxville, TN 37922	UNT of Thompson Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Koppel Boro Beaver Cnty	PAR606114	PSC Metals, Inc. 5875 Landrebrook Rd Ste 200 Mayfield Hts, OH 33124	Stockman Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Derry Twp Westmoreland Cnty	PAR116115	Pace Inds 1004 Ind Blvd Loyalhanna, PA 15661	UNT to Saxman Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Bradford City McKean County	PAR348301	Dresser, Inc. 41 Fisher Avenue Bradford, PA 16701-1698	Storm Sewers to Tunungwant Creek 16-C	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Harborcreek Township Erie County	PAR808380	TA Operating LLC 24601 Center Ridge Road, Westlake, OH 44145-5639	Unnamed Tributary to Sevenmile Creek 15	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

General Permit Type—PAG-4

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
West Caln Township Chester County	PAG040099	Vreeland Russell 10460 Teackle Road Belle Haven, VA 23306-2112	Unnamed Tributary of West Branch Brandywine Creek— 3-H	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970
Lower Saucon Township Northampton County	PAG042225 A-1	Tracy Jaimie & Justin 2634 Easton Road Lower Saucon Twp Hellertown, PA 18055	Unnamed Tributary to East Branch Saucon Creek—2-C	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511

*Northcentral Region: Clean Water Program, 208 West Third Street, Williamsport, PA 17701**Facility Location:
Municipality &
County*Girard Township
Clearfield CountyPermit No.
PAG045283*Applicant Name &
Address*
Domenic Lombardi
427 West Race Street
Stowe, PA 19464*Receiving
Water / Use*
Buck Run—8-C*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-8**Facility Location:
Municipality &
County*Cumberland County
West Pennsboro
TownshipPermit No.
PAG083585*Applicant Name &
Address*
Newville Borough Water
and Sewer Authority
99 Cove Lane
Newville, PA 17241*Site Name &
Location*
N/A*Contact Office &
Phone No.*
DEP—SCRO—
Clean Water Program
909 Elmerton Avenue
Harrisburg, PA 17110-8200
717-705-4707*General Permit Type—PAG-8 (SSN)**Facility Location:
Municipality &
County*York County
East Manchester
TownshipPermit No.
PAG080002
PAG080005
PAG080006
PAG080007
PAG080011
PAG080013
PAG080017
PAG080018
PAG080020
PAG082203
PAG083518
PAG083522
PAG083533
PAG083551
PAG083605
PAG089910*Applicant Name &
Address*
Jesse Baro, Inc.
157 Quarry Road
Douglassville, PA 19518*Site Name &
Location*
Jeffrey & Alex
Snyder Farm 2E
365 Block of
Jerusalem School
Road
York, PA 17406*Contact Office &
Phone No.*
DEP—SCRO—
Clean Water Program
909 Elmerton Avenue
Harrisburg, PA 17110-8200
717-705-4707*General Permit Type—PAG-10**Facility Location:
Municipality &
County*Dimock Township
Susquehanna
CountyPermit No.
PAG102292*Applicant Name &
Address*
Williams Field Services
Company, LLC
(Church to Central
Pipeline Project)
2000 Commerce Drive
Pittsburgh, PA 15275*Receiving
Water / Use*
Unnamed
Tributaries of
White Creek—
4-G*Contact Office &
Phone No.*
DEP Northeast
Regional Office
Clean Water Program
2 Public Square,
Wilkes-Barre, PA
18701-1915
570.826.2511Hickory Ridge
Pipeline
Lenox Township
Susquehanna
CountyPermit No.
PAG102291*Applicant Name &
Address*
Williams Field
Service Co. LLC
Park Place Corporate
Center Two
2000 Commerce Drive
Pittsburgh, PA 15275*Receiving
Water / Use*
Martins Creek,
Millard Creek,
Unnamed Tributary
to Willow Brook and
Utley Brook—
4-F / CWF*Contact Office &
Phone No.*
DEP Northeast
Regional Office
Clean Water Program
2 Public Square,
Wilkes-Barre, PA
18701-1915
570.826.2511

*Facility Location:
Municipality &
County*

Statewide

Permit No.

PAG109601 A-1

*Applicant Name &
Address*

Dominion Trans Inc.
445 West Main Street
Clarksburg, WV 26301

*Receiving
Water / Use*

Statewide

*Contact Office &
Phone No.*

Division of Planning
and Permits
Bureau of Point and
Non-Point Source
Management
400 Market Street,
RCSOB
Harrisburg, PA
17105-8774
717.787.8184

General Permit Type—PAG-13

Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

NPDES

Permit No.

PAG136236
Waiver

*Applicant Name &
Address*

Stockdale Boro
One Twilight Hollow Rd
Charleroi, PA 15022

County

Washington

Municipality

Stockdale Boro

*Receiving
Water / Use*

Monongahela River

*DEP Protocol
(Y/N)*

N

*Facility Location:
Municipality &
County*

Scottdale Boro
Westmoreland Cnty

Permit No.

PAG136135

*Applicant Name &
Address*

Scottdale Boro
10 Mt Pleasant Rd
Scottdale, PA 15683

*Receiving
Water / Use*

Jacobs Creek,
Anderson Run,
Stauffer Run &
Shaffer Run

*Contact Office &
Phone No.*

Southwest Regional Office:
Clean Water Program
Manager
400 Waterfront Drive
Pittsburgh PA 15222-4745
(412) 442-4000

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 pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401

Permit No. 0913511, Minor Amendment. Public Water Supply.

Applicant	Doylestown Hospital T/A Pine Run 777 Ferry Road Doylestown, PA 18901
Borough	Doylestown
County	Bucks
Type of Facility	PWS
Consulting Engineer	Ebert Engineering, Inc. 831 Dekalb Pike Blue Bell, PA 19422-1215
Permit to Operate Issued	July 31, 2013

Permit No. 0913512, Minor Amendment. Public Water Supply.

Applicant	Milford Township Water Authority 1845 Rosenberger Road Quakertown, PA 18951
Township	Milford
County	Bucks
Type of Facility	PWS

Consulting Engineer Andersen Engineering Associates, Inc.
306 N. Fifth Street, 2nd Floor
Perkasie, PA 18944

Permit to Construct July 31, 2013
Issued

Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

Permit No. 1413502MA—Construction and Operation Public Water Supply.

Applicant **Empire Mobile Home Park**
Township/Borough Potter Township
County **Centre**
Responsible Official Mr. Ray A. Walker, Jr.
Empire Mobile Home Park
218 Breons Lane
Pleasant Gap, PA 16823

Type of Facility Public Water Supply
Consulting Engineer Brian D. Walker, P.E.
358 East Beaver Street
Bellefonte, PA 16823

Permit Issued August 5, 2013
Description of Action 45 ft. of 18-in. diameter and 22 ft. of 6-in. diameter detention piping to provide 4-log inactivation of viruses at Entry Point 100 (Well Nos. 1 and 2).

Permit No. Minor Amendment—Operation Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
Township/Borough Athens Township
County **Bradford**
Responsible Official Mr. Andrew Silvanic
Aqua Pennsylvania, Inc.
206 South Keystone Avenue
P. O. Box 160
Sayre, PA 18840

Type of Facility Public Water Supply
Consulting Engineer N/A
Permit Issued August 6, 2013
Description of Action Operation of the recently rehabilitated VEDA Pump Station.

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745

Operations Permit issued to: **Ronald A. Bogolea, Manager, Sunrise Mobile Court**, 793 Pine Grove Road, Beaver, PA 15009, (PWSID #5040035) Hanover and Greene Townships, **Beaver County** on July 29, 2013 for the operation of facilities approved under Construction Permit # 0410501.

Operations Permit issued to: **Municipal Authority of Westmoreland County**, 124 Park & Pool Road, New Stanton, PA 15672, (PWSID #5260036) Unity Township, **Westmoreland County** on August 2, 2013 for the operation of facilities approved under Construction Permit # 6512501MA.

Operations Permit issued to: **Southwestern Pennsylvania Water Authority**, PO Box 187, 1442 Jefferson Road, Jefferson, PA 15344, (PWSID #5300017) Richhill Township, **Greene County** on August 2, 2013 for the operation of facilities approved under Construction Permit # 3012502MA.

Permit No. 1113505MA, Minor Amendment. Public Water Supply.

Applicant **Southwestern Cambria County Water Authority**
79 Vogel Street
Johnstown, PA 15902

[Borough or Township] Conemaugh Township
County **Cambria**
Type of Facility Water system
Consulting Engineer The EADS Group, Inc.
450 Aberdeen Drive
Somerset, PA 15501

Permit to Construct July 26, 2013
Issued

Permit No. 0413505MA, Minor Amendment. Public Water Supply.

Applicant Municipal Authority of the Borough of Midland
946 Railroad Avenue
Midland, PA 15059

[Borough or Township] Industry Borough
County **Beaver**
Type of Facility Water system
Consulting Engineer Widmer Engineering, Inc.
806 Lincoln Place
Beaver Falls, PA 15010

Permit to Construct August 2, 2013
Issued

Permit No. 6512516GWR, Minor Amendment. Public Water Supply.

Applicant **Sundial Village, LLC**
236 Tryon Drive
Blairsville, PA 15717

[Borough or Township] Derry Township
County **Westmoreland**
Type of Facility Water system
Consulting Engineer

Permit to Operate July 26, 2013
Issued

Permit No. 3211505GWR, Minor Amendment. Public Water Supply.

Applicant **Hillsdale Nursing & Rehabilitation Center**
138 Mountain View Drive
Hillsdale, PA 15746

[Borough or Township] Montgomery Township
County **Indiana**
Type of Facility Water system
Consulting Engineer

Permit to Operate July 25, 2013
Issued

Permit No. 0412506GWR, Minor Amendment. Public Water Supply.

Applicant **Robert Borland, Owner
Whispering Woods Mobile
Home Community**
116 Minter Road
Butler, PA 16001

[Borough or Township] New Sewickley Township

County **Beaver**

Type of Facility Water system

Consulting Engineer

Permit to Operate July 25, 2013
Issued

Permit No. 8232W-MA, Minor Amendment. Public Water Supply.

Applicant **Borough of Brackenridge**
1000 Brackenridge Avenue
Brackenridge, PA 15014

[Borough or Township] Brackenridge Borough

County **Allegheny**

Type of Facility Water system

Consulting Engineer

Permit to Operate July 31, 2013
Issued

Permit No. 0410508GWR, Minor Amendment. Public Water Supply.

Applicant **Ronald Bogolea, Owner
Sunrise Mobile Court**
793 Pine Grove Road
Beaver, PA 15009

[Borough or Township] Greene Township

County **Beaver**

Type of Facility Water system

Consulting Engineer

Permit to Operate July 31, 2013
Issued

Permit No. 0313503GWR, Minor Amendment. Public Water Supply.

Applicant **Borough of Ford City**
1000 4th Avenue
Ford City, PA 16226

[Borough or Township] Borough of Ford City

County **Armstrong**

Type of Facility Water system

Consulting Engineer

Permit to Operate August 1, 2013
Issued

Permit No. 3292501A1-T1, Minor Amendment. Public Water Supply.

Applicant **Indiana County Municipal
Services Authority**
602 Kolter Drive
Indiana, PA 15701

[Borough or Township] Armstrong Township

County **Indiana**

Type of Facility Water system

Consulting Engineer Gibson-Thomas Engineering
Co., Inc.
1004 Ligonier Street
PO Box 853
Latrobe, PA 15650

Permit to Operate August 2, 2013
Issued

Permit No. 3284502A1-T1, Minor Amendment. Public Water Supply.

Applicant **Indiana County Municipal
Services Authority**
602 Kolter Drive
Indiana, PA 15701

[Borough or Township] Armstrong Township

County **Indiana**

Type of Facility Water system

Consulting Engineer Gibson-Thomas Engineering
Co., Inc.
1004 Ligonier Street
PO Box 853
Latrobe, PA 15650

Permit to Operate August 2, 2013
Issued

Permit No. 3279502-T1, Minor Amendment. Public Water Supply.

Applicant **Indiana County Municipal
Services Authority**
602 Kolter Drive
Indiana, PA 15701

[Borough or Township] Armstrong Township

County **Indiana**

Type of Facility Water system

Consulting Engineer Gibson-Thomas Engineering
Co., Inc.
1004 Ligonier Street
PO Box 853
Latrobe, PA 15650

Permit to Operate August 2, 2013
Issued

Permit No. 3288504A1-T1, Minor Amendment. Public Water Supply.

Applicant **Indiana County Municipal
Services Authority**
602 Kolter Drive
Indiana, PA 15701

[Borough or Township] Armstrong Township

County **Indiana**

Type of Facility Water system

Consulting Engineer Gibson-Thomas Engineering
Co., Inc.
1004 Ligonier Street
PO Box 853
Latrobe, PA 15650

Permit to Operate August 2, 2013
Issued

Permit No. 3290503-T1, Minor Amendment. Public Water Supply.

Applicant **Indiana County Municipal Services Authority**
602 Kolter Drive
Indiana, PA 15701

[Borough or Township] Armstrong Township

County **Indiana**

Type of Facility Water system

Consulting Engineer Gibson-Thomas Engineering Co., Inc.
1004 Ligonier Street
PO Box 853
Latrobe, PA 15650

Permit to Operate August 2, 2013
Issued

Permit No. 8238W-T1-MA, Minor Amendment. Public Water Supply.

Applicant **Pittsburgh Water & Sewer Authority**
Penn Liberty Plaza I
1200 Penn Avenue
Pittsburgh, PA 15222

[Borough or Township] City of Pittsburgh

County **Allegheny**

Type of Facility Water system

Consulting Engineer

Permit to Operate August 2, 2013
Issued

Permit No. 4560044-T1, Minor Amendment. Public Water Supply.

Applicant **Somerset Township Municipal Authority**
PO Box 247
Somerset, PA 15501

[Borough or Township] Quemahoning Township

County **Somerset**

Type of Facility Reading Mines water system

Consulting Engineer Somerset Planning & Engineering Services, LLC
222 West Main Street
Suite 100
Somerset, PA 15501

Permit to Operate August 2, 2013
Issued

WATER ALLOCATIONS

Actions taken on applications received under the Act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.

Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

WA 18-933A, Water Allocations. Central Clinton County Water Filtration Authority, 70 Filtration Drive, Lock Haven, PA 17745, Wayne Township, Clinton County. This Water Allocation Permit grants Central Clinton County Water Filtration Authority the right to

purchase from the City of Lock Haven a maximum of 3.9 million gallons per day and 2.9 million gallons per day on an annual average basis. After June 25, 2018, the annual average allocation decreases to 2.8 million gallons per day. The allocation granted takes into account reasonable projections of future use that can be supported by past data or documentation. The reasonable use analysis was performed during the review of the Lock Haven and Suburban Lock Haven Water Authority (SLHWA) allocation applications. The allocation granted also reflects a reduction in unaccounted for water loss to 20% in the City of Lock Haven’s and SLHWA’s distribution systems. The allocation granted is the same as the City of Lock Haven.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

Northwest Region: Water Management 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>
Union Township	1910 Municipal Drive, New Castle, PA 16101	Lawrence

Plan Description: The approved plan provides for a comprehensive evaluation of projected areas for future development and places them in the categories of short, mid or long-term. A majority of the development and corresponding infrastructure provided in the plan is predicated on the construction of a horse racetrack and casino. If the plans for the horse racetrack and casino do not materialize, it is unlikely that the development volume proposed within the plan will materialize. Further planning will be required as sewage needs dictate based on growth and development. The plan was submitted under the consent order and agreement dated July 15, 2011.

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Catharine Township	P.O. Box 68 Williamsburg PA 16693	Blair County

Plan Description: Approval of a revision to the official plan of Catharine Township, Blair County. The project is known as Point View “A” SFTF. The plan provides for construction of a Small Flow Treatment Facility for 5 homes to replace a malfunctioning on-lot sewage system on 230 acres. The proposed sewage flows are 2000 gallons per day with a discharge to Township Run. The proposed development is located on State Road 866. The Department’s review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code No. is A3-07909-070-3S and the APS Id is 792504. Any permits must be obtained in the name of the Point View Association.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Catharine Township	P.O. Box 68 Williamsburg PA 16693	Blair County

Plan Description: Approval of a revision to the official plan of Catharine Township, Blair County. The project is known as Point View "B" SFTF. The plan provides for construction of a Small Flow Treatment Facility for 5 homes to replace a malfunctioning on-lot sewage system on 230 acres. The proposed sewage flows are 2000 gallons per day with a discharge to Township Run. The proposed development is located on State Road 866. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code No. is A3-07909-071-3S and the APS Id is 792506. Any permits must be obtained in the name of the Point View Association.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.

Plan Location:

Borough or Township	Borough or Township Address	County
Rapho Township	971 N. Colebrook Rd Manheim PA 17547	Lancaster

Plan Description: The planning module for the Harris Subdivision, DEP Code No. A3-36948-469-2, APS Id 814450, consisting of the creation of one new residential building lot to be served by an individual on lot sewage disposal system is disapproved. The proposed development is located on the west side of Pinch Road, north of Aaron's Lane in Rapho Township. This plan is disapproved because the proposed Lot 2 does not have the area required to infiltrate the amount of groundwater recharge necessary to successfully dilute the nitrate-nitrogen from this lot's sewage discharge. The average nitrate-nitrogen levels in the groundwater leaving this lot will exceed 10 mg/l. Each lot must be able to capture enough groundwater recharge to dilute its own discharge and cannot rely upon the remainder, or on other lots, to supply this recharge.

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 se-

lected. 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:

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Conestoga River Plaza/Miguel's Nightclub, 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 revisions to the Remedial Investigation Report and Cleanup Plan for the remediation of site soils contaminated with Inorganics and SVOCs. The site is being remediated to the Site Specific standard.

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Metal Powder Products, 150 Ford Road, City of St. Marys, **Elk County**. Mountain Research, LLC., 825 25th Street, Altoona, PA 16601 on behalf of Metal Powder Products, LLC., 16855 Southpark Drive, Suite 100, Westfield, IN 46074, submitted a Remedial Investigation/Risk Assessment Report concerning the remediation of site soils contaminated with Trichloroethene, Vinyl Chloride, 1,3,5-Trimethylbenzene and site groundwater contaminated with Trichloroethene, cis-1,2-Dichloroethene, Vinyl Chloride, 1,1,1-Trichloroethane, 1,1-Dichloroethene, and 1,1-Dichloroethane. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Bradford Mall, 1001 East Main Street, Foster Brook Township, **McKean County**. Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440, on behalf of Brixmor Properties Group, 420 Lexington Avenue, Seventh Floor, New York, NY 10170, submitted a Risk Assessment Report concerning the remediation of site soil contaminated with cis-1,2-Dichloroethene, Tetrachloroethene, Trichloroethene, 1,1-Dichloroethene, Trans-1,2-Dichloroethene, Vinyl Chloride and site groundwater contaminated with cis-1,2-Dichloroethene, Trans-1,2-Dichloroethene, Tetrachloroethene, Trichloroethene, and Vinyl Chloride. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Stoneboro Custom Cycles, 9 Branch Street, Borough of Stoneboro, **Mercer County**. URS Corporation, 12420 Milestone Center Drive, Suite 150, Germantown, MD 20876, on behalf of Pennzoil-Quaker State Company, 700 Milam Street, Houston, TX 77002, submitted a Remedial Investigation/Risk Assessment Report concerning the remediation of site soils and groundwater contaminated with Benzene, Toluene, Ethylbenzene, Total Xylenes, Naphthalene, Isopropylbenzene, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, 1,2-Dibromoethane, Methyl tert butyl ether, and Lead. The report is intended to document remediation of the site to meet the Site-Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the

appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Patriot Federal Credit Union Residential Property, 213 and 233 Schoolhouse Road, Saint Thomas, PA 17252, Saint Thomas Township, **Franklin County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Patriot Federal Credit Union, PO Box 778, Chambersburg, PA 17201, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on July 30, 2013.

