

# PENNSYLVANIA BULLETIN

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## Agencies in this issue

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Delaware River Basin Commission

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Department of Community and Economic  
Development

Department of Environmental Protection

Department of General Services

Department of Health

Department of Human Services

Department of Revenue

Department of Transportation

Environmental Hearing Board

Housing Finance Agency

Independent Regulatory Review Commission

Insurance Department

Pennsylvania Public Utility Commission

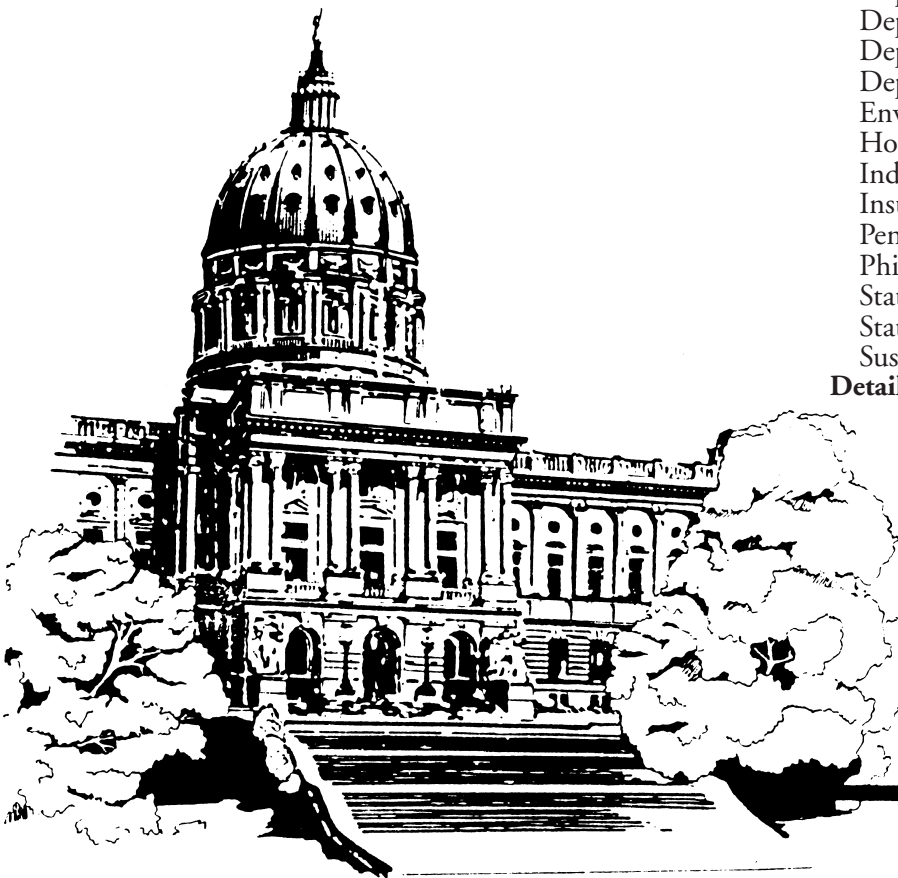
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State Board of Nursing

State Charter School Appeal Board

Susquehanna River Basin Commission

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

**No. 497, April 2016**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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

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#### **Printing Format**

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

#### **Fiscal Notes**

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

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

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2016.

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 1896, 1897, 1898, 2034, 2035



# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [ 204 PA. CODE CH. 83 ]

#### Amendment of Rule 219 of the Rules of Disciplinary Enforcement; No. 140 Disciplinary Rules Doc.

##### Order

*Per Curiam*

*And Now*, this 12th day of April, 2016, upon the recommendation of the Disciplinary Board of the Supreme Court of Pennsylvania; the proposal having been published for public comment in the *Pennsylvania Bulletin*, 46 Pa.B. 978 (February 27, 2016):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 219 of the Pennsylvania Rules of Disciplinary Enforcement is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective in 30 days. The amendments relating to mandatory electronic registration shall be applicable beginning with the 2016-2017 assessment year.

##### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart B. DISCIPLINARY ENFORCEMENT

#### CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

##### Subchapter B. MISCONDUCT

#### Rule 219. Annual registration of attorneys.

(a) Every attorney admitted to practice law in this Commonwealth shall pay an annual fee of \$125.00 and **electronically** file the annual fee form provided for in this rule **by July 1**. The fee shall be collected under the supervision of the Attorney Registration Office, which shall **[ send or cause to be sent to every attorney, except an attorney who has elected to file the form electronically, the annual fee form ]** make the annual fee form available for filing through a link on the Board's website (<http://www.padisiplinaryboard.org>) or directly at <https://ujportal.pacourts.us>. **[ The Attorney Registration Office shall transmit to those attorneys who have elected to file the form electronically a notice by e-mail to register by July 1. Failure to receive the annual fee form by mail or electronically shall not excuse payment of the fee. ]** The said fee shall be used to defray the costs of disciplinary administration and enforcement under these rules, and for such other purposes as the Board shall, with the approval of the Supreme Court, from time to time determine. **Upon an attorney's written request submitted to the Attorney Registration Office and**

**for good cause shown, the Attorney Registration Office shall grant an exemption from the electronic filing requirement and permit the attorney to file the annual fee form in paper form.**

**Official Note:** Pa.R.P.C. 1.15(u) imposes an additional annual fee for use by the IOLTA Board, and Pa.R.D.E. 502(b) imposes an additional annual fee for use by the Pennsylvania Lawyers Fund for Client Security.

(b) The following shall be exempt from paying the annual fee required by subdivision (a):

(1) Justices or judges serving in the following Pennsylvania courts of record shall be exempt for such time as they serve in office: Supreme, Superior, Commonwealth, Common Pleas, and Philadelphia Municipal; and justices or judges serving an appointment for life on any federal court;

(2) retired attorneys; and

(3) military attorneys holding a limited certificate of admission issued under Pa.B.A.R. 303 (relating to admission of military attorneys).

**Official Note:** The exemption created by subdivision (b)(1) does not include Philadelphia Traffic Court judges, Pittsburgh Municipal Court judges, magisterial district judges, arraignment court magistrates or administrative law judges.

(c) On or before May 15 of each year, the Attorney Registration Office shall transmit to all attorneys required by this rule to pay an annual fee**[ , except those attorneys who have elected electronic filing, a form required by subdivision (d) of this rule. On or before May 15 of each year subsequent to the year in which an attorney elects electronic filing, the Attorney Registration Office shall transmit to such attorney ]** a notice by e-mail to register electronically by July 1. **Failure to receive notice shall not excuse the filing of the annual fee form or payment of the annual fee.**

(d) On or before July 1 of each year, all attorneys required by this rule to pay an annual fee shall **electronically** file with the Attorney Registration Office **[ a signed or ]** an electronically endorsed form prescribed by the Attorney Registration Office in accordance with the following procedures:

(1) The form shall set forth:

(i) The date on which the attorney was admitted to practice, licensed as a foreign legal consultant, granted limited admission as an attorney participant in defender and legal services programs pursuant to Pa.B.A.R. 311, or issued a Limited In-House Corporate Counsel License, and a list of all courts (except courts of this Commonwealth) and jurisdictions in which the person has ever been licensed to practice law, with the current status thereof.

(ii) The current **e-mail**, residence and office addresses of the attorney, **[ each ]** the latter two of which shall be an actual street address or rural route box number**[ , and the ]**. The Attorney Registration Office shall refuse to accept a form that sets forth only a post office box number for either **[ required ]** the residence or office

address. A preferred mailing address different from those addresses may also be provided on the form and may be a post office box number. The attorney shall indicate which of the addresses, the residence, office or mailing address, as well as telephone and fax number will be accessible through the website of the Board (<http://www.padisciplinaryboard.org> [ / ]) and by written or oral request to the Board. Upon an attorney's written request submitted to the Attorney Registration Office and for good cause shown, the contact information provided by the attorney will be nonpublic information and will not be published on the Board's website or otherwise disclosed.