Former Pfaltzgraff West York Facility, 1857 West King Street, York, PA 17404, West York Borough and West Manchester Township, **York County**. ARM Group, Inc., PO Box 797, Hershey, PA 17033, on behalf of 128 Lucky, LLC, 1857 West King Street, York, 17404, submitted a combined Remedial Investigation and Final Report concerning the remediation of site soils and groundwater contaminated with lead. The combined report did not demonstrate attainment of the Statewide Health and Site Specific standards, and was disapproved by the Department on August 1, 2013.

Former O-Z / Gedney Company LLC Facility, 150 Birch Hill Road, Shoemakersville, Perry Township, **Berks County**. WSP Environment and Energy, 11190 Sunrise Valley Drive, Suite 300, Reston, VA 20191, on behalf of Emerson, 8000 West Florissant Avenue, St. Louis, MO 63136-1415, submitted a Remedial Investigation Report concerning remediation of site soils and groundwater contaminated with PCBs, PAHs and inorganics from historic operations for the manufacture of electrical fittings and junction boxes. The Final Report did not demonstrate attainment of the Statewide Specific standard, and was disapproved by the Department on August 2, 2013.

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

NLMK Pennsylvania Corporation (Fmr. Dufenco Farrell Corporation Facility), 15 Roemer Boulevard, City of Farrell, **Mercer County**. Cummings/Riter Consultants, Inc., 300 Penn Center Boulevard, Suite 800, Pittsburgh, PA 15235 on behalf of NLMK Pennsylvania Corporation, 15 Roemer Boulevard, Farrell, PA 16121, submitted a Final Report concerning the remediation of site soils contaminated with Arsenic, Barium, Cadmium, Chromium, Iron, Lead, Selenium, Silver, Zinc, PCB—Aroclor 1254, PCB—Aroclor 1260, and Mercury. The Report was disapproved by the Department on August 3, 2013.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745

Former P & LE Nichol Avenue Rail Yard, End of Nichol Avenue, Stowe Township, **Allegheny County**. Chester Engineers, 1555 Coraopolis Heights Road, Moon Township, PA 15108, on behalf of the Redevelopment Authority of Allegheny County, submitted a Final Report concerning remediation of site soil and groundwater

contaminated with metals and organics. The Final Report demonstrated attainment of the non-residential site specific standard and was approved by the Department on August 1 2013

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401

PAD980550594. Sunoco, Inc. (R&M), 1735 Market Street, Suite LL, Philadelphia PA 19103. This RCRA Hazardous Waste Part B Permit Renewal Application is to continue operation at the Sunoco, Inc. (R&M)—Marcus Hook Refinery Plant, an existing petrochemical facility located at the 100 Green Street, Marcus Hook PA 19061-0426, in Marcus Hook Borough, **Delaware County**. Permit was issued by the Southeast Regional Office on May 2, 2013.

PAD049791098. Sunoco, Inc. (R&M), Philadelphia Refinery, 3144 West Passyunk Avenue, Philadelphia PA 19145, City of Philadelphia, **Philadelphia County**. This RCRA Hazardous Waste Part B Permit Renewal permit is to (1) continue operation at the Sunoco, Inc. (R&M)—Philadelphia Refinery Plant, (2) consolidates the management and/or storage of hazardous wastes at the Girard Point Processing Area, Point Breeze Processing Area and Schuylkill River Tank Farm, henceforth collectively to be known as the Philadelphia Refinery, under the single EPA ID No. PAD049791098, (3) the deregulation/closure of (4) four currently permitted bulk above ground storage tanks, (tanks 1004, 1005, 1006, and 1007), and (4) the permitting of an existing container storage pad located in the North Yard. The Sunoco, Inc.'s Philadelphia Refinery is an existing petrochemical facility located at 3144 Passyunk Avenue, in the City of Philadelphia. Permit was issued by the Southeast Regional Office on May 2, 2013.

RESIDUAL WASTE GENERAL PERMITS

Permit(s) Issued Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor; 400 Market Street, Harrisburg, PA 17106-9170.

General Permit No. WMGR138. Federouch Landscape Supply, P.O. Box 522, Lawrence, PA 15055. Peters Township Yard Site: 202 Buckeye Street, Canonsburg, PA 15317; Scott Township Yard Site: 245 Hope Street, Carnegie, PA 15106. The permit authorizes the processing of yard waste, land clearing and grubbing waste, concrete and asphalt waste, and construction and demolition waste for beneficial use as landscaping material or for further recycling. The permit was issued by Central Office on July 23, 2013.

Persons interested in reviewing the general permit may contact Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170,

717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit Approved Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401

General Permit No. WMGR038SE007. Bergeys Retread Technologies, 1419 Old Route 309, Sellersville PA 18960. This application is for a determination of applicability (DOA) for the processing of waste tires by recapping for beneficial use at the Bergey's Tread Technologies facility located at 1419 Old Route 309, Sellersville, PA 18960, in West Rockhill Township, **Bucks County**. The application for DOA was approved by the Southeast Regional Office on June 7, 2013.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit Issued Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401

Permit No. 101069. Southeastern Chester County Refuse Authority, 219 Street Road, West Grove, PA 19390. This major permit modification application is to install an Ultra Filtration/Reverse Osmosis (UF/RO) leachate treatment system replacing the existing leachate evaporator system at the Southeastern Chester County Refuse Authority (SECCRA) Community Landfill, a municipal waste landfill located in London Grove Township, **Chester County**. The permit was issued by Southeast Regional Office on July 10, 2013.

Application(s) received Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701

Permit Application No. 301364. Appalachian Drilling Services, 105 Industrial Park Rd, Beech Creek, PA 16822, Beech Creek Township, **Clinton County**. New permit application for a residual waste transfer station. A Local Municipality Involvement Process meeting was held and the application was deemed administratively complete by Northcentral Regional Office on July 11, 2013.

Comments concerning the application should be directed to Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the permit application may contact the Williamsport Regional Office, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public

comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

Permit Application No. 101315. Millville Transfer Station, P.O. Box 208, 388 Jerseytown Rd. Millville, PA 17846, Madison Township, **Columbia County**. Permit renewal of an existing municipal waste transfer station. The application was deemed administratively complete by Northcentral Regional Office on July 29, 2013.

Comments concerning the application should be directed to Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the permit application may contact the Williamsport Regional Office, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

Permits deemed administratively complete under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal area or Site.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200

Permit No. 101471 Clifford Hill Sanitation Service, Inc., P.O. Box 265, Kutztown, PA 19530. The application submitted is to renew the permit for the Clifford Hill Sanitation Service, Inc. Municipal Waste Transfer Station located in Maxatawny Township, **Berks County**, which expires January 10, 2014. The application was deemed administratively complete by the Southcentral Regional Office on August 6, 2013. The Department will accept comments from the general public recommending revisions to, and approval or denial of the application during the entire time the Department is reviewing the permit application.

Comments concerning the application should be directed to Mr. John Oren, Permits Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Person interested in obtaining more information about this permit application may contact the Southcentral Regional Office at (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

GP4-48-001: Consolidated Storage Companies (225 Main Street, Tatamy, PA 18085) on August 1, 2013, to operate a burn off oven controlled by after burner at the facility in Tatamy, **Northampton County**.

GP3-40-002: Haines & Kibblehouse (PO BOX 196, 2052 Lucon Road, Skippack, PA 19474) on June 17, 2013, to construct and operate a Portable Crushing Operation with watersprays at their Pikes Creek Asphalt site in Lehman Township, **Luzerne County**.

GP9-40-002: Haines & Kibblehouse (PO BOX 196, 2052 Lucon Road, Skippack, PA 19474) on June 17, 2013, to install and operate a Diesel I/C Engine at their Pikes Creek Asphalt site in Lehman Township, **Luzerne County**.

GP5-58-008: Williams Field Services LLC (51 Warren Street, Tunkhannock, PA 18657) on July 31, 2013, to construct and operate additional engines and dehydrators/reboilers at their White Natural Gas Compressor Station site in Springville Township, **Susquehanna 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.

GP1-22-03081: Upper Dauphin School District (5668 State Route 209, Lykens, PA 17048) on July 24, 2013, for a #2 oil-fired boiler rated at 12.5 MMBtu, under GP1, at their public school facility in Elizabethville Borough, **Dauphin County**. The general permit authorization 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

GP5-41-710A: NFG Midstream Trout Run, LLC (6363 Main Street, Williamsville, NY 14221-5887) on June 24, 2013, to construct and operate seven (7) natural gas-fired compressor engines, four (4) natural gas-fired micro turbines, two (2) storage tanks and a 200 million cubic foot per day triethylene dehydrator pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP5) at their Hagerman Compressor Station in Lewis Township, **Lycoming County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

GP5-65-01023: R.E. Gas Development, LLC (476 Rolling Ridge Drive, State College, PA 16801) on July 31, 2013, to allow the continued operation of one 203 bhp Caterpillar natural gas-fired compressor engine and one 0.33 MMscfd dehydrator at the Nelson Compressor Station in Dunbar Township, **Fayette County**.

GP5-30-00220: EQT Gathering, LLC (EQT Plaza 625 Liberty Ave., Suite 1700, Pittsburgh, PA 15222) on July 31, 2013, to authorize the installation and operation of a natural gas compressor station consisting of three lean burn natural gas-fired compressor engines rated at 4,735 bhp each and controlled by oxidation catalysts, and two 8,820 gallon produced fluids tanks. Other miscellaneous sources include five lube oil and ethylene glycol storage tanks, five microturbines rated at 200 kW each, and one natural gas-fired line heater rated at 0.38 MMBtu/hr. The facility will be authorized under GP-5 for natural gas production, named Halo Compressor Station, and located in Center Township, **Greene County**.

GP5-32-00423: Mountain Gathering, LLC (810 Houston Street, Suite 2000, Fort Worth, TX 76102) on July 29, 2013, received authorization for construction and/or operation of sources and controls associated with a natural gas production facility at its R&P Compressor Station located in Black Lick Township, **Indiana County**.

GP5-32-00333B: Range Resources—Appalachia, LLC (100 Throckmorton Street, Suite 1200, Fort Worth, TX 76102) on July 31, 2013, to authorize to continue the operation of one (1) existing Caterpillar G342 NA, 4SRB, natural gas fired compressor engine, rated at 225 bhp and two (2) existing storage tanks of various capacities at their Blacklick Compressor Station located in Blacklick Township, **Indiana County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

GP5-24-177A: NFG Midsteam Mt. Jewett, LLC—Mt. Jewett Interconnect Station (2740 County Line Road, Wilcox, PA 15870) on July 22, 2013, to operate one (1) four stroke, natural gas powered emergency generator engine, Generac, Rated 22 bhp at 3,600 RPM, one (1) Frederick Logan Company natural gas dehydrator, one (1) natural gas fuel fired line heater rated 0.77 MmBtu/hr, one (1) 300 gallon TEG storage tank, Source ID: T-001, and one (1) 1,890 gallon produced water storage tank, Source ID: T-002 (BAQ-GPA/GP-5) in Jones Township, **Elk County**.

GP4-25-1040A: All-American Hose, LLC—Oil & Gas Division (2424 West 23rd Street, Erie, PA 16501) on August 1, 2013, to install a burn off oven, 10 lb/hr capacity unit, manufactured by Pollution Control Products (BAQ-GPA/GP-4) in the City of Erie, **Erie County**.

GP5-42-240A: Seneca Resources Corp.—Mt. Jewett Pad G Station (Off Route PA 321, Wilcox, PA 15870) on July 22, 2013, to operate one (1) rich burn, 4 stroke natural gas engine, Waukesha Model No. VHP-F3524GSI rated 840 bhp at 1,200 rpm, and three (3) 16,800 gallon produced water storage tanks, Tank IDs: Mt. Jewett Pad G T-1, Mt. Jewett Pad G T-2, Mt. Jewett Pad G T-3, and three (3) natural gas processing units (BAQ-GPA/GP-5) in Wetmore Township, **McKean County**.

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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.

67-05124A: Schindler Elevator Corp.—Hanover (21 Industrial Drive, Hanover, PA 17331) on July 30, 2013, for a door line paint process to be installed at the new hydraulic elevator manufacturing in Penn Township, **York County**.

67-05092H: Starbucks Coffee Co. (3000 Espresso Way, York, PA 17406) on July 30, 2013, for construction of the following sources: two coffee roasters controlled by a regenerative thermal oxidizer; two cooling trays controlled by dedicated cyclones; two destoners controlled by

dedicated cyclones; and a chaff press controlled by a cyclone at its York Roasting Plant in East Manchester Township, **York County**.

36-05146B: PPL Renewable Energy, LLC (2 North 9th Street, Allentown, PA 18101) on August 2, 2013, for replacement of two (2) existing landfill gas-fired engine generator sets at the Creswell/Frey Farm Landfill in Manor Township, **Lancaster County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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.

06-05069Q: East Penn Mfg. Co., Inc. (Deka Road, PO Box 147, Lyon Station, PA 19536) on July 30, 2013, for modifications and additions to the A-4 battery assembly plant and lead oxide mills at the lead acid battery manufacturing facility in Richmond 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

57-00003A: Sullivan County School District (777 South Street, Laporte, PA 18626) on July 26, 2013, to extend the authorization to operate a biomass boiler at their facility in Laporte Borough, **Sullivan County** on a temporary basis to January 22, 2014. The plan approval has been extended.

59-00025A: EQT Gathering, LLC (EQT Plaza, 625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222) on August 2, 2013, for a change of ownership of this facility for a change in the Federal Tax ID number for EQT Gathering, LLC. All revised requirements of the revised plan approvals became effective on August 2, 2013.

59-00025B: EQT Gathering, LLC (EQT Plaza, 625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222) on August 2, 2013, for a change of ownership of this facility for a change in the Federal Tax ID number for EQT Gathering, LLC. All revised requirements of the revised plan approvals became effective on August 2, 2013.

08-00003H: CraftMaster Manufacturing, Inc. (PO Box 311, Towanda, PA 18848-0311) on August 5, 2013, to extend the authorization to exhaust the cavity steam from the Line 2 Press (Source 172P) to a regenerative thermal oxidizer (RTO C142) at their facility in Wysox Township, **Bradford County** on a temporary basis to January 30, 2014. The plan approval has been extended.

08-00043A: Glenn O Hawbaker, Inc. (711 East College Avenue Bellefonte, PA 16823) on July 11, 2013, to extend the authorization to operate a sand and gravel wash plant at their facility in Athens Township, **Bradford County** on a temporary basis to January 9, 2014. The plan approval has been extended.

41-00025C: Lycoming County Resource Management Services (PO Box 187 Montgomery, PA 17752) on July 23, 2013, to extend authorization to operate fields 11 and 12 at their facility in Brady Township, **Lycoming County** on a temporary basis to January 20, 2014. The plan approval has been extended.

14-00002A: Graymont (PA), Inc. (965 East College Avenue, State College PA 16823) on August 23, 2023, for authorization to operate the two (2) lime kilns at the Pleasant Gap plant in Spring Township, **Centre County** pursuant to the plan approval an additional 180 days from August 23, 2013 to February 19, 2014 to continue the compliance evaluation for the air contaminant sources. The plan approval has been extended.

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

63-00963E: MarkWest Liberty Midstream and Resources, LLC (1515 Arapahoe Street Tower 2, Suite 700, Denver, CO 80202-2126) on August 2, 2013, to extend the period of temporary operation of the rail load-out terminal controlled by a vapor collection unit and enclosed flare, and previously consolidated natural gas processing equipment, authorized under plan approval PA-63-00936E, until February 3, 2014, at the Houston Gas Plant in Chartiers Township, **Washington County**. The plan approval has been extended.

56-00257B: PA Department of Corrections (P.O. Box 631, 5706 Glades Pike, Somerset, PA 15501) on August 5, 2013, to extend the period of temporary operation of the cogeneration facility including two natural gas-fired boilers, one dual fuel boiler, one landfill gas-fired turbine, and two landfill gas-fired engines authorized under plan approval PA-56-00257B, until February 8, 2014, at SCI Laurel Highlands located in Somerset Township, **Somerset County**. The plan approval has been extended.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

25-920D: Waste Management of Pennsylvania, Inc.—Lakeview Landfill (851 Robison Road East, Erie, PA 16509) on July 31, 2013, to issue a plan approval extension for construction of a landfill expansion and the increase in carbon monoxide emissions limits associated with existing landfill gas-fired engines at their facility in Summit Township, **Erie County**. This is a Title V facility.

Title V Operating Permits Issued 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

15-00010: ArcelorMittal Plate, LLC (139 Modena Road, Coatesville, PA 19320; Attn: Mr. Ray Ajalli) on July 30, 2013, for renewal of the Title V Operating Permit. The initial permit was issued on September 14, 2001, for their steel manufacturing plant in Coatesville Borough, **Chester County**. The facility is a major source for NO_x, CO, VOC, PM-10, SO_x, and greenhouse gases (GHG). Sources include furnaces, boilers, steel surface conditioning processes, generators, fire pumps, parts washers, nickel plating with scrubbers, surface coating operations, and other miscellaneous steel manufacturing components, many of them controlled by dust collection systems. Two 4SLB Emergency Generators (Source ID 769) are subject to 40 CFR Part 60, Subpart JJJJ. The following sources are subject to 40 CFR Part 63: \D\ Electric Furnace—

Source ID 104 (Subpart YYYYY); 12,000 Gal Underground Gas Storage Tank—Source ID 226 (Subpart CCCCC); Nickel Plating and 2 Scrubbers—Source ID 254 (Subpart WWWW); Emer Pump/Generator—Source ID 768 (Subpart ZZZZ); and Small Emergency Generators and Pumps—Source 770 (Subpart ZZZZ). Applicable requirements have been incorporated into the Title V Operating Permit renewal. The following sources are subject to Compliance Assurance Monitoring (CAM) requirements: Source IDs 104, 174, 176, 181, 182, 207, 228, 232, 234, 235, 258, and 263. Allowable emissions from the facility have not increased as a result of this permit renewal. The operating permit contains requirements to keep the facility operating within all applicable air quality requirements for this source.

46-00032: SPS Technologies, Inc.—SPS (301 Highland Avenue, Jenkintown, PA 19046) on July 31, 2013, for a major aerospace parts manufacturing facility at Highland Avenue Abington Township, **Montgomery County**. This action is a renewal of the facility's Title V Operating Permit originally issued on October 18, 2007. There have been several amendments of this TVOP since its original issuance. The renewal does not allow any new changes other than updating of source inventory and changes of minor significance. The operation is subjected to federal NESHAPS and NSPS regulations. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the plant 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: 570-826-2507

54-00041: Silberline Manufacturing Co., Inc. (130 Lincon Drive, P.O. Box B, Tamaqua, PA 18252) for operation of an aluminum pigment manufacturing and boilers operation in Rush Township, **Schuylkill County**. This action is a renewal of the Title V Operating Permit. These sources have the potential to emit major quantities of regulated pollutants (VOC) above Title V emission thresholds. The issued Title V Operating Permit contains applicable requirements for emissions limitations, monitoring, record keeping, reporting, and work practice standards used to maintain facility compliance with Federal and State air pollution regulations.

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.

67-05005: PPL Brunner Island LLC (Two North Ninth Street, Allentown, PA 18101-1179) on July 30, 2013, for the Brunner Island Steam Electric Station in East Manchester Township, **York County**. The Title V permit was renewed.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Zaman, Environmental Program Manager—Telephone: 570-327-3648

18-00009: Clinton County Solid Waste Authority (PO Box 209, McElhattan, PA 17748) on July 31, 2013, a Title V operating permit renewal for their Wayne Township landfill in Wayne Township, **Clinton County**. The facility's sources include nineteen (19) space heaters, two (2) portable emergency generators, north side disposal area, south side disposal area, dirt screening equipment,

two (2) portable tub grinders, two (2) portable trammel screeners, one (1) portable water pump, one (1) parts washer and one (1) enclosed flare. The Title V operating permit contains all applicable Federal and State regulatory requirements including monitoring, recordkeeping, and reporting conditions.

49-00007: Cherokee Pharmaceuticals, LLC (PO Box 367, Riverside, PA 17868) on August 2, 2013, to issue a renewal Title V Operating Permit 49-00007 for their pharmaceutical manufacturing facility located in Riverside, **Northumberland County**. Renewal Title V Operating Permit 49-00007 contains monitoring, recordkeeping and reporting conditions to ensure compliance with all applicable Federal and State air regulatory requirements for stationary air contaminant sources. Additionally, the Title V operating permit was revised to include the averaging requirements specified in 40 CFR Part 63 Subpart GGG that now apply during periods of startup, shutdown and malfunction (SSM) because of the vacatur of the Part 63 SSM exemptions by the United States Court of Appeals for the D.C Circuit.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131

25-00025: GE Transportation, Erie Plant (2901 East Lake Road, Bldg. 9-201, Erie, PA 16531) on July 31, 2013, modified a Title V Operating Permit for their facility in Lawrence Park Township, **Erie County**

The modification is pursuant to 25 Pa. Code § 127.463. The permit expires September 30, 2016. GE Transportation is a major facility and is subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapters F and G. The facility is subject to multiple State and Federal Regulations. The modification involves the incorporation of the requirements of 40 CFR 63 Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants (NESHAPs) for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters; Four new 132 HP Cummins diesel generators under Source 373 (with applicable requirements of 40 CFR 60 Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines); Removal of Source 362 and adjust the emission rates and diesel consumption rates for Source 372; and, Include Source 968 (Miscellaneous plant-wide VOC emissions) with applicable requirements from 25 Pa Code § 129.77. The requirements in Subpart DDDDD became effective April 1, 2013. The Department is required to revise the permit because the expiration date of the current permit is more than 3 years from the effective date of Subpart DDDDD. The boilers are subject to the tune-up and energy assessment work practice standards of Subpart DDDDD.

Minor changes were also made to the permit to reflect the amended language of 40 CFR 63 Subpart ZZZZ—NESHAPs for Stationary Reciprocating Internal Combustion Engines.

10-00028: Armstrong Cement & Supply (100 Clearfield Road Cabot, PA 16023-9531) on August 1, 2013, issued an administrative amendment to the Title V Operating Permit for the Portland cement plant in Winfield Township, **Butler County**. The amendment incorporated the requirements from Plan Approval 10-028I as well as the amendments to 40 CFR 63 Subpart ZZZZ and LLL.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

15-00086: Griffin Industries LLC—dba Bakery Feeds (97 Westbrook Drive, Honey Brook, PA 19344) on July 30, 2013, for an animal feed processing facility in Honey Brook Township, **Chester County**. The renewal permit is for a non-Title V (State only) facility. Operations at the facility include drying of waste bakery products, separation of the product and packaging and blending of the recycled bakery product with an animal feed ingredient. A regenerative thermal oxidizer (RTO) controls VOC emissions from the dryer with a minimum of 98% efficiency. Natural gas, non-chemically treated wood, and packaging waste are approved fuels for the biomass burner with the rotary dryer. No emissions increases above previously approved levels are authorized with the renewal. The operating permit will include monitoring, testing, 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.

21-05037: Union Quarries, Inc. (PO Box 686, Carlisle, PA 17013-0686) on August 1, 2013, for the Bonny Brook stone crushing and batch asphalt plants in South Middleton Township, **Cumberland 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

19-00020: Kawneer Company, Inc. (500 East 12th Street, Bloomsburg, PA 17815) on July 30, 2013, to renew the State Only (Synthetic Minor) Operating Permit for their facility in the Town of Bloomsburg, **Columbia County**. The State Only (Synthetic Minor) operating permit contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

63-00928: Valley Tire Co., Inc. (15 McKean Ave., Charleroi, PA 15022-1436) On July 30, 2013, for operation of a truck tire retreading facility in Charleroi Borough, **Washington County**. The subject facility consists of buffing, repair solution application, tire retreading, and curing processes. The facility also contains a cyclone system for capturing particulate emissions from the buffing operation. The facility is subject to the applicable requirements of Pa Code Title 25 Chapters 121 through 145. The final renewal Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping, reporting and work practice requirements.

65-00235: Alcoa, Inc. (100 Technical Drive, Alcoa Center, PA 15069) on July 30, 2013, a renewal State Only Operating Permit (SOOP) to Alcoa Technical Center to authorize the continued operation of their Research and Development facility in Upper Burrell Township, **Westmoreland County**.

30-00183: EQT Gathering, LLC, (Suite 1700, 625 Liberty Ave, Pittsburgh, PA, 15222) on July 30, 2013, to issue a State Only Operating Permit for operation of the Jupiter Compressor Station. The facility contains air contamination sources, consisting of three 2,370-bhp, natural gas-fired compressor engines, one 690-bhp, natural gas-fired, emergency generator engine, and three TEG dehydrators with reboilers that have a combined natural gas processing capacity of 210 MMscfd. The facility is subject to 40 CFR 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Combustion Engines, 40 CFR 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, and Pa. Code Title 25, Chapters 121—145. The permit includes emission limitations, and operational, monitoring, testing, reporting and recordkeeping requirements for the facility located in Morgan Township, **Greene County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Matthew M. Williams, Environmental Program Manager—Telephone: 814-332-6636

10-00139: J.S. McCormick Co. (1043 Branchton Road, Boyers, PA 16020-1405) on July 17, 2013, issued a renewal Natural Minor Operating Permit to operate a facility that processes coke breeze for use in brake manufacturing and metallurgical purposes in Cherry Township, **Butler County**. The facility's primary emission sources include three rotary dryers, coke screening/shaking and three space heating furnaces. Each of the sources contains the restrictions, recordkeeping, reporting, work practice requirements, and additional requirements to assure compliance with the Clean Air Act and the Air Pollution Control Act.

25-00969: Union Electric Steel Corp. (PO Box 465 Carnegie, PA 15106-0465) on July 31, 2013, issued a renewal of the State Only Operating Permit for their facility at 1712 Green Garden Road in the City of Erie, **Erie County**. The facility is a Natural Minor. The primary sources at the facility include three electro slag remelt stations, 4 electrically heated slag pots, miscellaneous natural gas combustion sources 2 annealing furnaces, vessel preheaters, space heaters, welding, and parts cleaner. Particulate emissions from the remelt station and the slag pots are controlled by a fabric collector. The emissions from the facility are approximately 5.7 TPY NO_x, 1.4 TPY CO, 1.9 TPY PM-10, less than 1 TPY of SO_x, VOC, and HAPs.

42-00095: Georgia Pacific Corrugated II LLC (One Owens way, Bradford, PA 16701) on August 5, 2013, to renew a natural minor permit in the City of Bradford, **McKean County**. The facility manufactures corrugated and solid fiber boxes. The emitting sources included, (1) 350 HP Boiler, (2) 500 HP Boiler, (3) Miscellaneous Process Equipment, (4) Outdoor Storage Silo, (5) Metal Parts Washer (Cold Degreaser), and, (6) Miscellaneous VOCs (Printing and Gluing). The potential emissions of NO_x: 17 Tons per year, CO: 4 TPY and VOC: 8.3 TPY. The Boilers of the facility are not subject to 40 CFR Part 63 Subpart JJJJJ because, those are gas fired boilers and run less than 48 hours using fuel Oil #6 for non-emergency purpose.

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.

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.

28-05011: Waste Management Disposal Services of PA, Inc. (9446 Letzburg Road, Greencastle, PA 17225-9317) on July 18, 2013, for the Mountain View Landfill in Antrim Township, **Franklin County**. The Title V permit was administratively amended to incorporate the provisions of Plan Approval No. 28-05011B.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

56-00199: Shade City School District (PO Box 7, 203 McGregor Ave., Cairnbrook, PA 15924) for a Synthetic Minor Operating Permit renewal for the Shade-Central City High School in Shade Township, **Somerset County**. The permittee has submitted an application for an administrative amendment of its operating permit to revise the responsible official and permit contact information.

30-00099: Allegheny Energy Supply Co., LLC (800 Cabin Hill Drive, Greensburg, PA 15601) on or about July 25, 2013, in accordance with 25 Pa. Code §§ 127.424, 127.425, 127.521 and 127.541, the Department of Environmental Protection (DEP) significantly modified a Title V Operating Permit renewal previously issued on November 30, 2012 for the continued operation of the Hatfield's Ferry Power Station located in Monongahela Township, **Greene County**. The significant modification added the following applicable requirement to the TVOP: 25 Pa. Code § 121.7, Prohibition of air pollution, "No person may permit air pollution as that term is defined in the act." No other changes to the TVOP, emissions or equipment were approved by this action.

63-00016: Allegheny Energy Supply Company, LLC (800 Cabin Hill Drive, Greensburg, PA 15601) on July 30, 2013, in accordance with 25 Pa. Code §§ 127.424, 127.425, 127.521 and 127.541, the Department of Environmental Protection (DEP) significantly modified a Title V Operating Permit renewal previously issued on November 30, 2012 for the operation of the Mitchell Power Station, located in Union Township, **Washington County**. The significant modification added the following applicable requirement to the TVOP: 25 Pa. Code § 121.7, Prohibition of air pollution, "No person may permit air pollution as that term is defined in the act." No other changes to the TVOP, emissions or equipment were approved by this action.

26-00535: Duke Energy Fayette II, LLC (P.O. Box 511, Masontown, PA 15461) on July 30, 2013, in accordance with 25 Pa. Code §§ 127.424, 127.425, 127.521 and 127.541, the Department of Environmental Protection (DEP) significantly modified a Title V Operating Permit renewal previously issued on January 13, 2013 for the operation of the Fayette Energy Facility, located in German Township, **Fayette County**. The significant modification added the following applicable requirement to the TVOP: 25 Pa. Code § 121.7, Prohibition of air

pollution, "No person may permit air pollution as that term is defined in the act." No other changes to the TVOP, emissions or equipment were approved by this action.

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 Actions Received

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

03851601 and NPDES No. PA0214540. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To renew the permit and related NPDES permit for the Dutch Run Prep Plant in Plumcreek Township, **Armstrong County** and to transfer the permit to Rosebud Mining Company from TJS Mining, Inc. No additional discharges. The application was considered administratively complete on May 21, 2012. Application received April 2, 2012. Permit issued July 31, 2013.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

Permit No. 56120117 and NPDES Permit No. PA0269182. Wilson Creek Energy, LLC, 609 Georgian Place, Somerset, PA 15501 commencement, operation and restoration of a bituminous surface and auger mine in Jenner Township, **Somerset County**, affecting 241.6 acres. Receiving streams: Hoffman Run and unnamed tributaries to Quemahoning Creek classified for the following use: cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria-Somerset Water Authority. Application Received November 9, 2012. Permit Issued July 24, 2013.

Permit No. 56110106 and NPDES Permit No. PA0263273. Wilson Creek Energy, LLC, 609 Georgian Place, Somerset, PA 15501 commencement, operation and restoration of a bituminous surface and auger mine in Lincoln Township, **Somerset County**, affecting 107.7 acres. Receiving stream: unnamed tributaries to Quemahoning Creek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application Received June 21, 2011. Permit Issued July 25, 2013.

Permit No. 56060111 and NPDES No. PA0262269. PBS Coals, Inc., 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, revision of an existing bituminous surface mine to change the land use from forestland to crop land in Black Township, **Somerset County**, affect-

ing 111.3 acres. Receiving streams: unnamed tributaries to/and Coxes Creek, classified for the following use: warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received May 15, 2013. Permit Issued August 2, 2013.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

03120102 and NPDES Permit No. PA0252212. Rosebud Mining Company (301 Market Street, Kittanning, PA 16201). Permit issued for commencement, operation and reclamation of a bituminous surface mine, located in Madison Township, **Armstrong County**, affecting 188 acres. Receiving streams: unnamed tributaries to the Allegheny River. Application received: July 23, 2012. Permit issued: July 30, 2013.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

PAG-02/14803008, GP4-14803008 and GP5-14803008. BioMost, Inc. (434 Spring Street Ext., Mars, PA). Authorization for coverage under a General NPDES Permit (PAG-02) in conjunction with authorizations for Intake and Outfall Structures (GP-4) and Utility Line Stream Crossings (GP-5) as part of the construction of the Pine Glen Active Treatment System to abate acid mine drainage in Burnside Township, **Centre County** affecting 64.4 acres. Receiving stream(s): Sevenmile Run classified for the following use(s): Cold Water Fishes and Migratory Fishes. Application received: April 4, 2013. Permit issued: July 30, 2013.

Noncoal Permits Actions Issued

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

Permit No. 56070301 and NPDES Permit No. PA0262340. Keystone Lime Company, Inc., P.O. Box 278, Springs, PA 15562, renewal of NPDES Permit, in Elk Lick Township, **Somerset County**. Receiving stream: unnamed tributary to Laurel Run, classified for the following use: cold water fishery. Application received April 10, 2013. Permit Issued July 10, 2013.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

30120601 and NPDES Permit No. PA0252263. Fayette Coal & Coke, Inc. (195 Enterprise Lane, Connellsville, PA 15425). Permit issued for commencement, operation and reclamation of a large noncoal surface mine, located in Monongahela Township, **Greene County**, affecting 52.5 acres. Receiving streams: Goose Run, Little Whitely Creek and an unnamed tributary to Little Whitely Creek. Application received: November 13, 2012. Permit issued: August 1, 2013.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

08890805. Charles T. Root (188 Thorndike Road, Gillett, PA 16925). Mining completed for a small non coal operation in South Creek Township, **Bradford County**. There were no bonds posted on this operation. Restoration of 0.75 acre completed. Receiving stream(s): Roaring Run. Application received: July 8, 2013. Final completion approved: July 22, 2013.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

58110305T and NPDES Permit No. PA0225142. Penny Supply, Inc., (PO Box 3331, Harrisburg, PA

17105), transfer of an existing quarry operation in Middletown Township, **Susquehanna County** affecting 95.4 acres, receiving stream: unnamed tributary to Middle Branch Wyalusing Creek. Application received: January 17, 2013. Transfer issued: July 30, 2013.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions Issued

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

10134102. Wampum Hardware Company (2856 Stoystown Road, Friedens, PA 15541-7020). Blasting activity permit to construct a holding pond in Clinton Township, **Butler County**. This blasting activity permit will expire on December 31, 2013. Permit Issued: July 29, 2013.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

08134122. Doug Wathen, LLC (11934 Fairway Lakes Drive, Suite 1, Ft Myers, FL 33913). Blasting for gas pad construction located in Wilmot Township, **Bradford County** with an expiration date of July 10, 2014. Permit issued July 25, 2013.

08134123. Holbert Explosives, Inc. (237 Mast Hope Plank Rd, Lackawaxen, PA 18435). Blasting for pipeline construction located in Wilmot Township, **Bradford County** with an expiration date of July 20, 2014. Permit issued July 30, 2013.

12134001. Excel Drilling, Inc. (P.O. Box 7034, Bozeman, MT 59771). Seismic Exploration blasting located in Shippen Township, **Cameron County** and Jones Township, Elk County with an expiration date of December 31, 2013. Permit issued July 25, 2013.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

36134138. Maine Drilling & Blasting, Inc., (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Bishop Woods in West Donegal Township, **Lancaster County** with an expiration date of July 25, 2014. Permit issued: July 31, 2013.

36134139. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Lititz Reserves in Warwick Township, **Lancaster County** with an expiration date of July 31, 2014. Permit issued: July 31, 2013.

36134140. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Tents for Rent in Clay Township, **Lancaster County** with an expiration date of July 31, 2014. Permit issued: July 31, 2013.

58134140. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Northeast Gathering System Line 444 in Liberty Township, **Susquehanna County** with an expiration date of July 31, 2014. Permit issued: July 31, 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. PA0007803 (Mining Permit No. 32841302), Pennsylvania Mines, LLC, (2 North 9th Street, Allentown, PA 18101). A renewal to the NPDES and mining activity permit for the Greenwich North #1/South #2 Mine in Green and Montgomery Townships, **Indiana County** and Susquehanna Township, **Cambria County** for reclamation only—water treatment. Surface Acres Affected 163.5, Underground Acres Affected 14203.0. Receiving stream: South Branch Two Lick Creek, classified for the following use: HQ-CWF. Kiskiminetas-Conemaugh River Watersheds TMDL. The application was considered administratively complete on May 19, 2011. Application received December 17, 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 021 discharges to: South Branch of Two Lick Creek

The proposed effluent limits for *Outfall 021* (Lat: 40° 40' 38" Long: 78° 53' 01") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	4.82	-
Iron (mg/l)		1.5	3.0	3.8
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.5	1.0	1.3
Total Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (mos/kg)		50	100	125
Sulfates (mg/l)		-	-	REPORT
Total Dissolved Solids (mg/l)		-	-	REPORT
Chlorides (mg/l)		-	-	REPORT

NPDES No. PA0215562 (Mining Permit No. 30841602), Duquesne Light Company, (1800 Seymour Street, Pittsburgh, PA 15233-1134). A renewal to the NPDES and mining activity permit for the Warwick Mine No. 2 Preparation Plant in Monongahela Township, **Greene County**. Surface Acres Affected 43.3. Receiving stream: Whiteley Creek, classified for the following use: WWF. Monongahela River. The application was considered administratively complete on November 11, 2006. Application received October 6, 2006.