**Official Note:** Public web docket sheets will show the attorney's address as entered on the court docket.

(iii) The name of each Financial Institution, as defined in Pa.R.P.C. 1.15(a)(4), within or outside this Commonwealth in which the attorney, from May 1 of the previous year to the date of the filing of the annual fee form, held funds of a client or a third person subject to Rule 1.15 of the Pennsylvania Rules of Professional Conduct. The form shall include the name and account number for each account in which the attorney held such funds, and each IOLTA Account shall be identified as such. The form provided to a person holding a Limited In-House Corporate Counsel License or a Foreign Legal Consultant License need not request the information required by this subparagraph.

For purposes of this subparagraph, the phrase "funds of a client or a third person subject to Rule 1.15 of the Pennsylvania Rules of Professional Conduct" means funds that belong to a client or third person and that an attorney receives:

- (A) in connection with a client-lawyer relationship;
- (B) as an escrow agent, settlement agent, representative payee, personal representative, guardian, conservator, receiver, trustee, agent under a durable power of attorney, or other similar fiduciary position;
- (C) as an agent, having been designated as such by a client or having been so selected as a result of a client-lawyer relationship or the lawyer's status as such;
- (D) in connection with nonlegal services that are not distinct from legal services;
- (E) in connection with nonlegal services that are distinct from legal services, and the attorney knows or reasonably should know that the recipient of the service might believe that the recipient is receiving the protection of a client-lawyer relationship; or
- (F) as an owner, controlling party, employee, agent, or as one who is otherwise affiliated with an entity providing nonlegal services and the attorney knows or reasonably should know that the recipient of the service might believe that the recipient is receiving the protection of a client-lawyer relationship.

**Official Note:** For purposes of subparagraph (iii), "funds of a third person" shall not include funds held in: 1) an attorney's personal account held jointly; or 2) a custodial account for a minor or dependent relative unless the source of any account funds is other than the attorney and his or her spouse.

If an attorney employed by a law firm receives fiduciary funds from or on behalf of a client and deposits or causes the funds to be deposited into a law firm account, the attorney must report the account of deposit under this subparagraph (iii).

(iv) Every account not reported under subparagraph (iii), that held funds of a client or a third person, and over which the attorney had sole or shared signature authority or authorization to transfer funds to or from the account, during the same time period specified in subparagraph (iii). For each account, the attorney shall provide the name of the financial institution (whether or not the entity qualifies as a "Financial Institution" under Pa.R.P.C. 1.15(a)(4)), location, and account number.

**Official Note:** Regarding "funds of a third person," see Note to Rule 219(d)(1)(iii).

(v) Every business operating account maintained or utilized by the attorney in the practice of law during the same time period specified in subparagraph (iii). For each account, the attorney shall provide the name of the financial institution, location and account number.

(vi) A statement that the attorney is familiar and in compliance with Rule 1.15 of the Pennsylvania Rules of Professional Conduct regarding the handling of funds and other property of clients and others and the maintenance of IOLTA Accounts, and with Rule 221 of the Pennsylvania Rules of Disciplinary Enforcement regarding the mandatory reporting of overdrafts on fiduciary accounts.

(vii) A statement that any action brought against the attorney by the Pennsylvania Lawyers Fund for Client Security for the recovery of monies paid by the Fund as a result of claims against the attorney may be brought in the Court of Common Pleas of Allegheny, Dauphin or Philadelphia County.

(viii) Whether the attorney is covered by professional liability insurance on the date of registration in the minimum amounts required by Rule of Professional Conduct 1.4(c). Rule 1.4(c) does not apply to attorneys who do not have any private clients, such as attorneys in full-time government practice or employed as in-house corporate counsel.

**Official Note:** The Disciplinary Board will make the information regarding insurance available to the public upon written or oral request and on its [ **web site** ] **website**. The requirement of Rule 219(d)(3) that every attorney who has filed an annual fee form [ **or elects to file the form electronically must notify** ] **must give written notice to** the Attorney Registration Office of any change in the information previously submitted within 30 days after such change will apply to the information regarding insurance.

(ix) Such other information as the Attorney Registration Office may from time to time direct.