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 002 discharges to: Whitely Creek

The proposed effluent limits for *Outfall 002* (Lat: 38° 48' 59" Long: 79° 57' 19") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	2.64	-
Iron (mg/l)		1.5	3.1	3.9
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		0.67	1.3	1.7
Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (umho)		50	80	125
Sulfates (mg/l)		250	439	500
Chlorides (mg/l)		230	369	575
Total Dissolved Solids (mg/l)		-	-	REPORT
Selenium (mg/l)		-	-	REPORT

Outfall 007 discharges to: Whitely Creek

The proposed effluent limits for *Outfall 007* (Lat: 39° 49' 04" Long: 79° 57' 12") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	2.64	-
Iron (mg/l)		1.5	3.1	3.9
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		0.67	1.3	1.7
Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (umho)		50	80	125
Sulfates (mg/l)		250	439	500
Chlorides (mg/l)		230	369	575
Total Dissolved Solids (mg/l)		-	-	REPORT
Selenium (mg/l)		-	-	REPORT

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

NPDES No. PA0269166 (Mining permit no. 56120115), Rosebud Mining Co., Meyersdale Division, 1117 Shaw Mines Road, Meyersdale, PA 15552-7228, new NPDES permit for surface coal mine operation in Jenner Township, **Somerset County**, affecting 26.0 acres. Receiving stream: unnamed tributary to Beaverdam Run for the following use: cold water fishery. This receiving stream is included in the Kiskiminetas-Conemaugh River. Application received: October 17, 2012.

The outfall(s) listed below discharge to an unnamed tributary to Beaverdam Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001—Treatment pond 1	Y
002—Treatment pond 2	Y
003—Treatment pond 3	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: 001, 002, and 003 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times
Alkalinity must exceed acidity at all times

The outfall(s) listed below discharge to an unnamed tributary to Beaverdam Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
004—Sediment Pond 1	Y
005—Sediment Trap 2	Y
006—Sediment Trap 3	Y
007—Sediment Pond 3	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: 004, 005, 006 and 007</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

NPDES No. PA0259403 (Permit No. 10120107). Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) New NPDES permit for a bituminous surface mine in Donegal Township, **Butler County**, affecting 152.4 acres. Receiving streams: Buffalo Run, unnamed tributaries to Buffalo Creek, and Buffalo Creek, all classified for the following uses: HQ-CWF. TMDL: None. Application received: July 10, 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 outfall(s) listed below require a non-discharge alternative and the implementation of BMPS's:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TP1	Y
TP2	Y
TP3	Y
TP4	Y
TP5	Y

The outfall(s) listed below requires a non-discharge alternative and the implementation of BMP's for surface waters collected in response to precipitation from less than the 10 yr/24 hr storm event. The outfalls listed below may discharge to Buffalo Run, unnamed tributaries to Buffalo Creek and Buffalo Creek in response to precipitation exceeding the 10 yr/24 hr storm event.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SPA	Y
SPB	Y
SPC	Y
SPD	Y
SPE	Y
SPF	Y
SPG	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Alkalinity greater than acidity ¹				

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 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 for more information.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southeast Region: Waterway and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401

E15-837. Mark Winnicki, Director of Facilities, Longwood Gardens, Inc., P.O. Box 501, Kennett Square, PA 19348-0501, East Marlborough, Kennett, and Pennsbury Townships, **Chester County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the meadow improvement and expansion project at Longwood Gardens:

1. To construct and maintain two new pedestrian bridges measuring 28-foot long by 23-foot wide, and 13-foot long by 8-foot wide, respectively.

2. To replace and maintain two existing pedestrian bridges.

3. To construct and maintain a temporary bridge having a 30-foot span and measuring 8-foot wide.

All bridges are across an unnamed tributary to Pocopson Creek (Perennial, TSF) and adjacent wetlands.

The site is located at the northwest of intersection of US Route 1 and PA Route 52 (Unionville & Kennett, PA USGS Quadrangle N: 22.3 inches; W: 5.88 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636

E18-486. Daniel K. Stoltzfus, 1551 East Winter Road, Loganton, PA 17747-9327. Daniel Stoltzfus Bridge, in Greene Township, **Clinton County**, ACOE Baltimore District (Loganton, PA Quadrangle N: 41°03'01.6"; W: -77°18'12.4").

To construct a 25-foot, clear span bridge of steel beams and a wooden deck to cross Mill Creek to access a newly purchased land-locked property located along South Hopple Hollow Road, 0.3 mile from North Mill Street, to access a land locked property (Loganton, PA Quadrangle N: 41°03'01.6"; W: -77°18'12.4") in Greene Township, Clinton County. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E19-300. Bloomsburg Park Association, 1 West 11th Street, Bloomsburg, PA 17815. Tennis Court Shed, in Town of Bloomsburg, **Columbia County**, ACOE Baltimore District (Bloomsburg, PA Quadrangle Latitude: 40° 59' 25"; Longitude: -76° 27' 13").

To construct, operate and maintain a masonry storage shed measuring 13 feet by 13 feet. This structure is located in the flood fringe of the Susquehanna River, Warm Water Fishery. This work will not disturb more

than 0.10 acre. All electrical utilities will be elevated above the 100-yr water surface elevation. This project is located along Railroad Street in the Town of Bloomsburg, Columbia County.

Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E02-1313-A1. David A Rohrich, 2020 West Liberty Avenue, Pittsburgh, PA 15226, Marshall Township, **Allegheny County**; ACOE Pittsburgh District

Applicant has been given consent to construct, operate and maintain culverts and fill in 265 LF of three unnamed tributaries of Brush Creek (WWF) and to place fill in 0.0062 acre of wetland to construct buildings and parking areas. The project is located along SR 19 (Perry Highway) near the intersection with Rowan Road. To mitigate for the wetland impact, the applicant has made a payment to the Pennsylvania Wetland Replacement Fund. To mitigate for the stream impact, the applicant will plant a 25 foot wide buffer along 230 lf of an unnamed tributary to Brush Creek. (Mars, PA Quadrangle; N: 3.9 inches, W: 10.3 inches; Latitude: 40° 38' 46"; Longitude: 80° 4' 25") in Marshall Township, Allegheny County.

E04-341. Georgetown Sand and Gravel, Inc., P.O. Box 127, Georgetown, PA 15043, Greene Township, **Beaver County**. ACOE Pittsburgh District

Applicant has been given consent to operate and maintain the existing barge mooring facility approximately 1,450.0 feet in length and 135.0 feet in width (as measured from the normal pool elevation) and to construct and maintain a new barge mooring facility approximately 3,350.0 feet in length and 200.0 feet in width (as measured from the normal pool elevation) in the channel and along the left bank of the Ohio River (WWF-N) for the purpose of mooring barges. The existing and proposed barge mooring facilities are located near Mile Post 38.3 (Midland, PA Quadrangle N: 3.2 inches; W: 14.65 inches; Latitude: 40° 38' 33"; Longitude: 80° 28' 50") in Greene Township, Beaver County.

E63-646. Washington Trotting Association, Inc., 9107 W. Russell Road, Las Vegas, NV 89148, North Strabane Township, **Washington County**. ACOE Pittsburgh District

Applicant has been given consent to construct and maintain a 46-foot long, 10 feet wide x 5 feet high box culvert depressed 1 ft. with baffles in an unnamed tributary to Chartiers Creek (WWF); to construct and maintain two walls and their associated fill along the right bank floodway of the same creek, the first wall will be approximately 140 feet long and the second approximately 60 feet long; and to place and maintain fill along the right bank floodway for a distance of approximately 100 feet of the same stream channel, to provide access to the proposed Meadows Hotel. The project is located at 210 Racetrack Road, on the east side of Racetrack Road, approximately 3,500.0 feet south from the intersection of Racetrack Road and Johnson Road (Washington East, PA Quadrangle N: 10.6 inches; W: 16.7 inches, Latitude: 40° 13' 4.0"; Longitude: 80° 12' 5.84") in North Strabane Township, Washington County.

E65-945 Daniel Shapira, Esq., c/o Marcus & Shapira LLP, One Oxford Centre, 35th Floor, 301 Grant Street, Pittsburgh, PA 15219-6401, Fairfield Township, **Westmoreland County**. ACOE Pittsburgh District

Applicant has been given consent to expand and maintain the pool zones of two existing ponds and to increase

the overall surface area of each of the ponds by 0.56 acre. Place and maintain fill in 0.003 acre of wetlands for the expansion of pond 1. Place and maintain fill in 0.233 acre of wetlands for the expansion of pond 2. To construct and maintain a new 145 ft long emergency spillway channel for pond 2. The ponds are located on an unnamed tributary to Covode Hollow (TSF). To impact 282 linear feet of an unnamed tributary to Covode Hollow. Construct and maintain a 30-inch diameter culvert for a haul road located upstream of pond 1, in an unnamed tributary to Covode Hollow. To construct and maintain a 24-inch diameter culvert for a trail in an unnamed tributary to Covode Hollow (Wilpen, PA Quadrangle; N: 16.75 inches; W: 9.8 inches; Latitude: 402031; Longitude: 791142) in Fairfield Township, Westmoreland County. To compensate for the wetland impacts the permittee shall construct 0.30 acre of palustrine emergent replacement wetlands.

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335

E62-08-003, Major Modification, Bear Lake Properties, Inc., 3000 Village Run Road, Wexford, PA 15090. Waterline and Brine Unloading Facility, in Columbus Township, **Warren County**, United States Army Corps of Engineers Pittsburgh District.

In addition to an existing 3-inch brine water line the applicant proposes to install and maintain a 6-inch HDPE brine water line encased in a 10-inch HDPE pipeline which will cross three (3) Palustrine Emergent (PEM) wetlands in order to transport brine water from offloading Pad A located at the corner of Stateline Road and Cornish Hill Road to offloading Pad B located approximately 3300 feet to the west (Columbus, PA Quadrangle N: 41° 59' 42"; W: -79° 31' 58.8") in Columbus Township, Warren County. Installation of the pipeline will temporarily impact 0.87 acre of PEM wetland.

District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701

E5929-038: Ultra Resources, Inc., P.O. Box 1768, Suite 295, Pinedale, WY 82941, Shippen and Delmar Townships, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A permanent access road using two 36 inch diameter HDPE culverts and a 20 inch diameter natural gas gathering line impacting 109 linear feet of an unnamed tributary to Steele Run Hollow (HQ-CWF) (Tiadaghton, PA Quadrangle 41°43'58"N, 77°28'34"W);

2) A permanent access road using two 15 inch diameter HDPE culverts and a 20 inch diameter natural gas gathering line impacting 24 linear feet of an unnamed tributary to Pine Creek (HQ-CWF) (Tiadaghton, PA Quadrangle 41°44'23"N, 77°28'06"W);

3) A permanent access road using two 15 inch diameter HDPE culverts and a 20 inch diameter natural gas gathering line impacting 19 linear feet of an unnamed tributary to Pine Creek (HQ-CWF) (Tiadaghton, PA Quadrangle 41°44'23"N, 77°28'06"W);

4) A permanent access road using two 15 inch diameter HDPE culverts impacting 16 linear feet of an unnamed tributary to Pine Creek (HQ-CWF) (Tiadaghton, PA Quadrangle 41°44'21"N, 77°27'59"W);

5) A 20 inch diameter natural gas gathering line impacting 9 linear feet of an unnamed tributary to Pine Creek (HQ-CWF) (Tiadaghton, PA Quadrangle 41°44'22"N, 77°27'59"W);

6) A 20 inch diameter natural gas gathering line impacting 52 linear feet of an unnamed tributary to Pine Creek (HQ-CWF) (Tiadaghton, PA Quadrangle 41°44'23"N, 77°27'54"W);

7) A 20 inch diameter natural gas gathering line impacting 28 linear feet of an unnamed tributary to Pine Creek (HQ-CWF) (Tiadaghton, PA Quadrangle 41°44'23"N, 77°27'53"W);

8) A 20 inch diameter natural gas gathering line impacting 140 linear feet of Pine Creek (EV) (Tiadaghton, PA Quadrangle 41°44'26"N, 77°27'47"W);

9) A 20 inch diameter natural gas gathering line impacting 202 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Tiadaghton, PA Quadrangle 41°44'29"N, 77°27'44"W);

10) A 20 inch diameter natural gas gathering line impacting 586 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Tiadaghton, PA Quadrangle 41°44'37"N, 77°27'40"W);

11) A 20 inch diameter natural gas gathering line impacting 74 linear feet of an unnamed tributary to Pine Creek (HQ-CWF) (Tiadaghton, PA Quadrangle 41°44'36"N, 77°27'41"W);

12) A temporary access road using a timber mat bridge and a 20 inch diameter natural gas gathering line impacting 73 linear feet of an unnamed tributary to Pine Creek (HQ-CWF) (Tiadaghton, PA Quadrangle 41°44'41"N, 77°27'39"W);

13) A temporary access road using a timber mat bridge and a 20 inch diameter natural gas gathering line impacting 50 linear feet of an unnamed tributary to Pine Creek (HQ-CWF) (Tiadaghton, PA Quadrangle 41°44'54"N, 77°27'33"W);

14) A temporary access road using a timber mat bridge and a 20 inch diameter natural gas gathering line impacting 52 linear feet of an unnamed tributary to Pine Creek (HQ-CWF) (Tiadaghton, PA Quadrangle 41°44'55"N, 77°27'25"W);

15) A temporary access road using a timber mat bridge and a 20 inch diameter natural gas gathering line impacting 56 linear feet of an unnamed tributary to Pine Creek (HQ-CWF) (Tiadaghton, PA Quadrangle 41°44'55"N, 77°27'22"W);

16) A temporary access road using a timber mat bridge and a 20 inch diameter natural gas gathering line impacting 51 linear feet of an unnamed tributary to Pine Creek (HQ-CWF) (Tiadaghton, PA Quadrangle 41°44'55"N, 77°27'12"W);

17) A temporary access road using a timber mat bridge and a 20 inch diameter natural gas gathering line impacting 65 linear feet of an unnamed tributary to Pine Creek (HQ-CWF) (Tiadaghton, PA Quadrangle 41°44'56"N, 77°28'54"W);

18) A temporary access road using timber mats and a 20 inch diameter natural gas gathering line impacting 2,125 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Tiadaghton, PA Quadrangle 41°44'56"N, 77°26'42"W);

19) A temporary access road using a timber mat bridge and a 20 inch diameter natural gas gathering line impacting 58 linear feet of an unnamed tributary to Pine Creek (HQ-CWF) (Tiadaghton, PA Quadrangle 41°44'56"N, 77°26'57"W);

20) A temporary access road using a timber mat bridge and a 20 inch diameter natural gas gathering line impacting 54 linear feet of Herrington Hollow (HQ-CWF) (Tiadaghton, PA Quadrangle 41°44'55"N, 77°26'26"W);

21) A temporary access road using timber mats and a 20 inch diameter natural gas gathering line impacting 5,049 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Asaph, PA Quadrangle 41°45'02"N, 77°25'42"W);

22) A temporary access road using a timber mat bridge and a 20 inch diameter natural gas gathering line impacting 40 linear feet of an unnamed tributary to March Creek (CWF) and 37,739 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Asaph, PA Quadrangle 41°45'02"N, 77°25'41"W);

23) A 20 inch diameter natural gas gathering line impacting 8 linear feet of Kinney Hollow (CWF) and 412 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Asaph, PA Quadrangle 41°45'21"N, 77°25'14"W);

24) A temporary access road using timber mats and a 20 inch diameter natural gas gathering line impacting 11,834 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Asaph, PA Quadrangle 41°45'24"N, 77°25'11"W);

25) A 20 inch diameter natural gas gathering line impacting 16 linear feet of an unnamed tributary to Marsh Creek (CWF) and 224 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Asaph, PA Quadrangle 41°45'26"N, 77°25'04"W);

26) A 20 inch diameter natural gas gathering line impacting 69 linear feet of Marsh Creek (CWF) (Asaph, PA Quadrangle 41°45'26"N, 77°24'59"W);

27) A 20 inch diameter natural gas gathering line impacting 259 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Asaph, PA Quadrangle 41°45'26"N, 77°24'58"W);

28) A 20 inch diameter natural gas gathering line impacting 6 linear feet of an unnamed tributary to Marsh Creek (CWF) (Asaph, PA Quadrangle 41°45'26"N, 77°24'54"W);

29) A 20 inch diameter natural gas gathering line impacting 19 linear feet of an unnamed tributary to Marsh Creek (CWF) (Asaph, PA Quadrangle 41°45'26"N, 77°24'50"W);

30) A temporary access road using a timber mat bridge and a 20 inch diameter natural gas gathering line impacting 176 linear feet of an unnamed tributary to Marsh Creek (CWF) (Asaph, PA Quadrangle 41°45'25"N, 77°24'34"W);

31) A temporary access road using a timber mat bridge and a 20 inch diameter natural gas gathering line impacting 76 linear feet of Gray Hollow (CWF) (Asaph, PA Quadrangle 41°45'19"N, 77°24'16"W);

32) A temporary access road using a timber mat bridge and a 20 inch diameter natural gas gathering line impacting 53 linear feet of an unnamed tributary to Dantz Run (CWF) (Asaph, PA Quadrangle 41°45'16"N, 77°23'06"W);

33) A temporary access road using a timber mat bridge and a 20 inch diameter natural gas gathering line impacting 51 linear feet of Dantz Run (CWF) (Asaph, PA Quadrangle 41°45'14"N, 77°22'58"W);

34) A temporary access road using a timber mat bridge and a 20 inch diameter natural gas gathering line impacting 107 linear feet of an unnamed tributary to Dantz Run (CWF) (Asaph, PA Quadrangle 41°45'14"N, 77°22'57"W).

The project will result in 1,481 linear feet of temporary stream impacts, 70 linear feet of permanent stream impacts, 56,305 square feet (1.29 acres) of temporary wetland impacts, and 2,125 square feet (0.49 acre) of permanent wetland impacts all for the purpose of installing a gathering line for Marcellus well development in Shippen and Delmar Townships, Tioga County.

E0829-070: PVR NEPA Gas Gathering, LLC, 101 West Third Street, Williamsport, PA 17701, Franklin Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a temporary timber mat bridge impacting 1,305 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°42'32", Longitude: -76°36'55");

2. an 8 inch diameter natural gas line impacting 65 square feet of a Palustrine Forested Wetland (Powell, PA Quadrangle, Latitude: 41°40'20", Longitude: -76°36'47");

3. a temporary timber mat bridge impacting 81 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°40'21", Longitude: -76°36'44");

4. an 8 inch diameter natural gas line and a temporary timber mat bridge impacting 7,247 square feet of a Palustrine Forested Wetland (EV) (Powell, PA Quadrangle, Latitude: 41°40'24", Longitude: -76°36'51");

5. an 8 inch diameter natural gas line impacting 12 linear feet of an unnamed tributary to Falls Creek (HQ-CWF, MF) and impacting 127 square feet of an adjacent Palustrine Forested Wetland (EV) (Powell, PA Quadrangle, Latitude: 41°40'01", Longitude: -76°36'32");

6. an 8 inch diameter natural gas line and a temporary timber mat bridge impacting 76 linear feet of an unnamed tributary to Falls Creek (HQ-CWF, MF) and impacting 1,701 square feet of an adjacent Palustrine Scrub-Shrub Wetland (EV) (Powell, PA Quadrangle, Latitude: 41°39'53", Longitude: -76°36'25");

The project will result in 93 linear feet or 142 square feet of temporary stream impacts and 1,578 square feet (0.04 acre) of PEM and PFO wetlands and 8,948 square feet (0.17 acre) of PFO and PSS conversion wetland impacts all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development in Franklin Township, Bradford County. The permittee will provide 0.31 acre of wetland enhancement mitigation at the Wittig Mitigation Site (Factoryville, PA Quadrangle, Latitude: 41°37'11", Longitude: -75°46'22").

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 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 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 #ESX13-019-0035—Welter to Kozik Gathering Pipeline
Applicant Mountain Gathering, LLC
Contact Dewey Chalos
Address 810 Houston Street
City Fort Worth State TX Zip Code 76102
County Butler Township(s) Donegal, Oakland, and Summit(s)
Receiving Stream(s) and Classification(s) Bonnie Brook

Southwest Region: Oil & Gas Program Mgr. 400 Waterfront Dr. Pittsburgh PA

6/7/13

ESCGP-2 No: ESX11-129-0040 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: Westmoreland Township: Sewickley
Receiving Stream (s) And Classifications: Pinkerton Run and UNTs to Sewickley Creek/Lower Youghiogheny River Watershed; Other WWF

4/9/13

ESCGP-2 No.: ESX13-129-0003
Applicant Name: CNX Gas Company LLC
Contact Person: Ms Tara Meek
Address: 200 Evergreene Drive
City: Waynesburg State: PA Zip Code: 15370
County: Westmoreland Township(s): Bell and Washington
Receiving Stream(s) and Classifications: Tribes 42946 & 42945 to Beaver Run, Beaver Run, Kiskiminetas River / Ohio River; Other TSF, WWF

5/13/13

ESCGP-2 No.: ESG13-125-0037
Applicant Name: MarkWest Liberty Midstream & Resources LLC
Contact Person: Mr Rick Lowry
Address: 601 Technology Drive Suite 300
City: Canonsburg State: PA Zip Code: 15317
County: Washington Township(s): Blaine
Receiving Stream(s) and Classifications: UNTs to Buffalo Creek; HQ

6/6/13

ESCGP-2 No.: ESX10-129-0028 MAJOR REVISION
Applicant Name: Consol Gas Company
Contact Person: Mr Craig Neal
Address: 280 Indian Springs Road
City: Indiana State: PA Zip Code: 15701
County: Westmoreland Township(s): Washington

Receiving Stream(s) and Classifications: Beaver Run (HQ-CWF) and associated tributaries. Poke Run (HQ-CWF) and associated tributaries in Kiskiminetas River Watershed (HQ-CWF). See Appendix B for complete list of tributaries; HQ

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 (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 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 #: 051-24583
Well Farm Name: Fay-Penn Unit 46H
Applicant Name: Chevron Appalachia LLC
Contact Person: Anna Shumaker
Address: 800 Mountain View Drive Smithfield, PA 15478
County: Fayette
Municipality Name/City, Borough, Township: Springhill
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: Unnamed Tributary to Grassy Run

Well Permit #: 051-24585
Well Farm Name: Fay-Penn Unit 48H
Applicant Name: Chevron Appalachia LLC
Contact Person: Anna Shumaker
Address: 800 Mountain View Drive Smithfield, PA 15478
County: Fayette
Municipality Name/City, Borough, Township: Springhill
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: Unnamed Tributary to Grassy Run

Well Permit #: 059-26244
Well Farm Name: Cosgray 2H

Applicant Name: Vantage Energy Appalachia LLC
 Contact Person: John Moran
 Address: 116 Inverness Drive East, Suite 107 Englewood,
 CO 80112
 County: Greene
 Municipality Name/City, Borough, Township: Franklin
 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: Unnamed Tributary of South
 Fork Tenmile Creek
 Well Permit #: 059-26243
 Well Farm Name: Cosgray 1H
 Applicant Name: Vantage Energy Appalachia LLC
 Contact Person: John Moran
 Address: 116 Inverness Drive East, Suite 107 Englewood,
 CO 80112
 County: Greene
 Municipality Name/City, Borough, Township: Franklin

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: Unnamed Tributary of South
 Fork Tenmile Creek

*Northwest Region District Oil and Gas Operations,
 Program Manager, 230 Chestnut St., Meadville, PA 16335*

Well Permit #: 113-20218
 Well Farm Name Eagle Rock N Sul 2H
 Applicant Name: Chesapeake Appalachia LLC
 Contact Person: Michele Oliver
 Address: 14 Chesapeake Lane, Sayre, PA 18840
 County: Sullivan
 Municipality Name/City, Borough, Township: Cherry
 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: Mill Run

SPECIAL NOTICES

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of July 2013 Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P. L. 238, No. 43 (63 P. S. Sections 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P.O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Harold Beers H.E. Beers Co.	2421 Fishing Creek Valley Rd. Harrisburg, PA 17112	Mitigation
Matthew Beinhour Harris Environmental, Inc.	600 Stone House Rd. Clarion, PA 16214	Testing
Christopher Buck	PO Box 63 Saylorsburg, PA 18353	Testing
Scott Coslett	332 E. High St. Berwick, PA 18603	Testing
D-Tech, Inc.	PO Box 902 Blue Bell, PA 19422	Testing
Joseph Dunlap	115 Heather Dr. Monaca, PA 15061	Testing
Bruce Eichenlaub Penoco, Inc.	485 E. College Ave. Pleasant Gap, PA 16823	Mitigation
Matthew Gainor	4 Kacey Ct. Mechanicsburg, PA 17055	Testing
Stephen Genzale	417 E. Beil Ave. Nazareth, PA 18064	Testing
Richard Haag Safe Shelter Environmental	346 N. Pottstown Pk. Exton, PA 19341	Testing & Mitigation
Frank Hendron	140 W. Edinburgh Dr. New Castle, DE 19720	Testing
Patrick Kelly	601 S. Irving Ave. Scranton, PA 18505	Testing
Robert Krause	113 Stanton Dr. S. Abington Twp., PA 18411	Testing
James Makara	146 S. Marmic Dr. Holland, PA 18966	Testing
Matthew Mielnik	132 Lowry Dr. Duncansville, PA 16635	Mitigation

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Joseph Miloser, Jr.	160 Rustic Ridge Fombell, PA 16123	Testing
Lewis Nelson, IV First Choice Radon Testing Company, Inc.	PO Box 830 Huntingdon Valley, PA 19066	Testing
Val Sarko	PO Box 15052 Reading, PA 19606	Testing
Jeffrey Saulsbury	307 Lucilla St. Pittsburgh, PA 15218	Testing
Fred B. Smith, II	282 Longstreet Dr. Gettysburg, PA 17325	Testing
Terry Spalti	902 High Rd. Ashland, PA 17921	Testing
Paul Suhrie	2648 Majestic Ct. East Stroudsburg, PA 18302	Testing

[Pa.B. Doc. No. 13-1523. Filed for public inspection August 16, 2013, 9:00 a.m.]

Bid Opportunity

OSM 33(3281)101.1, Abandoned Mine Reclamation Project, Brookville Southeast, Knox Township, Jefferson County. The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; clearing and grubbing; grading 195,120 cubic yards; gas line relocation; erosion control and revegetation mat 525 square yards; ditch excavation 505 cubic yards; high velocity erosion control mulch blanket 1,375 square yards; mine seal; and seeding 27.5 acres. This bid issues on August 16, 2013, and bids will be opened on September 10, 2013, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

E. CHRISTOPHER ABRUZZO,
Acting Secretary

[Pa.B. Doc. No. 13-1524. Filed for public inspection August 16, 2013, 9:00 a.m.]

Bid Opportunity

OSM 63(6634)102.1, Abandoned Mine Reclamation Project, Florence East, Hanover Township, Washington County. The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; grading 199,000 cubic yards; subsurface drains with cleanouts 350 linear feet; channel excavation 55 cubic yards; rock lining 42 square yards; and seeding 30 acres. This bid issues on August 16, 2013, and bids will be opened on September 10, 2013, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to

the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

E. CHRISTOPHER ABRUZZO,
Acting Secretary

[Pa.B. Doc. No. 13-1525. Filed for public inspection August 16, 2013, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Brandywine Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Brandywine Hospital has requested an exception to the requirements of 28 Pa. Code § 107.62 (relating to oral orders).

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 at (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-1526. Filed for public inspection August 16, 2013, 9:00 a.m.]

Application of Brookville Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Brookville Hospital has requested an exception to the requirements of 28 Pa. Code § 107.26(b)(7) (relating to additional committees).

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 at (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-1527. Filed for public inspection August 16, 2013, 9:00 a.m.]

Application of Carlisle Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Carlisle Regional 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: 2.2-2.16.2.6 (relating to toilet rooms).

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 at (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-1528. Filed for public inspection August 16, 2013, 9:00 a.m.]

Application of Cumberland Surgery Center, Inc. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Cumberland Surgery Center, Inc. has requested an exception to the requirements of 28 Pa. Code § 571.1 (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 exemption from the following standards contained in this publication: 3.9-3.8.1 (relating to separate changing rooms).

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) 772-216, 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 at (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-1529. Filed for public inspection August 16, 2013, 9:00 a.m.]

Application of Dubois Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Dubois Regional 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: 3.1-7.2.2.1, 3.1-7.2.2.3 and

3.1-3.2.2.2 (relating to corridor width; doors and door hardware; and space requirements).

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 at (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-1530. Filed for public inspection August 16, 2013, 9:00 a.m.]

Application of Dubois Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Dubois Regional 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: 3.1-7.2.2.1, 3.1-7.2.2.3(a) and (b), 3.1-3.2.3.3 and 3.1-3.8.

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 at (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-1531. Filed for public inspection August 16, 2013, 9:00 a.m.]

Application of Frick Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Frick Hospital has requested an exception to the requirements of 28 Pa. Code § 107.2(b) (relating to medical staff membership).

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 at (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-1532. Filed for public inspection August 16, 2013, 9:00 a.m.]

Application of Gamma Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Gamma Surgery Center has requested an exception to the requirements of 28 Pa. Code § 553.31(a) (relating to administrative responsibilities).

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 at (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-1533. Filed for public inspection August 16, 2013, 9:00 a.m.]

Application of Geisinger Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Geisinger 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: 3.7-3.3.1.2 (relating to the use of procedural sedation).

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 at (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-1534. Filed for public inspection August 16, 2013, 9:00 a.m.]

Application of The Good Samaritan Hospital, Lebanon, PA for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Good Samaritan Hospital, Lebanon, PA has requested an exception to the requirements of 28 Pa. Code § 101.172 (relating to patient limits).

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 at (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-1535. Filed for public inspection August 16, 2013, 9:00 a.m.]

Application of Holy Redeemer Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Holy Redeemer 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: 2.2-3.6.3.4 (relating to patient holding and recovery area).

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 at (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-1536. Filed for public inspection August 16, 2013, 9:00 a.m.]

Application of Latrobe Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Latrobe Hospital has requested an exception to the requirements of 28 Pa. Code § 107.2(b) (relating to medical staff membership).

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 at (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-1537. Filed for public inspection August 16, 2013, 9:00 a.m.]

Application of Latrobe Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Latrobe Hospital has requested an exception to the requirements of 28 Pa. Code § 107.62(a) and (b) (relating to oral orders).

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 at (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-1538. Filed for public inspection August 16, 2013, 9:00 a.m.]

Application of Laurel Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Laurel Surgical Center has requested an exception to the requirements of 28 Pa. Code § 107.2(b) (relating to medical staff membership).

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 at (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-1539. Filed for public inspection August 16, 2013, 9:00 a.m.]

Application of Laurel Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Laurel Surgical Center has requested an exception to the requirements of 28 Pa. Code § 107.62(a) and (b) (relating to oral orders).

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 at (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-1540. Filed for public inspection August 16, 2013, 9:00 a.m.]

Application of Laurel Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Laurel Surgical Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d) (relating to criteria for ambulatory surgery).

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 at (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-1541. Filed for public inspection August 16, 2013, 9:00 a.m.]

Application of Laurel Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Laurel Surgical Center has requested an exception to the requirements of 28 Pa. Code §§ 553.3(1)—(3) and (16), 553.4, 555.1—555.3 and 557.4(a)—(c).

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 at (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-1542. Filed for public inspection August 16, 2013, 9:00 a.m.]

Application of Laurel Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Laurel Surgical Center has requested an exception to the requirements of 28 Pa. Code § 569.35(7) (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 at (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-1543. Filed for public inspection August 16, 2013, 9:00 a.m.]

Application of Norwin Medical Commons for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Norwin Medical Commons has requested an exception to the requirements of 28 Pa. Code § 107.2(b) (relating to medical staff membership).

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 at (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-1544. Filed for public inspection August 16, 2013, 9:00 a.m.]

Application of Norwin Medical Commons for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Norwin Medical Commons has requested an exception to the requirements of 28 Pa. Code § 107.62(a) and (b) (relating to oral orders).

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 at (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-1545. Filed for public inspection August 16, 2013, 9:00 a.m.]

Application of OSS Ambulatory Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that OSS Ambulatory Surgery Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(2) and (3) (relating to criteria for ambulatory surgery).

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 at (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-1546. Filed for public inspection August 16, 2013, 9:00 a.m.]

Application of Penn Presbyterian Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Penn Presbyterian Medical Center has requested an exception to the requirements of 28 Pa. Code §§ 143.5 and 143.7 (relating to medical supervision of podiatric patients; and medical orders and patient records).

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 at (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-1547. Filed for public inspection August 16, 2013, 9:00 a.m.]

Application of Pinnacle Health System for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pinnacle Health System has requested an exception to the requirements of 28 Pa. Code § 107.62 (relating to oral orders).

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 at (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-1548. Filed for public inspection August 16, 2013, 9:00 a.m.]

Application of Radiance—A Private Outpatient Surgery Center, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Radiance—A Private Outpatient Surgery Center, LLC has requested an exception to the requirements of 28 Pa. Code § 551.21(d) (relating to criteria for ambulatory surgery).

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 at (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-1549. Filed for public inspection August 16, 2013, 9:00 a.m.]

Application of Saint Luke's Hospital, Anderson Campus, Miners Campus, Quakertown Campus for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Saint Luke's Hospital, Anderson Campus, Miners Campus, Quakertown Campus has requested an exception to the requirements of 28 Pa. Code § 107.62 (relating to oral orders).

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 at (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-1550. Filed for public inspection August 16, 2013, 9:00 a.m.]

Application of Tyrone Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Tyrone 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: 2.2-3.4.5.1(1) and 2.2-3.4.5.3(1) (relating to area rooms used for ultrasound; and a patient toilet in the procedure room).

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 at (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-1551. Filed for public inspection August 16, 2013, 9:00 a.m.]

Application of UPMC Bedford Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Bedford Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 107.62(a) and (b) (relating to oral orders).

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 at (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-1552. Filed for public inspection August 16, 2013, 9:00 a.m.]

Application of Valley Access Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Valley Access Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(3) (relating to criteria for ambulatory surgery).

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 at (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-1553. Filed for public inspection August 16, 2013, 9:00 a.m.]

Application of Westmoreland Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Westmoreland Hospital has requested an exception to the requirements of 28 Pa. Code § 107.2(b) (relating to medical staff membership).

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 at (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-1554. Filed for public inspection August 16, 2013, 9:00 a.m.]

Application of Westmoreland Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Westmoreland Hospital has requested an exception to the requirements of 28 Pa. Code § 107.62(a) and (b) (relating to oral orders).

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 at (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-1555. Filed for public inspection August 16, 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 § 205.67(k) (relating to electric requirements for existing and new construction):

Wesbury United Methodist Community
31 North Park Avenue Extension
Meadville, PA 16335-9430
FAC ID 990902

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.6(a) and 205.28(c)(3) (relating to function of building; and nurses' station):

The Health Care Center At The Hill At Whitmarsh
4000 Fox Hound Drive
Lafayette Hill, PA 19444
FAC ID 17900201

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the 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. 13-1556. Filed for public inspection August 16, 2013, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Inpatient Hospitals Qualifying for Medical Assistance Disproportionate Share Payments

On July 1, 1988, the Department of Public Welfare (Department) implemented a disproportionate share payment system. The Department is required to annually publish the names of each inpatient acute care general hospital, rehabilitation hospital and private psychiatric hospital qualifying for a disproportionate share payment and their respective disproportionate share payment percentage as set forth in 55 Pa. Code §§ 1151.54(i), 1163.67(k) and 1163.459(j) (relating to disproportionate share payments).

A. *Disproportionate Share for Acute Care General Hospitals, Rehabilitation Hospitals and Private Psychiatric Hospitals.*

The following lists identify the inpatient acute care general hospitals, psychiatric units, drug and alcohol units and rehabilitation units of acute care general hospitals, rehabilitation hospitals, private psychiatric hospitals and private drug and alcohol hospitals eligible for disproportionate share payments for the period of July 1, 2012, through June 30, 2013, and their respective payment percentages. For all inpatient facilities, disproportionate share payments are calculated as a percentage of projected Medical Assistance (MA) inpatient income.