(2) Payment of the annual fee shall [ **accompany the form** ] **be made in one of two ways: a) electronically by credit or debit card at the time of electronic transmission of the form through the online system of the Attorney Registration Office, which payment shall include a nominal fee to process the electronic payment; or b) by check or money order drawn on a U.S. bank, in U.S. dollars using a printable, mail-in voucher.** IOLTA, trust, escrow and other fiduciary account checks tendered in payment of the annual fee will not be accepted. If the [ **form and payment are** ] **annual fee form, voucher or payment is** incomplete or if a check in payment of the annual fee has been returned to the Board unpaid, the annual fee shall not be deemed to have been paid until a collection

fee, and one or both of the late payment penalties prescribed in subdivision (f) of this rule if assessed, shall also have been paid. The amount of the collection fee[ , ] shall be established by the Board annually after giving due regard to the direct and indirect costs incurred by the Board during the preceding year for checks returned to the Board unpaid.

(3) Every attorney who has filed the form [ **or elects to file the form electronically** ] shall notify the Attorney Registration Office in writing of any change in the information previously submitted, including e-mail address, within 30 days after such change, which notice shall be sent by mail or facsimile transmission, provided, however, that any change in the information required by subsections (d)(1)(iii), (iv) and (v) (collectively relating to financial account information) that occurs after the filing of the form required by subdivisions (a) and (d)(1) of this rule need only be reported on the next regular annual fee form due July 1. **Attorneys must promptly ensure that IOLTA accounts are properly enrolled with the Pennsylvania IOLTA Board pursuant to the applicable IOLTA regulations.** Failure to timely register and file the next annual fee form shall not excuse this subsection's requirement of reporting changes in financial account information on an annual basis on or before July 1, and failure to make such a report shall constitute a violation of this rule.

(4) Upon original admission to the bar of this Commonwealth, licensure as a Foreign Legal Consultant, issuance of a Limited In-House Corporate Counsel License, or limited admission as an attorney participant in defender and legal services programs pursuant to Pa.B.A.R. 311, a person shall concurrently file a form under this subdivision for the current assessment year, but no annual fee shall be payable for the assessment year in which originally admitted or licensed.

(5) **Submission of the annual fee form through electronic means signifies the attorney's intent to sign the form. By submitting the form electronically, the attorney certifies that the electronic filing is true and correct.**

**Official Note: Subsection (5) of subdivision (d) incorporates the language of *In Re: Provisions for Electronic Filing of Attorney Registration Statements, No. 99 Disciplinary Rules Docket (Pa. Supreme Court, April 13, 2011)*.**

(e) Upon receipt of a form, or notice of change of information contained therein, filed by an attorney in accordance with the provisions of subdivision (d) of this rule, and of payment of the required annual fee to practice law in this Commonwealth, receipt thereof shall be acknowledged on a certificate or license.

(f) Any attorney who fails to complete registration by July 31 shall be automatically assessed a non-waivable late payment penalty established by the Board. A second, non-waivable late payment penalty established by the Board shall be automatically added to the delinquent account of any attorney who has failed to complete registration by August 31, at which time the continued failure to comply with this rule shall be deemed a request to be administratively suspended. Thereafter, the Attorney Registration Office shall certify to the Supreme Court the name of every attorney who has failed to comply with the registration and payment requirements of this rule, and the Supreme Court shall enter an order administratively suspending the attorney. The Chief

Justice may delegate the processing and entry of orders under this subdivision to the Prothonotary. Upon entry of an order of administrative suspension, the Attorney Registration Office shall transmit by certified mail, addressed to the last known mailing address of the attorney, or by electronic means, the order of administrative suspension and a notice that the attorney shall comply with Enforcement Rule 217 (relating to formerly admitted attorneys), a copy of which shall be included with the notice.

For purposes of assessing the late payment penalties prescribed by this subdivision (f), registration shall not be deemed to be complete until the Attorney Registration Office receives a completed annual fee form and satisfactory payment of the annual fee and of all outstanding collection fees and late payment penalties. If a check in payment of the delinquency has been returned to the Board unpaid, a collection fee, as established by the Board under subdivision (d)(2) of this rule, shall be added to the attorney's delinquent account and registration shall not be deemed to be complete until the delinquent account has been paid in full.

The amount of the late payment penalties shall be established by the Board annually pursuant to the provisions of subdivision (h)(3) of this rule.

(g) The Attorney Registration Office shall provide to the [ **Board secretary** ] **Office of the Secretary** a copy of any certification filed by the Attorney Registration Office with the Supreme Court pursuant to the provisions of this rule.