Payment period July 1, 2012, to June 30, 2013, disproportionate share payment percentages:

Acute Care General Hospitals

ALBERT EINSTEIN MEDICAL CENTER	4.92%
ALFRED I. DUPONT INSTITUTE	7.64%
BARNES KASSON HOSPITAL	1.43%
BRADFORD REGIONAL MEDICAL CENTER	10.00%
CHARLES COLE MEMORIAL HOSPITAL	1.00%
CHILDREN'S HOSPITAL OF PHILADELPHIA	7.19%
CHILDREN'S HOSPITAL OF PITTSBURGH	9.14%
CROZER CHESTER MEDICAL CENTER	3.10%
DELAWARE COUNTY MEMORIAL HOSPITAL	2.18%
DIVINE PROVIDENCE HOSPITAL	5.54%
DUBOIS REGIONAL MEDICAL CENTER	9.00%
GEISINGER MEDICAL CENTER	6.84%
HIGHLANDS HOSPITAL AND HEALTH CENTER	4.56%
J.C. BLAIR MEMORIAL HOSPITAL	4.78%
KENSINGTON HOSPITAL	14.00%
LOCK HAVEN HOSPITAL	3.16%
MAGEE WOMEN'S HOSPITAL	5.55%
MEMORIAL HOSPITAL TOWANDA	3.36%
MERCY FITZGERALD HOSPITAL	2.69%
MERCY HOSPITAL OF PHILADELPHIA	5.19%
MILLCREEK COMMUNITY HOSPITAL	5.00%
NPHS ST. JOSEPH'S HOSPITAL	7.51%
PENN PRESBYTERIAN MEDICAL CENTER	2.88%

PENNSYLVANIA HOSPITAL	3.66%	SCHUYLKILL MEDICAL CENTER SOUTH	
SCHUYLKILL MEDICAL CENTER SOUTH		JACKSON STREET	2.14%
JACKSON STREET	6.68%	TEMPLE UNIVERSITY HOSPITAL	4.88%
SOLDIERS AND SAILORS MEMORIAL		THOMAS JEFFERSON UNIVERSITY HOSPITAL	1.73%
HOSPITAL	8.75%	UNIVERSITY OF PENNSYLVANIA HOSPITAL	2.14%
SUNBURY COMMUNITY HOSPITAL	6.26%	UPMC MERCY	1.00%
TEMPLE UNIVERSITY HOSPITAL	6.66%	UPMC PRESBYTERIAN SHADYSIDE	1.64%
THOMAS JEFFERSON UNIVERSITY HOSPITAL	2.60%		
THS HAHNEMANN UNIVERSITY HOSPITAL	4.52%	<i>Freestanding Rehab Hospitals</i>	
THS ST. CHRISTOPHER'S HOSPITAL	15.00%	CHILDREN'S HOME OF PITTSBURGH	10.00%
TITUSVILLE AREA HOSPITAL	2.84%	CHILDREN'S INSTITUTE OF PITTSBURGH	6.33%
TROY COMMUNITY HOSPITAL	3.98%		
UNIONTOWN HOSPITAL	1.84%	<i>Private Psychiatric Hospitals</i>	
UPMC BEDFORD MEMORIAL	2.96%	BELMONT CENTER FOR COMPREHENSIVE	
UPMC MERCY	1.65%	TREATMENT	3.97%
UPMC PRESBYTERIAN SHADYSIDE	2.48%	BROOKE GLEN BEHAVIORAL HEALTH	3.09%
UNIVERSITY OF PENNSYLVANIA HOSPITAL	3.13%	CLARION PSYCHIATRIC CENTER	5.81%
VALLEY FORGE MEDICAL CENTER AND		DEVEREUX CHILDREN'S BEHAVIORAL	
HOSPITAL	5.05%	HEALTH	10.00%
WEST VIRGINIA UNIVERSITY HOSPITAL	5.76%	FAIRMOUNT BEHAVIORAL HEALTH SYSTEM	4.70%
WPAHS ALLEGHENY GENERAL HOSPITAL	1.37%	FIRST HOSPITAL WYOMING VALLEY	4.73%
WPAHS WESTERN PENNSYLVANIA HOSPITAL	2.44%	FOUNDATIONS BEHAVIORAL HEALTH	5.27%
		FRIENDS HOSPITAL	4.01%
<i>Psychiatric Units of Inpatient Hospitals</i>		HORSHAM PSYCHIATRIC HOSPITAL	4.15%
ALBERT EINSTEIN MEDICAL CENTER	2.97%	KIDSPEACE HOSPITAL	7.48%
BRADFORD REGIONAL MEDICAL CENTER	2.81%	KIRKBRIDE CENTER	4.27%
CROZER CHESTER MEDICAL CENTER	2.02%	MEADOWS PSYCHIATRIC CENTER	5.95%
DIVINE PROVIDENCE HOSPITAL	3.30%	MONTGOMERY COUNTY EMERGENCY	
DUBOIS REGIONAL MEDICAL CENTER	2.52%	SERVICES	4.90%
EAGLEVILLE HOSPITAL	1.74%	PHILHAVEN HOSPITAL	4.04%
GEISINGER MEDICAL CENTER	2.06%	ROXBURY PSYCHIATRIC HOSPITAL	1.00%
HIGHLANDS HOSPITAL AND HEALTH		SOUTHWOOD PSYCHIATRIC HOSPITAL	9.00%
CENTER	2.78%		
J.C. BLAIR MEMORIAL HOSPITAL	1.63%	<i>Private Drug and Alcohol Hospitals</i>	
MERCY FITZGERALD HOSPITAL	1.80%	EAGLEVILLE HOSPITAL	1.72%
MERCY HOSPITAL OF PHILADELPHIA	3.11%		
MILLCREEK COMMUNITY HOSPITAL	3.02%	<i>B. Additional Disproportionate Share Payments</i>	
NPHS GIRARD MEDICAL CENTER	2.98%		
PENN PRESBYTERIAN MEDICAL CENTER	1.90%	Additional disproportionate share payments are made	
PENNSYLVANIA HOSPITAL	2.31%	to inpatient facilities, with a Medicaid inpatient utiliza-	
SCHUYLKILL MEDICAL CENTER SOUTH		tion rate of not less than 1%, which have provided	
JACKSON STREET	2.03%	services to persons who have been determined to be low	
SOLDIERS AND SAILORS MEMORIAL		income by meeting the income and resource standards for	
HOSPITAL	2.47%	the State's General Assistance Program.	
SUNBURY COMMUNITY HOSPITAL	1.94%		
TEMPLE UNIVERSITY HOSPITAL	3.89%	The payment adjustments are paid directly proportional	
THOMAS JEFFERSON UNIVERSITY HOSPITAL	1.75%	to the payment received for either general assistance	
THS HAHNEMANN UNIVERSITY HOSPITAL	2.76%	beneficiaries for all hospital services or Title XIX benefi-	
UPMC MERCY	1.26%	ciaries, 21 years of age or older but under 65 years of age,	
UPMC PRESBYTERIAN SHADYSIDE	1.69%	for services rendered by institutions for mental diseases	
WPAHS ALLEGHENY GENERAL HOSPITAL	1.11%	under the fee-for-service and capitation programs.	
WPAHS WESTERN PENNSYLVANIA HOSPITAL	1.67%		
		The following hospitals are eligible for this payment	
<i>Drug and Alcohol Units of Acute Care Hospitals</i>		adjustment:	
NPHS ST. JOSEPH'S HOSPITAL	5.54%	<i>Acute Care General Hospitals</i>	
PENN PRESBYTERIAN MEDICAL CENTER	1.95%	ABINGTON MEMORIAL HOSPITAL	
VALLEY FORGE MEDICAL CENTER AND		ADVANCED SURGICAL HOSPITAL	
HOSPITAL	3.63%	ALBERT EINSTEIN MEDICAL CENTER	
		ALFRED I. DUPONT INSTITUTE	
<i>Medical Rehab Units of Acute Care Hospitals</i>		ALLE KISKI MEDICAL CENTER	
ALBERT EINSTEIN MEDICAL CENTER	3.53%	ALTOONA REGIONAL HEALTH SYSTEM	
ALFRED I. DUPONT INSTITUTE	5.65%	AMERICAN ONCOLOGIC HOSPITAL	
CHILDREN'S HOSPITAL OF PHILADELPHIA	5.29%	ARIA HEALTH HOSPITAL	
CROZER CHESTER MEDICAL CENTER	2.12%	ARMSTRONG COUNTY MEMORIAL HOSPITAL	
DELAWARE COUNTY MEMORIAL HOSPITAL	1.41%	BARNES KASSON HOSPITAL	
DUBOIS REGIONAL MEDICAL CENTER	2.87%	BERWICK HOSPITAL CENTER	
MERCY FITZGERALD HOSPITAL	1.80%	BRADFORD REGIONAL MEDICAL CENTER	
		BRANDYWINE HOSPITAL	

BROOKVILLE HOSPITAL BUCKTAIL MEDICAL CENTER
 BUTLER MEMORIAL HOSPITAL
 CANONSBURG GENERAL HOSPITAL
 CARLISLE HOSPITAL
 CH HOSPITAL OF ALLENTOWN
 CHAMBERSBURG HOSPITAL
 CHARLES COLE MEMORIAL HOSPITAL
 CHESTER COUNTY HOSPITAL
 CHHS HOSP CO/CHESTNUT HILL HOSPITAL
 CHILDREN'S HOSPITAL OF PHILADELPHIA
 CHILDREN'S HOSPITAL OF PITTSBURGH
 CLARION HOSPITAL
 CLEARFIELD HOSPITAL
 CONEMAUGH MEMORIAL MEDICAL CENTER
 COORDINATED HEALTH ORTHOPEDIC HOSPITAL
 CORRY MEMORIAL HOSPITAL
 CROZER CHESTER MEDICAL CENTER
 DELAWARE COUNTY MEMORIAL
 DIVINE PROVIDENCE HOSPITAL
 DOYLESTOWN HOSPITAL
 DUBOIS REGIONAL MEDICAL CENTER
 EASTON HOSPITAL
 EDGEWOOD SURGICAL HOSPITAL
 EINSTEIN MEDICAL CENTER MONTGOMERY
 ELK REGIONAL HEALTH CENTER
 ELLWOOD CITY HOSPITAL
 ENDLESS MOUNTAINS HEALTH SYSTEM
 EPHRATA COMMUNITY HOSPITAL
 EVANGELICAL COMMUNITY HOSPITAL
 FRICK COMMUNITY HEALTH CENTER
 FULTON COUNTY MEDICAL CENTER
 GEISINGER BLOOMSBURG HOSPITAL
 GEISINGER COMMUNITY MEDICAL CENTER
 GEISINGER MEDICAL CENTER
 GEISINGER WYOMING VALLEY MEDICAL CENTER
 GETTYSBURG HOSPITAL
 GNADEN HUETTEN MEMORIAL HOSPITAL
 GOOD SAMARITAN HOSPITAL LEBANON
 GRAND VIEW HOSPITAL
 GROVE CITY MEDICAL CENTER
 HANOVER HOSPITAL
 HAZLETON GENERAL HOSPITAL
 HEART OF LANCASTER REGIONAL MEDICAL CENTER
 HERITAGE VALLEY BEAVER
 HERITAGE VALLEY SEWICKLEY
 HIGHLANDS HOSPITAL AND HEALTH CENTER
 HOLY REDEEMER HOSPITAL
 HOLY SPIRIT HOSPITAL
 INDIANA REGIONAL MEDICAL CENTER
 JAMESON MEMORIAL HOSPITAL
 J.C. BLAIR HOSPITAL
 JEANES HOSPITAL
 JEFFERSON HEALTH SERVICES
 JENNERSVILLE REGIONAL HOSPITAL
 JERSEY SHORE HOSPITAL
 KANE COMMUNITY HOSPITAL
 KENSINGTON HOSPITAL
 KINDRED DELAWARE COUNTY
 KINDRED EASTON
 KINDRED PHILADELPHIA HAVERTON
 KINDRED SOUTH PHILADELPHIA
 KINDRED WYOMING VALLEY
 LANCASTER GENERAL HOSPITAL
 LANCASTER REGIONAL MEDICAL CENTER
 LANSDALE HOSPITAL
 LATROBE AREA HOSPITAL
 LEHIGH VALLEY HOSPITAL
 LEHIGH VALLEY HOSPITAL MUHLENBERG
 LEWISTOWN HOSPITAL
 LIFECARE HOSPITALS OF MECHANICSBURG
 LIFECARE HOSPITALS OF PITTSBURGH
 LIFECARE HOSPITALS OF PITTSBURGH MONROEVILLE
 LOCK HAVEN HOSPITAL
 LOWER BUCKS HOSPITAL
 MAGEE WOMEN'S HOSPITAL
 MAIN LINE BRYN MAWR HOSPITAL
 MAIN LINE LANKENAU HOSPITAL
 MAIN LINE PAOLI MEMORIAL HOSPITAL
 MEADVILLE MEDICAL CENTER
 MEMORIAL HOSPITAL TOWANDA
 MEMORIAL HOSPITAL YORK
 MERCY FITZGERALD HOSPITAL
 MERCY HOSPITAL OF PHILADELPHIA
 MERCY SUBURBAN HOSPITAL
 MEYERSDALE COMMUNITY HOSPITAL
 MID VALLEY HOSPITAL
 MILLCREEK COMMUNITY HOSPITAL
 MINERS HOSPITAL OF NORTHERN CAMBRIA
 MONONGAHELA VALLEY HOSPITAL
 MONTGOMERY HOSPITAL MEDICAL CENTER
 MOSES TAYLOR HOSPITAL
 MOUNT NITTANY MEDICAL CENTER
 MUNCY VALLEY HOSPITAL
 NASON HOSPITAL
 NAZARETH HOSPITAL
 NPHS ST. JOSEPH'S HOSPITAL
 OHIO VALLEY GENERAL HOSPITAL
 OSS ORTHOPAEDIC HOSPITAL
 PALMERTON HOSPITAL
 PENN PRESBYTERIAN MEDICAL CENTER
 PENN STATE MILTON S. HERSHEY MEDICAL CENTER
 PENNSYLVANIA HOSPITAL
 PHOENIXVILLE HOSPITAL
 PHYSICIANS CARE SURGICAL HOSPITAL
 PINNACLE HEALTH HOSPITALS
 POCONO MEDICAL CENTER
 POTTSTOWN MEMORIAL MEDICAL CENTER
 PUNXSUTAWNEY AREA HOSPITAL
 READING HOSPITAL AND MEDICAL CENTER
 REGIONAL HOSPITAL OF SCRANTON
 RIDDLE MEMORIAL HOSPITAL
 ROBERT PACKER HOSPITAL
 ROXBOROUGH MEMORIAL HOSPITAL
 SACRED HEART HOSPITAL ALLENTOWN
 SAINT CATHERINE HOSPITAL OF PENNSYLVANIA
 SCHUYLKILL MEDICAL CENTER EAST NORWEGIAN STREET
 SCHUYLKILL MEDICAL CENTER SOUTH JACKSON STREET
 SELECT SPECIALTY CENTRAL PENNSYLVANIA
 SELECT SPECIALTY DANVILLE
 SELECT SPECIALTY ERIE
 SELECT SPECIALTY JOHNSTOWN
 SELECT SPECIALTY LAUREL HIGHLANDS
 SELECT SPECIALTY MCKEESPORT
 SELECT SPECIALTY UPMC PITTSBURGH
 SHARON REGIONAL HEALTH SYSTEM
 SHRINERS HOSPITAL FOR CHILDREN
 SOLDIERS AND SAILORS MEMORIAL HOSPITAL
 SOMERSET HOSPITAL

SOUTHWEST REGIONAL MEDICAL CENTER
 SPECIAL CARE HOSPITAL
 ST. CLAIR MEMORIAL HOSPITAL
 ST. JOSEPH REGIONAL HEALTH NETWORK
 ST. LUKE'S HOSPITAL ANDERSON CAMPUS
 ST. LUKE'S HOSPITAL BETHLEHEM
 ST. LUKE'S HOSPITAL QUAKERTOWN
 ST. LUKE'S MINERS MEMORIAL MEDICAL CENTER
 ST. MARY'S HOSPITAL
 ST. VINCENT HEALTH CENTER
 SUNBURY COMMUNITY HOSPITAL
 SURGICAL INSTITUTE OF READING
 TEMPLE UNIVERSITY HOSPITAL
 THOMAS JEFFERSON UNIVERSITY HOSPITAL
 THS HAHNEMANN UNIVERSITY HOSPITAL
 THS ST. CHRISTOPHER'S HOSPITAL
 TITUSVILLE AREA HOSPITAL
 TROY COMMUNITY HOSPITAL
 TYLER MEMORIAL HOSPITAL
 TYRONE HOSPITAL
 UNIONTOWN HOSPITAL
 UNIVERSITY OF PENNSYLVANIA HOSPITAL
 UPMC BEDFORD MEMORIAL
 UPMC EAST
 UPMC HAMOT
 UPMC HORIZON
 UPMC MCKEESPORT
 UPMC MERCY
 UPMC NORTHWEST
 UPMC PASSAVANT
 UPMC PRESBYTERIAN SHADYSIDE
 UPMC ST. MARGARET
 VALLEY FORGE MEDICAL CENTER AND HOSPITAL
 WARREN GENERAL HOSPITAL
 WASHINGTON HOSPITAL
 WAYNE MEMORIAL HOSPITAL
 WAYNESBORO HOSPITAL
 WELLSPAN SURGERY AND REHABILITATION
 HOSPITAL
 WEST VIRGINIA UNIVERSITY HOSPITAL
 WESTFIELD MEDICAL CENTER
 WESTMORELAND REGIONAL HOSPITAL
 WILKES-BARRE GENERAL HOSPITAL
 WILLIAMSPORT HOSPITAL AND MEDICAL CENTER
 WINDBER MEDICAL CENTER
 WPAHS ALLEGHENY GENERAL HOSPITAL
 WPAHS FORBES REGIONAL CAMPUS
 WPAHS WESTERN PENNSYLVANIA HOSPITAL
 YORK HOSPITAL

Psychiatric Units of Inpatient Hospitals

ABINGTON MEMORIAL HOSPITAL
 ALBERT EINSTEIN MEDICAL CENTER
 ALLE KISKI MEDICAL CENTER
 ALTOONA REGIONAL HEALTH SYSTEM
 ARIA HEALTH HOSPITAL
 ARMSTRONG COUNTY MEMORIAL HOSPITAL
 BERWICK HOSPITAL CENTER
 BRADFORD REGIONAL MEDICAL CENTER
 BRANDYWINE HOSPITAL
 BUTLER MEMORIAL HOSPITAL
 CHAMBERSBURG HOSPITAL
 CLEARFIELD HOSPITAL
 CONEMAUGH MEMORIAL MEDICAL CENTER
 CROZER CHESTER MEDICAL CENTER
 DIVINE PROVIDENCE HOSPITAL
 DUBOIS REGIONAL MEDICAL CENTER

EAGLEVILLE HOSPITAL
 ELK REGIONAL HEALTH CENTER
 EPHRATA COMMUNITY HOSPITAL
 GEISINGER BLOOMSBURG HOSPITAL
 GEISINGER COMMUNITY MEDICAL CENTER
 GEISINGER MEDICAL CENTER
 GNADEN HUETTEN MEMORIAL HOSPITAL
 HERITAGE VALLEY BEAVER
 HERITAGE VALLEY SEWICKLEY
 HIGHLANDS HOSPITAL AND HEALTH CENTER
 HOLY SPIRIT HOSPITAL
 INDIANA REGIONAL MEDICAL CENTER
 J.C. BLAIR HOSPITAL
 JAMESON MEMORIAL HOSPITAL
 JEFFERSON HEALTH SERVICES
 LANCASTER GENERAL HOSPITAL
 LANCASTER REGIONAL MEDICAL CENTER
 LATROBE AREA HOSPITAL
 LEHIGH VALLEY HOSPITAL
 LEWISTOWN HOSPITAL
 LOWER BUCKS HOSPITAL
 MAIN LINE BRYN MAWR HOSPITAL
 MEADVILLE MEDICAL CENTER
 MERCY FITZGERALD HOSPITAL
 MERCY HOSPITAL OF PHILADELPHIA
 MILLCREEK COMMUNITY HOSPITAL
 MONONGAHELA VALLEY HOSPITAL
 MONTGOMERY HOSPITAL
 MOSES TAYLOR HOSPITAL
 MOUNT NITTANY MEDICAL CENTER
 NPHS GIRARD MEDICAL CENTER
 OHIO VALLEY GENERAL HOSPITAL
 PALMERTON HOSPITAL
 PENN PRESBYTERIAN MEDICAL CENTER
 PENNSYLVANIA HOSPITAL
 POCONO HOSPITAL
 POTTSTOWN MEMORIAL MEDICAL CENTER
 READING HOSPITAL
 ROBERT PACKER HOSPITAL
 SACRED HEART HOSPITAL ALLENTOWN
 SCHUYLKILL MEDICAL CENTER SOUTH JACKSON
 STREET
 SHARON REGIONAL HEALTH SYSTEM
 SOLDIERS AND SAILORS MEMORIAL HOSPITAL
 SOMERSET HOSPITAL CENTER FOR HEALTH
 SOUTHWEST REGIONAL MEDICAL CENTER
 SPECIAL CARE HOSPITAL
 ST. CLAIR MEMORIAL HOSPITAL
 ST. LUKE'S HOSPITAL BETHLEHEM
 ST. LUKE'S HOSPITAL QUAKERTOWN
 ST. VINCENT HEALTH CENTER
 SUNBURY COMMUNITY HOSPITAL
 TEMPLE UNIVERSITY HOSPITAL
 THOMAS JEFFERSON UNIVERSITY HOSPITAL
 THS HAHNEMANN UNIVERSITY HOSPITAL
 UNIONTOWN HOSPITAL
 UPMC MCKEESPORT
 UPMC MERCY
 UPMC NORTHWEST
 UPMC PRESBYTERIAN SHADYSIDE
 WARREN GENERAL HOSPITAL
 WASHINGTON HOSPITAL
 WESTMORELAND REGIONAL HOSPITAL
 WPAHS ALLEGHENY GENERAL HOSPITAL
 WPAHS FORBES REGIONAL CAMPUS
 WPAHS WESTERN PENNSYLVANIA HOSPITAL
 YORK HOSPITAL

Drug and Alcohol Units of Inpatient Hospitals

BELMONT CENTER FOR COMPREHENSIVE TREATMENT
 BUTLER MEMORIAL HOSPITAL
 MEADVILLE MEDICAL CENTER
 NPHS ST JOSEPH'S HOSPITAL
 PENN PRESBYTERIAN MEDICAL CENTER
 VALLEY FORGE MEDICAL CENTER AND HOSPITAL

Medical Rehab Units of Inpatient Hospitals

ALFRED I DUPONT INSTITUTE
 ABINGTON MEMORIAL HOSPITAL
 ALBERT EINSTEIN MEDICAL CENTER
 CANONSBURG GENERAL HOSPITAL
 CARLISLE REGIONAL MEDICAL CENTER
 CHAMBERSBURG HOSPITAL
 CHILDREN'S HOSPITAL OF PHILADELPHIA
 CONEMAUGH MEMORIAL MEDICAL CENTER
 CROZER CHESTER MEDICAL CENTER
 DELAWARE COUNTY MEMORIAL HOSPITAL
 DUBOIS REGIONAL MEDICAL CENTER
 EASTON HOSPITAL
 GEISINGER WYOMING VALLEY MEDICAL CENTER
 GNADEN HUETTEN MEMORIAL HOSPITAL
 GOOD SAMARITAN HOSPITAL LEBANON
 HANOVER HOSPITAL
 HAZLETON GENERAL HOSPITAL
 HERITAGE VALLEY BEAVER
 HERITAGE VALLEY SEWICKLEY
 INDIANA REGIONAL MEDICAL CENTER
 JAMESON MEMORIAL HOSPITAL
 JEFFERSON HEALTH SERVICES
 LANCASTER GENERAL HOSPITAL
 LANCASTER REGIONAL MEDICAL CENTER
 MERCY FITZGERALD HOSPITAL
 MONONGAHELA VALLEY HOSPITAL
 NAZARETH HOSPITAL
 OHIO VALLEY HOSPITAL
 PENN STATE MILTON S. HERSHEY MEDICAL CENTER
 PINNACLE HEALTH HOSPITALS
 READING HOSPITAL
 SCHUYLKILL MEDICAL CENTER EAST NORWEGIAN STREET
 SCHUYLKILL MEDICAL CENTER SOUTH JACKSON STREET
 ST. MARY'S HOSPITAL
 ST. LUKE'S HOSPITAL BETHLEHEM
 ST. VINCENT HEALTH CENTER
 TEMPLE UNIVERSITY HOSPITAL
 THOMAS JEFFERSON UNIVERSITY HOSPITAL
 UNIVERSITY OF PENNSYLVANIA HOSPITAL
 UPMC HORIZON
 UPMC MCKEESPORT
 UPMC MERCY
 UPMC NORTHWEST
 UPMC PASSAVANT
 UPMC PRESBYTERIAN SHADYSIDE
 UPMC ST. MARGARET
 WASHINGTON HOSPITAL
 WELLSPAN SURGERY AND REHABILITATION HOSPITAL
 WESTMORELAND HOSPITAL
 WILLIAMSPORT HOSPITAL
 WPAHS FORBES REGIONAL CAMPUS
 WPAHS WESTERN PENNSYLVANIA HOSPITAL

Freestanding Rehab Hospitals

ALLIED SERVICES REHABILITATION HOSPITAL
 BRYN MAWR REHABILITATION HOSPITAL
 CHILDREN'S HOME OF PITTSBURGH
 CHILDREN'S INSTITUTE OF PITTSBURGH
 GOOD SHEPHERD REHABILITATION HOSPITAL
 HEALTHSOUTH ALTOONA
 HEALTHSOUTH ERIE
 HEALTHSOUTH HARMARVILLE
 HEALTHSOUTH MECHANICSBURG
 HEALTHSOUTH NITTANY VALLEY
 HEALTHSOUTH PENN STATE GEISENGER
 HEALTHSOUTH READING
 HEALTHSOUTH SEWICKLEY
 HEALTHSOUTH YORK
 JOHN HEINZ INSTITUTE
 LANCASTER REHABILITATION HOSPITAL
 MAGEE MEMORIAL REHABILITATION HOSPITAL
 PENN STATE HERSHEY REHABILITATION HOSPITAL

Private Psychiatric Hospitals

BELMONT CENTER FOR COMPREHENSIVE TREATMENT
 BROOKE GLEN BEHAVIORAL HOSPITAL
 CLARION PSYCHIATRIC CENTER
 DEVEREUX CHILDREN'S BEHAVIORAL HEALTH CENTER
 FAIRMOUNT BEHAVIORAL HEALTH SYSTEM
 FIRST HOSPITAL WYOMING VALLEY
 FOUNDATIONS BEHAVIORAL HEALTH
 FRIENDS HOSPITAL
 HAVEN BEHAVIORAL HOSPITAL OF EASTERN PENNSYLVANIA
 HORSHAM CLINIC
 KIDSPACE HOSPITAL
 KIRKBRIDE CENTER
 MEADOWS PSYCHIATRIC CENTER
 MONTGOMERY COUNTY EMERGENCY SERVICES, INC.
 PENNSYLVANIA PSYCHIATRIC INSTITUTE
 PHILHAVEN HOSPITAL
 ROXBURY PSYCHIATRIC HOSPITAL
 SOUTHWOOD PSYCHIATRIC HOSPITAL

Private Drug and Alcohol Hospitals

EAGLEVILLE HOSPITAL

C. Additional Class of Disproportionate Share Payments

Effective March 1, 1998, the Department established a new class of disproportionate share payments to hospitals which render uncompensated care and which the Department has determined are experiencing significant revenue loss as a result of MA Program revisions under the act of May 16, 1996 (P. L. 175, No. 35).

Effective January 15, 1999, the Department established a new class of disproportionate share payments to include a Charity Care component of the Community Access Fund. A disproportionate share payment will be made to qualifying hospitals based on each hospital's percentage of charity care cost to the total charity care costs of all qualifying hospitals. The Department also established a disproportionate share payment for those hospitals which the Department has determined advanced its goal of enhanced access to multiple types of medical care in economically distressed areas of this Commonwealth.

The following hospitals qualify for this payment:

ALFRED I DUPONT INSTITUTE
 ABINGTON MEMORIAL HOSPITAL
 ALBERT EINSTEIN MEDICAL CENTER
 ALTOONA REGIONAL HEALTH SYSTEMS
 ARIA HEALTH HOSPITAL
 BARNES KASSON HOSPITAL
 CHARLES COLE MEMORIAL HOSPITAL
 CHILDREN'S HOSPITAL OF PHILADELPHIA
 CLARION HOSPITAL
 CLEARFIELD HOSPITAL
 CROZER CHESTER MEDICAL CENTER
 DOYLESTOWN HOSPITAL
 DUBOIS REGIONAL MEDICAL CENTER
 EAGLEVILLE HOSPITAL
 EASTON HOSPITAL
 EVANGELICAL COMMUNITY HOSPITAL
 FULTON COUNTY MEDICAL CENTER
 GEISINGER MEDICAL CENTER
 HAZLETON GENERAL HOSPITAL
 INDIANA REGIONAL MEDICAL CENTER
 J.C. BLAIR HOSPITAL
 JAMESON MEMORIAL HOSPITAL
 LEHIGH VALLEY HOSPITAL
 LOCK HAVEN HOSPITAL
 MAGEE WOMEN'S HOSPITAL
 MAIN LINE LANKENAU HOSPITAL
 MEADVILLE MEDICAL CENTER
 MEMORIAL HOSPITAL TOWANDA
 MERCY FITZGERALD HOSPITAL
 MERCY HOSPITAL OF PHILADELPHIA
 NPHS ST. JOSEPH'S HOSPITAL
 PENN PRESBYTERIAN MEDICAL CENTER
 PENN STATE MILTON S. HERSHEY MEDICAL
 CENTER
 PENNSYLVANIA HOSPITAL
 PUNXSUTAWNEY AREA HOSPITAL
 READING HOSPITAL
 SOLDIERS AND SAILORS MEMORIAL HOSPITAL
 ST LUKE'S HOSPITAL BETHLEHEM
 TEMPLE UNIVERSITY HOSPITAL
 THOMAS JEFFERSON UNIVERSITY HOSPITAL
 THS HAHNEMANN UNIVERSITY HOSPITAL
 TITUSVILLE AREA HOSPITAL
 UNIVERSITY OF PENNSYLVANIA HOSPITAL
 UPMC BEDFORD MEMORIAL
 UPMC HAMOT
 UPMC MERCY
 UPMC PRESBYTERIAN SHADYSIDE
 VALLEY FORGE MEDICAL CENTER AND HOSPITAL
 WAYNE MEMORIAL HOSPITAL
 WEST VIRGINIA UNIVERSITY HOSPITAL
 WPAHS ALLEGHENY GENERAL HOSPITAL
 WPAHS WESTERN PENNSYLVANIA HOSPITAL
 YORK HOSPITAL

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania

AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

BEVERLY D. MACKERETH,
Secretary

Fiscal Note: 14-NOT-841. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 13-1557. Filed for public inspection August 16, 2013, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under the Sale of Transportation Lands Act (71 P. S. §§ 1381.1—1381.3), intends to sell certain land owned by the Department.

The following is a list of the properties available for sale by the Department.

Logan Township and the City of Altoona, Blair County. The parcel contains 4.041 acres of improved land located southeast of Interstate 99.

The estimated fair market value is \$162,000.

Interested public agencies are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Thomas A. Prestash, P.E., District Executive, Department of Transportation, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648-1080.

Questions regarding this property may be directed to Joseph Tagliati, Property Manager, 1620 North Juniata Street, Hollidaysburg, PA 16648-1080, (814) 696-7215.

BARRY J. SCHOCH, P.E.,
Secretary

[Pa.B. Doc. No. 13-1558. Filed for public inspection August 16, 2013, 9:00 a.m.]

Findings

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)) establishing the Department of Transportation (Department), the Director of the Bureau of Project Delivery, as delegated by the Secretary of Transportation, makes the following written finding:

The Department is planning the projects listed as follows. Environmental and Section 4(f) Documentation have been developed for the projects identified as follows to evaluate the potential environmental impacts caused by these projects. The Section 4(f) documents also serve as the Section 2002 Evaluations. The approved documents are available in the CE/EA Expert System at <http://www.dotdom2.state.pa.us/ceea/ceeainmain.nsf>. The environmental, economic, social and other effects of the proposed projects have been considered.

Based upon studies, there is no feasible and prudent alternative to the use of the Section 2002 resources for

the following proposed projects and all reasonable steps have been taken to minimize the effects.

SR 0980, Section 139—Cecil Township, Washington County.

Project Description: Realignment of SR 0980 at the intersection with SR 0050 to create a plus intersection. The project includes construction of a trail bridge that will carry the Montour Trail over the roadways. This bridge will reestablish the trail connection previously provided by a former railroad bridge.

Environmental Documents: Level-1b Environmental Document, approved April 9, 2013, and a Determination of Section 4(f) De Minimis Use document, approved February 25, 2013.

Proposed Use of Section 4(f)/2002 Resources: The Montour Railroad, currently being utilized as the Montour Trail, is eligible for listing on the National Register of Historic Places. The project will temporarily close the Montour Trail while its grade is raised several feet to accommodate the proposed trail bridge over the roadways.

SR 4019, Section 004—Pinecroft Curves Antis Township, Blair County.

Project Description: Safety improvements that include shifting SR 4019 to the west, realigning two deficient curves and replacing the structure over Sandy Run.

Environmental Documents: Level-1b Environmental Document, approved on April 9, 2013, and a Determination of Section 4(f) De Minimis use Document, approved on June 5, 2012.

Proposed Use of Section 4(f)/2002 Resources: The Martin Bell Farm/Elizabeth Furnace property is eligible for listing on the National Register of Historic Places. The roadway realignment, with associated cut/fill lines, will require 0.48 acre of the Martin Bell Farm/Elizabeth Furnace property for permanent Department right-of-way.

Greenfield Bridge, Allegheny County.

Project Description: This project involves the replacement of the Greenfield Bridge, which carries Beechwood Boulevard over Interstate 376 within the City of Pittsburgh, Allegheny County.

Environmental Documents: A Level 1b Categorical Exclusion Evaluation was approved for this project on July 8, 2013, and the associated Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use document was approved on May 23, 2013.

De Minimis Use of Section 4(f)/2002 Resource: This project will require the de minimis use of approximately 0.02 acre of the 456-acre Schenley Park property, which is both a City Park and a Historic District that qualifies as a Section 4(f)/Section 2002 resource.

SR 0897, Section 024—White Horse Run Bridge Replacement, Salisbury Township, Lancaster County.

Project Description: This project involves the replacement of a single span concrete encased steel beam bridge that is supported by concrete abutments and wingwalls over White Horse Run in Salisbury Township, Lancaster County.

Environmental Documents: Level-1b Categorical Exclusion Evaluation, approved on April 15, 2013. Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties was approved on March 22, 2013.

Proposed Use of Section 4(f)/2002 Resources: This project will require minor property acquisitions from the Stoltzfus Farm in the northeast quadrant and the Glick Farm in the southwest quadrant that are adjacent to the existing bridge. Both properties are contributing resources to the Pequea North Rural Historic District.

GEORGE W. MCAULEY, Jr., P.E.,
Acting Director
Bureau of Project Delivery

[Pa.B. Doc. No. 13-1559. Filed for public inspection August 16, 2013, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Lackawanna Valley Chapter of Trout Unlimited v. DEP and American Salt Rock Company, LLC, Permittee; EHB Doc. No. 2013-114-M

Lackawanna Valley Chapter of Trout Unlimited has appealed the issuance by the Department of Environmental Protection of an NPDES permit to American Salt Rock Company, LLC for a facility in Scranton City, Lackawanna County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Chairperson

[Pa.B. Doc. No. 13-1560. Filed for public inspection August 16, 2013, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, August 1, 2013, and announced the following:

Action Taken—Regulations Approved:

Pennsylvania Public Utility Commission #57-290: Rules of Practice and Procedure (amends 52 Pa. Code Chapters 1 and 5)

Approval Order

Public Meeting Held
August 1, 2013

Commissioners Voting: Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.; Dennis A. Watson, Esq.

*Pennsylvania Public Utility Commission—
Rules of Practice and Procedure;
Regulation No. 57-290 (#2984)*

On February 22, 2013, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking amends 52 Pa. Code Chap-

ters 1 and 5. The proposed regulation was published in the March 9, 2013 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on June 18, 2013.

This regulation simplifies existing practices and procedures before the PUC.

We have determined this regulation is consistent with the statutory authority of the PUC (66 Pa.C.S. § 501) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 13-1561. Filed for public inspection August 16, 2013, 9:00 a.m.]

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
4-96	Department of Community and Economic Development Manufactured Housing Improvement Program 43 Pa.B. 3110 (June 8, 2013)	7/8/13	8/7/13

**Department of Community and Economic
Development**

Regulation #4-96 (IRRC #3014)

Manufactured Housing Improvement Program

August 7, 2013

We submit for your consideration the following comments on the proposed rulemaking published in the June 8, 2013 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P. S. § 745.5b). Section 5.1(a) of the RRA (71 P. S. § 745.5a(a)) directs the Department of Community and Economic Development (DCED) to respond to all comments received from us or any other source.

1. Determining whether the regulation is in the public interest.

Section 5.2 of the RRA (71 P. S. § 745.5b) directs this Commission to determine whether a regulation is in the public interest. When making this determination, the Commission considers criteria such as economic or fiscal impact and reasonableness. To make that determination, the Commission must analyze the text of the proposed rulemaking and the reasons for the new or amended language. The Commission also considers the information

a promulgating agency is required to provide under Section 5 of the RRA in the Regulatory Analysis Form (RAF) (71 P. S. § 745.5(a)).

DCED's responses to questions 15 through 17 and 19 through 27 of the RAF are not sufficient to allow this Commission to determine if the regulation is in the public interest. In the RAF submitted with the final-form rulemaking, DCED should provide more detailed information as required under § 745.5(a) of the RRA. Specifically, we seek answers to the following questions:

- What types of small businesses and how many small businesses will be affected?
- How will this affect Pennsylvania's small businesses?
- What are the specific estimated costs and/or savings to the regulated community?
- What are the specific estimated costs and/or savings to local governments?

Also, DCED should provide a citation to the relevant provisions of the federal definition of small business that were reviewed in the development of the rulemaking and an analysis of their applicability/inapplicability to the regulation in its response to RAF question 24.

Additionally, we ask DCED to clarify its responses to RAF questions 17 and 20. The responses are unclear as to how the regulations will eliminate municipal requirements (#17) but provide no savings to local governments associated with compliance (#20).

Similarly, we ask DCED to clarify its responses to RAF questions 19, 21 and 23. DCED states that there will be no direct costs to the industry (#19) and provided no information regarding costs associated with implementation and compliance (#23), but cites fees that generate revenue from training and certification of manufactured home installers (#21).

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 13-1562. Filed for public inspection August 16, 2013, 9:00 a.m.]

INSURANCE DEPARTMENT

Appeal of Kang Fuel & Food Mart, Inc. under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2012-0079(S); Doc. No. UT13-08-001

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency of Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedures) and any other relevant provisions of law.