(h) **An attorney who has been administratively suspended pursuant to subdivision (f) for three years or less is not eligible to file the annual fee form electronically.** The procedure for reinstatement [ **of an attorney who has been administratively suspended pursuant to subdivision (f) for three years or less** ] is as follows:

(1) The formerly admitted attorney shall submit to the Attorney Registration Office the form required by subdivision (d)(1) along with payment of:

- (i) the current annual fee;
- (ii) the annual fee that was due in the year in which the attorney was administratively suspended;
- (iii) the late payment penalties required by paragraph (3);
- (iv) any unpaid collection fee; **and**
- (v) a reinstatement fee of \$300.00.

(2) Upon receipt of the annual fee form, a verified statement showing compliance with Enforcement Rule 217 (relating to formerly admitted attorneys), and the payments required by paragraph (1), the Attorney Registration Office shall so certify to the [ **Board** ] **Office of the Secretary** and to the Supreme Court. Unless the formerly admitted attorney is subject to another outstanding order of suspension or disbarment or the order has been in effect for more than three years, the filing of the certification from the Attorney Registration Office with the Prothonotary of the Supreme Court shall operate as an order reinstating the person to active status.

Where a check in payment of the fees and late payment penalties has been returned to the Board unpaid, the Attorney Registration Office shall immediately return the

attorney to administrative suspension, and the arrears shall not be deemed to have been paid until a collection fee, as established by the Board under subdivision (d)(2) of this rule, shall also have been paid.

(3) A formerly admitted attorney who is administratively suspended must pay the late payment penalties incurred in the year in which the formerly [ **admitted** ] **admitted** attorney is transferred to administrative suspension. The amount of the late payment penalties shall be established by the Board annually after giving due regard to such factors as it considers relevant, including the direct and indirect costs incurred by the Board during the preceding year in processing the records of attorneys who fail to timely file the form required by subdivision (d) of this rule.

(i) *Retired Status:* An attorney who has retired [ **shall file with** ] **must file by mail or deliver in person** to the Attorney Registration Office an application for retirement and payment of any applicable late fees or penalties pursuant to subdivision (f). Upon the transmission of such application from the Attorney Registration Office to the Supreme Court, the Court shall enter an order transferring the attorney to retired status, and the attorney shall no longer be eligible to practice law. The retired attorney will be relieved from [ **the** ] payment of the **annual** fee imposed by this rule upon active practitioners and Enforcement Rule 217 (relating to formerly admitted attorneys) shall not be applicable to the formerly admitted attorney unless ordered by the Court in connection with the entry of an order of suspension or disbarment under another provision of these rules. An attorney on retired status for three years or less may be reinstated in the same manner as an inactive attorney, except that the retired attorney shall pay the annual active fee for the three most recent years or such shorter period in which the attorney was on retired status instead of the amounts required to be paid by an inactive attorney seeking reinstatement. The Chief Justice may delegate the processing and entry of orders under this subdivision to the Prothonotary.

(j) *Inactive Status:* An attorney who is not engaged in practice in Pennsylvania, has sold his or her practice pursuant to Rule 1.17 of the Pennsylvania Rules of Professional Conduct, or is not required by his or her practice elsewhere to maintain active licensure in the Commonwealth may request inactive status or continue that status once assumed. The attorney shall be removed from the roll of those classified as active until and unless such inactive attorney makes a request under paragraph (2) of this subdivision (j) for an administrative return to active status and satisfies all conditions precedent to the grant of such request; or files a petition for reinstatement under subdivision (d) of Enforcement Rule 218 (relating to procedure for reinstatement of an attorney who has been on inactive status for more than three years, or who is on inactive status and had not been on active status at any time within the prior three years) and is granted reinstatement pursuant to the provisions of that Enforcement Rule.

(1) An inactive attorney under this subdivision (j) shall continue to file the annual form required by subdivision (d), **shall file the form through the online system identified in subdivision (a)**, and shall pay an annual fee of \$70.00 **in the manner provided in subdivision (d)(2)**. Noncompliance with this provision will result in the inactive attorney incurring late payment penalties, incurring a collection fee for any check in payment that

has been returned to the Board unpaid, and being placed on administrative suspension[ , ] pursuant to and in accordance with the provisions of subdivision (f) of this rule.