A prehearing telephone conference shall be held on October 1, 2013, at 9:30 a.m. A hearing will occur on October 15, 2013, in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator at the previously listed address on or before September 16, 2013. Answers to petitions to intervene, if any, shall be filed on or before September 30, 2013.

On or before September 16, 2013, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office. Experts will be permitted to testify only on matters substantially contemplated by reports supplied to the other party in accordance with this paragraph.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 13-1563. Filed for public inspection August 16, 2013, 9:00 a.m.]

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Reliant Denver Holdings, LLC

Reliant Denver Holdings, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Denver Health and Rehabilitation Center in Stevens, PA. The initial filing was received on August 6, 2013, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P.S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or syerger@pa.gov.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 13-1564. Filed for public inspection August 16, 2013, 9:00 a.m.]

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Reliant Evergreen Holdings, LLC

Reliant Evergreen Holdings, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Evergreen Health and Rehabilitation Center in Harmony, PA. The initial filing was received on August 6, 2013, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P.S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insur-

ance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or syerger@pa.gov.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 13-1565. Filed for public inspection August 16, 2013, 9:00 a.m.]

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Reliant Overlook Holdings, LLC

Reliant Overlook Holdings, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Overlook Health and Rehabilitation Center in New Wilmington, PA. The initial filing was received on August 6, 2013, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or syerger@pa.gov.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 13-1566. Filed for public inspection August 16, 2013, 9:00 a.m.]

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Reliant Silver Oaks Holdings, LLC

Reliant Silver Oaks Holdings, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Silver Oaks Health and Rehabilitation Center in New Castle, PA. The initial filing was received on August 6, 2013, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insur-

ance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or syerger@pa.gov.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 13-1567. Filed for public inspection August 16, 2013, 9:00 a.m.]

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Reliant Twin Oaks Holdings, LLC

Reliant Twin Oaks Holdings, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Twin Oaks Health and Rehabilitation Center in Palmyra, PA. The initial filing was received on August 6, 2013, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or syerger@pa.gov.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 13-1568. Filed for public inspection August 16, 2013, 9:00 a.m.]

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Reliant Whitecliff Holdings, LLC

Reliant Whitecliff Holdings, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Whitecliff Health and Rehabilitation Center in Greenville, PA. The initial filing was received on August 6, 2013, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insur-

ance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or syerger@pa.gov.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 13-1569. Filed for public inspection August 16, 2013, 9:00 a.m.]

Determination of Appropriate Groupwide Supervisor for the Global Indemnity Group of Companies

Under section 1406.2(c) of The Insurance Company Law of 1921 (act) (40 P.S. § 991.1406b(c)), the Insurance Department (Department), in cooperation with other supervisors, may determine that it is the appropriate groupwide supervisor for an international insurance group with substantial operations concentrated in this Commonwealth or in insurance operations conducted by subsidiary insurance companies domiciled in this Commonwealth where the ultimate controlling person is domiciled outside this Commonwealth.

In cooperation with other supervisory regulators, the Department has determined that it is the appropriate groupwide supervisor for the Global Indemnity Group of Companies (Global Group). The ultimate controlling person of Global Group is Fox Paine International GP, Ltd., the Cayman exempted holding company of Global Group. Global Group has substantial operations in this Commonwealth. Additionally, this Commonwealth is the state of domicile for United National Insurance Company (NAIC No. 13064), the lead company in the United States insurance company pooling arrangement, which includes the following Commonwealth domestic companies:

- Penn-America Insurance Company (NAIC No. 32859)
- Penn-Star Insurance Company (NAIC No. 10673)

Accordingly, this notice shall serve as publication by the Department under section 1406.2(d) of the act, which requires the Department to publish in the *Pennsylvania Bulletin* and on its web site the identity of international insurance groups that it has determined are subject to its groupwide supervision. This notice will also be available on the Department's web site at http://www.portal.state.pa.us/portal/server.pt/community/doing_business_in_pennsylvania/group-wide_supervision_notices.

Questions regarding this notice should be directed to Stephen J. Johnson, Deputy Insurance Commissioner, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 13-1570. Filed for public inspection August 16, 2013, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a

summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Executive Board

Resolution No. CB-13-003, Dated July 1, 2013. Authorizes the side letter with AFSCME to modify Recommendation 19, Salaries and Wages and Appendices B, C, and D of the Master Memorandum—7/1/2011 to 6/30/2015. The purpose of this side letter is to maintain pay equity within the Department of Corrections between the H-1 bargaining unit and the supervisory unit.

Resolution No. CB-13-004, Dated July 1, 2013. Authorizes the side letter with AFSCME to offer service increments to Clerical Workers employed in the Office of Income Maintenance's Low-Income Home Energy Assistance Program (LIHEAP) under the conditions set forth in the 2011-2015 AFSCME Master Agreement effective immediately.

Governor's Office

Manual M210.3—Index of Issuances, Amended July 3, 2013.

Manual M505.5—Commercial Driver License Drug and Alcohol Testing and Related Procedures, Amended July 25, 2013.

Management Directive No. 325.9—Processing Audits of Federal Pass-Through Funds, Amended July 16, 2013.

Management Directive No. 505.34—Commercial Driver License Drug and Alcohol Testing Requirements, Dated July 25, 2013.

Management Directive No. 530.24—Retired Employees Health Program, Amended July 25, 2013.

Management Directive No. 580.23—Resignation from and Reinstatement to the Classified Service, Amended July 22, 2013.

Administrative Circular No. 13-10—Revenue Estimates, 2013-14 & 2014-15 Fiscal Years, Dated July 3, 2013.

Administrative Circular No. 13-11—Office Relocation within the Office of the Budget, Dated July 30, 2013.

MARY JANE PHELPS,

Director

Pennsylvania Code and Bulletin

[Pa.B. Doc. No. 13-1571. Filed for public inspection August 16, 2013, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Natural Gas Service

A-2013-2377533. Columbia Gas of PA, Inc. Application of Columbia Gas of PA, Inc. for approval of the abandonment of natural gas service to one natural gas service customer located in the Borough of Petrolia, Butler County.

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 September 3, 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, and at the applicant's business address.

Applicant: Columbia Gas of PA, Inc.

Through and By Counsel: Michael W. Hassell, Esquire, Jessica R. Rogers, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

Kimberly S. Cuccia, Esquire, Theodore J. Gallagher, Esquire, 121 Champion Way, Suite 100, Canonsburg, PA 15317

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 13-1572. Filed for public inspection August 16, 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 September 3, 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.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-2013-2362048. Raymond Shirk (310 Don Drive, New Holland, Lancaster, Lancaster County, PA 17557)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

A-2013-2362064. Williamsport Area Ambulance Service Cooperative, t/a Susquehanna Regional EMS (700 High Street, Williamsport, Lycoming County, PA 17701)—in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in the Counties of Bucks, Montgomery and the City and County of Philadelphia; excluding areas under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* Christina M. Mellott, Esq., Page, Wolfberg & Wirth, LLC, 5010 East Trindle Road, Suite 202, Mechanicsburg, PA 17050.

A-2013-2364345. Scott Rice, t/a S & L Limousine (140 Cochran Road, Pittsburgh, Allegheny County, PA 15228)—persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in Allegheny County.

A-2013-2365066. Seniority Transportation, LLC (120 Sunnylegde Lane, Ligonier, Westmoreland County, PA 15658)—persons in limousine service, between points between in Westmoreland, Allegheny and Butler Counties.

A-2013-2365554. Interstate Nursing Services, Inc. (1041 North 6th Street, Whitehall, Lehigh County, PA 18052)—persons in paratransit service, between points in the Counties of Northampton, Bucks, Berks, Schuylkill, Chester, Montgomery and the City and County of Philadelphia.

A-2013-2369156. Bachman Car Service, LLC (1139 East Main Street, Mount Joy, PA 17552) for the right to begin to transport, as a common carrier by motor vehicle, persons in limousine service, from points in all Counties in Pennsylvania, excluding areas under the jurisdiction of the Philadelphia Parking Authority, and return.

A-2013-2369944. Trust Ambulance, Inc. (1131 Primrose Avenue, Camp Hill, Cumberland County, PA 17011)—persons, in paratransit service from points east of the Counties of Franklin, Juniata, Mifflin, Union, Northumberland, Montour, Columbia, Luzerne, Wyoming and Susquehanna, and return.

Application of the following for *amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under the application.*

A-2013-2367464. Harrisburg City Cab, Inc. (475 West Market Street, Suite 1, York, York County, PA 17401)—a limited liability corporation of the Commonwealth of Pennsylvania for amendment to its common carrier certificate—persons in call or demand service from the Counties of Clinton, Centre, Mifflin, Juniata, Perry, Snyder, Union, Lycoming, Montour, Northumberland, Columbia, Franklin, Adams and York.

Applications of the following for *approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under each application.*

A-2013-2371754. Rapid Movers, LLC, t/a Rapid Moving & Storage (P. O. Box 498, Falconer, Chautauqua County, NY 14733)—household goods in use, from points in the Counties of Erie, Crawford, McKean and Warren, to points in Pennsylvania.

A-2013-2366697. Aeja Partners, LLC, t/a You Move Me (806 East Main Street, Norristown, Montgomery County, PA 19401)—household goods in use, between points in the Counties of Montgomery, Delaware, Chester, Bucks and the City and County of Philadelphia.

A-2013-2364356. Affordable Moving, LLC (84 East Seymour Street, Philadelphia, PA 19144)—household goods in use, from points in Lehigh County, to points in Pennsylvania, and vice versa.

A-2013-2374988. Dave Lynn (300 Park Avenue, Apt. 313, Wilkes-Barre, PA 18702) for the right, to transport by motor vehicle, persons, upon call or demand in Cities of Wilkes-Barre, Pittston and Nanticoke; the Boroughs of Ashley, Avoca, Bear Creek Village, Nanticoke, Courtdale, Dallas, Dupont, Plymouth, Pringle, Sugar Notch, Swoyersville, Warrior Run, West Pittston, West Wyoming, Wyoming, Yatesville, Edwardsville, Duryea, Forty-Fort, Harvey's Lake, Larksville, Laurel Run, Luzerne, Hughestown and Laflin; including the Townships of Bear Creek, Dallas, Exeter, Fairview, Hanover, Jenkins, Kings-

ton, Lehman, Newport, Pittston, Plains, Plymouth, Wilkes-Barre, Wright and Dorrance, all within Luzerne County.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods by transfer of rights as described under the application.

A-2013-2366642. Cadden Bros. Moving & Storage, Inc. (1106 Mid Valley Drive, Olyphant, Lackawanna County, PA 18447)—household goods in use from, points in the City of Scranton, Lackawanna County, and within 3 statute miles of the limits of said city, to other points in Pennsylvania, and vice versa; which is to be a transfer of all rights authorized under the certificate issued at A-00099926 to Cawley Brothers Van Lines, Inc., subject to the same limitations and conditions. *Attorney:* Richard T. Mulcahey, Jr., 1500 John F. Kennedy Boulevard, Suite 1400, Philadelphia, PA 19102.

Application of the following for the approval of the transfer of stock as described under the application.

A-2013-2359740. Cadden Bros. Moving & Storage, Inc. (1106 Mid Valley Drive, Olyphant, Lackawanna County, PA 18447)—approval of the transfer of 50 shares of the issued stock, from James D. Cadden, Jr., to Patrick A. Cadden. *Attorney:* Richard T. Mulcahey, Jr., 1500 John F. Kennedy Boulevard, Suite 1400, Philadelphia, PA 19102.

Application of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

A-2013-2370486. Jerry M. & Margaret E. Allen (566 Bowser Road, Blairsville, Indiana County, PA 15717)—discontinuance of service and cancellation of their certificate—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Brush Valley Township, Indiana County, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 13-1573. Filed for public inspection August 16, 2013, 9:00 a.m.]

Transfer of Control

A-2013-2377575. The South Canaan Telephone Company, South Canaan Long Distance Company and Laurel Highland Total Communications, Inc. Joint application of The South Canaan Telephone Company, South Canaan Long Distance Company and Laurel Highland Total Communications, Inc. for approval of the transfer of control to new subsidiaries of Laurel Highland Total Communications.

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 September 3, 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, and at the applicant's business address.

Applicants: South Canaan Telephone Company, South Canaan Long Distance Company, Laurel Highland Total Communications, Inc.

Through and By Counsel: Daniel Clearfield, Esquire, Deanne O'Dell, Esquire, Eckert Seamans Cherin & Mellott, LLC, 213 Market Street, 8th Floor, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 13-1574. Filed for public inspection August 16, 2013, 9:00 a.m.]

Transfer of Stock

A-2013-2377142. Columbia Gas of Pennsylvania, Inc. Application of Columbia Gas of Pennsylvania, Inc. for approval of the transfer of stock from Columbia Energy Group to NiSource Gas Distribution Group, Inc.

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 September 3, 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, and at the applicant's business address.

Applicant: Columbia Gas of Pa, Inc.

Through and By Counsel: Theodore J. Gallagher, Senior Counsel, NiSource Corporate Services Company, Southpointe Industrial Park, 501 Technology Drive, Canonsburg, PA 15317

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 13-1575. Filed for public inspection August 16, 2013, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Motor Carrier Application for Luxury Limousine Service in the City of Philadelphia

Application received by the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant for permanent authority to transport, as a common carrier, persons in luxury limousine service on an exclusive basis, between points in the City and County of Philadelphia, and from points in the City and County of Philadelphia to points in Pennsylvania and from points in Pennsylvania to the City and County of Philadelphia, Docket No. A-13-07-04.

Danach, LLC, 1701 Walnut Street, 7th Floor, Philadelphia, PA 19103 registered as an LLC with the Secretary

of State of Delaware on February 1, 2013, and registered to do business in the Commonwealth on February 11, 2013.

Attorney for Applicant: David Temple, 1760 Market Street, Suite 1000, Philadelphia, PA 19103.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by September 3, 2013. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,
Executive Director

[Pa.B. Doc. No. 13-1576. Filed for public inspection August 16, 2013, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Dirt and Gravel Roads Pollution Prevention Maintenance Program

As required by 25 Pa. Code § 83.604(f) (relating to apportionment criteria), the State Conservation Commission (Commission) is providing public notice of the apportionment of Fiscal Year (FY) 2013-2014 Dirt and Gravel Road Pollution Prevention Maintenance Program (Program) funds to participating County Conservation Districts. This apportionment is authorized under 75 Pa.C.S. § 9106 (relating to dirt and gravel road maintenance).

A. *Effective Date*

This apportionment is effective upon publication in the *Pennsylvania Bulletin*. Allocations will be disbursed when funds are released from the Treasury after July 1, 2013.

B. *Background*

The Commission approved the following allocations at their public meetings on May 14, 2013, and July 15, 2013. May 14, 2013: \$3,528,000 of FY 2013-2014 funds were apportioned according to stipulations in 75 Pa.C.S. § 9106(c). July 15, 2013: \$10,000 of FY 2012-2013 administrative funds were approved for reallocation according to 25 Pa. Code § 83.604(b). The funds were reallocated to the Allegheny County Conservation District for reassessment of the dirt and gravel roads in Allegheny County.

Copies of 25 Pa. Code § 83.604, as published at 28 Pa.B. 4634 (September 12, 1998), and 75 Pa.C.S. § 9106 are available from C. Frederick Fiscus, III, Department of Environmental Protection, Bureau of Conservation and Restoration, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 783-7577.

The following allocations are being made to the County Conservation Districts participating in the Program. Not all counties receive an allocation as provided for at 25 Pa. Code § 83.613(a) (relating to performance standards). Listed alphabetically, the allocations are as follows:

Approved FY 2013-2014 District Allocations

	District	FY 2013-2014 Allocations
<i>min</i>	Adams	\$ 20,000
	Allegheny	\$ 10,000
	Armstrong	\$ 171,474
<i>min</i>	Beaver	\$ 20,000
	Bedford	\$ 53,940
<i>min</i>	Berks	\$ 20,000
<i>min</i>	Blair	\$ 20,000
<i>max</i>	Bradford	\$ 275,000
<i>min</i>	Bucks	\$ 20,000
	Butler	\$ 31,349
	Cambria	\$ 20,457
	Cameron	\$ 21,331
<i>min</i>	Carbon	\$ 20,000
	Centre	\$ 26,569
<i>min</i>	Chester	\$ 20,000
	Clarion	\$ 72,718
	Clearfield	\$ 71,671
	Clinton	\$ 33,374
	Columbia	\$ 77,524
	Crawford	\$ 153,822
<i>min</i>	Cumberland	\$ 20,000
<i>min</i>	Dauphin	\$ 20,000
	Elk	\$ 30,561
	Erie	\$ 62,840
	Fayette	\$ 39,754
	Forest	\$ 20,384
<i>min</i>	Franklin	\$ 20,000
	Fulton	\$ 26,876
	Greene	\$ 80,835
	Huntingdon	\$ 57,550
	Indiana	\$ 94,074
	Jefferson	\$ 58,895
	Juniata	\$ 20,557
	Lackawanna	\$ 26,362
<i>min</i>	Lancaster	\$ 20,000
<i>min</i>	Lawrence	\$ 20,000
<i>min</i>	Lebanon	\$ 20,000
<i>IE</i>	Lehigh	\$ -
	Luzerne	\$ 38,002
	Lycoming	\$ 83,880
	McKean	\$ 35,823
	Mercer	\$ 40,779
<i>min</i>	Mifflin	\$ 20,000
<i>min</i>	Monroe	\$ 20,000
<i>min</i>	Montgomery	\$ 20,000
<i>min</i>	Montour	\$ 20,000

STATE EMPLOYEES' RETIREMENT BOARD

Hearing Scheduled

The following hearing has been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to the State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimant's request concerning the indicated account.

The hearing will be held before a hearing officer at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

September 4, 2013 John D. Stouder (D) 1 p.m.
Death Benefit

Parties in the respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

DAVID E. DURBIN,
Secretary

[Pa.B. Doc. No. 13-1578. Filed for public inspection August 16, 2013, 9:00 a.m.]

District	FY 2013-2014 Allocations
<i>IE</i> Northampton	\$ -
Northumberland	\$ 38,842
Perry	\$ 28,403
<i>IE</i> Pike	\$ -
Potter	\$ 158,453
Schuylkill	\$ 34,562
Snyder	\$ 23,510
Somerset	\$ 55,951
Sullivan	\$ 73,330
<i>max</i> Susquehanna	\$ 275,000
Tioga	\$ 209,397
<i>min</i> Union	\$ 20,000
Venango	\$ 95,882
Warren	\$ 121,363
Washington	\$ 70,014
Wayne	\$ 99,055
Westmoreland	\$ 29,686
Wyoming	\$ 57,489
York	\$ 70,662
TOTAL	\$3,538,000

Notes:

min: minimum allocation of \$20,000

max: maximum allocation cap of \$275,000

IE: INELIGIBLE—spending requirements not met

GEORGE D. GREIG,
Chairperson

[Pa.B. Doc. No. 13-1577. Filed for public inspection August 16, 2013, 9:00 a.m.]