(2) *Administrative Change in Status from Inactive Status to Active Status:* An attorney on inactive status may request a resumption of active status [ **on a form provided by** ] **form from** the Attorney Registration Office. **The form must be filed by mail or delivered in person to the Attorney Registration Office.** Resumption of active status shall be granted unless the inactive attorney is subject to an outstanding order of suspension or disbarment, unless the inactive attorney has sold his or her practice pursuant to Rule 1.17 of the Pennsylvania Rules of Professional Conduct (see Enforcement Rule 218(h)), unless the inactive status has been in effect for more than three years, or unless the inactive attorney had not been on active status at any time within the preceding three years (see Enforcement Rule 218(h)), upon the payment of:

(i) the active fee for the assessment year in which the application for resumption of active status is made or the difference between the active fee and the inactive fee that has been paid for that year; and

(ii) any collection fee or late payment penalty that may have been assessed pursuant to subdivision (f), prior to the inactive attorney's request for resumption of active status.

Where a check in payment of fees and penalties has been returned to the Board unpaid, the Attorney Registration Office shall immediately return the attorney to inactive status, and the arrears shall not be deemed to have been paid until a collection fee, as established by the Board under subdivision (d)(2), shall also have been paid.

**Official Note:** Subdivisions (h), (i) and (j) of this rule do not apply if, on the date of the filing of the request for reinstatement, the formerly admitted attorney has not been on active status at any time within the preceding three years. See Enforcement Rule 218(h)(1).

(k) *Administrative Change in Status From Administrative Suspension to Inactive Status:* An inactive attorney who has been administratively suspended for failure to file the annual form and pay the annual fee required by subdivision (j)(1) of this rule, may request an administrative change in status [ **to inactive status** ] **form from the Attorney Registration Office. [ The Attorney Registration Office ] The form must be filed by mail or delivered in person to the Attorney Registration Office and said Office** shall change the status of an attorney eligible for inactive status under this subdivision upon receipt of:

(1) the annual form required by subdivision (d);

(2) payment of the annual fee required by subdivision (j)(1);

(3) payment of all collection fees and late payment penalties assessed under subdivisions (d)(2) and (f); and

(4) payment of an administrative processing fee of \$100.00.

Where a check in payment of the fees and penalties has been returned to the Board unpaid, the Attorney Registration Office shall immediately return the attorney to administrative suspension, and the arrears shall not be

deemed to have been paid until a collection fee, as established by the Board under subdivision (d)(2), shall also have been paid.

An active attorney who has been administratively suspended for failure to file the annual form and pay the annual fee required by this rule must comply with subdivision (h) before becoming eligible to register as inactive or retired.

**Official Note:** Former subdivision (k), which was adopted by Order dated April 16, 2009 (No. 75 Disciplinary Rules Docket No. 1, Supreme Court), effective May 2, 2009, established a grace period of one year commencing on July 1, 2009 in which any attorney who was on inactive status by order of the Supreme Court, could request and achieve reinstatement to active status under Enforcement Rule 218 or another applicable subdivision of Enforcement Rule 219 in order to avoid an automatic change in status to administrative suspension. The grace period was administratively extended to August 31, 2010, and any involuntarily inactive attorney who did not achieve active status by that date was transferred to administrative suspension on September 1, 2010.

(1) The Board shall transmit by certified mail [ , **return receipt requested,** ] to every attorney who fails to pay any expenses taxed pursuant to Enforcement Rule 208(g) (relating to costs), addressed to the last known address of the attorney, a notice stating:

(1) That unless the attorney shall pay all such expenses within 30 days after the date of the notice, such failure to pay will be deemed a request to be administratively suspended, and at the end of such period the name of the attorney will be certified to the Supreme Court, which will enter an order administratively suspending the attorney.

(2) That upon entry of the order of administrative suspension, the attorney shall comply with Enforcement Rule 217 (relating to formerly admitted attorneys), a copy of which shall be enclosed with the notice.

(m) Upon payment of all expenses taxed pursuant to Enforcement Rule 208(g) by a formerly admitted attorney on administrative suspension solely for failure to comply with subdivision (l) of this rule, the Board shall so certify to the Supreme Court. Unless such person is subject to another outstanding order of suspension or disbarment or the order has been in effect for more than three years, the filing of the certification from the Board with the Prothonotary of the Supreme Court shall operate as an order reinstating the person to active status.

(n) A former or retired justice or judge who is not the subject of an outstanding order of discipline affecting his or her right to practice law and who wishes to resume the practice of law shall file with the Attorney Registration Office a notice in writing [ **to that effect** ]. The notice shall:

[ (i) ] (1) describe:

[ (A) ] (i) any discipline imposed within six years before the date of the notice upon the justice or judge by the Court of Judicial Discipline;

[ (B) ] (ii) any proceeding before the Judicial Conduct Board or the Court of Judicial Discipline settled within six years before the date of the notice on the condition that the justice or judge resign from judicial office or enter a rehabilitation program; **and**

[ (ii) ] (2) include a waiver **available through the Attorney Registration Office and signed** by the justice or judge, if the notice discloses a proceeding described in [ **paragraph (i)** ] **subsection (1)**, of the confidentiality of the record in that proceeding for the limited purpose of making the record available to the Board in any subsequent proceeding under these rules[ ; ].

[ (iii) ] **be accompanied by payment of the full annual fee for the assessment year in which the notice is filed.** ]

**An annual fee form will be provided by the Attorney Registration Office. The form must be filed by mail or delivered in person to said Office and be accompanied by payment of the full annual fee for the assessment year in which the notice is filed.**

[Pa.B. Doc. No. 16-736. Filed for public inspection April 29, 2016, 9:00 a.m.]

## Title 207—JUDICIAL CONDUCT

### PART III. JUDICIAL CONDUCT BOARD

[ 207 PA. CODE CH. 105 ]

#### Amendment of Rule 14 of the Judicial Conduct Board Rules of Procedure

On April 4, 2016, the Judicial Conduct Board, pursuant to its authority under Article V, § 18(a)(6) of the Pennsylvania Constitution, amended Rule of Procedure 14 as more specifically set forth herein, to become effective immediately.

#### Annex A

### TITLE 207. JUDICIAL CONDUCT

#### PART III. JUDICIAL CONDUCT BOARD

#### CHAPTER 105. INTERIM SUSPENSION; SPECIAL NOTICE TO SUPREME COURT OR COURT OF JUDICIAL DISCIPLINE

Rule 14. Special Notice to the Supreme Court [ **or** ], the Court of Judicial Discipline, **or a President Judge.**

(A) Whenever the Board becomes aware of an indictment or information charging a felony against a Judicial Officer, the Board may file appropriate notice with the Court of Judicial Discipline.

(B) Whenever the Board becomes aware of information related to a Judicial Officer which may, as provided by law, require or permit the exercise of the Supreme Court's inherent power over the unified judicial system, the Board may file appropriate notice with the Supreme Court.

(C) **Whenever the Board becomes aware of information related to a Judicial Officer which may, as provided by law, require or permit the exercise of a president judge's supervisory or administrative power over a Judicial Officer, the Board may provide appropriate notice to the president judge.**

*Official Note:* Paragraph (C) allows appropriate notice to a president judge if the Board becomes aware of information that may permit the exercise of a president judge's exercise of supervisory or administrative power over a Judicial Officer. Such authority is currently found in Rule 14 in relation to the Supreme Court's inherent power over the unified judicial system generally. The Board has concluded that this limited authority to disclose information does not adequately address all situations that confront the Board during investigations, and, consistent with the Board's constitutional obligation to keep matters confidential, believes this amendment allows for an additional avenue of limited disclosure of otherwise non-public information in appropriate circumstances.

The authority of president judges is not well-defined. President judges and their authority are provided for in the Constitution of Pennsylvania, the Judicial Code, and the Rules of Judicial Administration.

Article V, section 10(d) of the Pennsylvania Constitution provides for president judges, as follows:

The Chief Justice and president judges of all courts with seven or less judges shall be the justice or judge longest in continuous service on their respective courts; and in the event of his resignation from this position the justice or judge next longest in continuous service shall be the Chief Justice or president judge. The president judges of all other courts shall be selected for five-year terms by the members of their respective courts, except that the president judge of the traffic court in the City of Philadelphia shall be appointed by the Governor. A chief justice or president judge may resign such position and remain a member of the court. In the event of a tie vote for office of president judge in a court which elects its president judge, the Supreme Court shall appoint as president judge one of the judges receiving the highest number of votes.

Pa. Const., art. V, § 18(d). As is readily apparent, the Constitution does not specify the powers or authority of president judges.

The Judicial Code, Title 42 of the Pennsylvania Consolidated Statutes, § 325, provides for the powers of president judges, as follows:

(a) *General rule.*—The Chief Justice of Pennsylvania and the president judges of all courts with seven or less judges shall be the judge longest in continuous service on their respective courts. In the event of his resignation from this position the judge next longest in continuous service shall be the Chief Justice of Pennsylvania or the president judge. Should any two or more judges of the same court assume office at the same time, they shall cast lots forthwith for priority of commission, and certify the results to the Governor who shall issue their commissions accordingly.

(b) *Courts of eight or more judges.*—The president judges of all courts with eight or more judges shall be selected for five-year terms by the members of their respective courts. In the event of a tie vote for the office of

president judge, the Supreme Court shall appoint as president judge one of the judges receiving the highest number of votes.

\* \* \* \* \*

(e) *Powers of president judge.*—Except as otherwise provided or prescribed by this title, by general rule or by order of the governing authority, the president judge of a court shall:

(1) Be the executive and administrative head of the court, supervise the judicial business of the court, promulgate all administrative rules and regulations, make all judicial assignments, and assign and reassign among the personnel of the court available chambers and other physical facilities.

(2) Exercise the powers of the court under section 2301(a)(2) (relating to appointment of personnel).

42 Pa.C.S. § 325.

Section 2301(a)(2) of the Judicial Code, referred to in section 325(e)(2), provides:

(a) *General rule.*—Subject to any inconsistent general rules or statutory provisions each:

(1) \* \* \*

(2) Court may appoint and fix the compensation and duties of necessary administrative staff and fix the compensation of personal staff.

42 Pa.C.S. § 2301(a)(2).

The Pennsylvania Rules of Judicial Administration, adopted by the Supreme Court under its Article V, section 10 general supervisory and administrative authority over the courts and justices of the peace, provides substance to the authority of president judges over magisterial district judges. Rule 605 of the Rules of Judicial Administration relating to supervision of magisterial district courts by president judges, provides, in pertinent part:

(A) The president judge of the court of common pleas of a judicial district shall exercise general supervision and administrative authority over magisterial district courts within the judicial district.

(B) The president judge's administrative authority over magisterial district courts within the judicial district includes but is not limited to, and shall be governed by, the following:

\* \* \* \* \*

(6) *Temporary Assignments: Transfer of Cases*—In consultation with the affected magisterial district judge(s), the president judge may order temporary assignments of magisterial district judges or reassignment of cases or certain classes of cases to other magisterial districts within the judicial district or to central courts within the judicial district.

(7) *Conduct of Magisterial District Judges*—When a complaint is received with respect to the conduct of a magisterial district judge, the president judge may, in his or her discretion, review the matter with the affected magisterial district judge and take any action the president

judge deems appropriate to assure the efficient administration of justice including, where warranted, informing the appropriate disciplinary authority. Contemporaneous notice of any such action taken by the president judge resulting in reassignment of cases or otherwise affecting the duties of the magisterial district judge shall be given to the Supreme Court of Pennsylvania and the Court Administrator of Pennsylvania.

Pa.R.J.A. No. 605 (emphasis added).

The “Note” to Rule 605 explains its provisions, stating, in part:

The text of this rule is taken from Rule 17 of the Rules Governing Standards of Conduct for Magisterial District Judges, rescinded March 26, 2015, effective immediately.

This rule recognizes that magisterial district judges are the judicial officials charged with the legal and administrative responsibilities within their respective magisterial districts. Designed to further the efficient and effective administration of justice in the unified judicial system, this Rule contemplates a cooperative approach to the administration of the magisterial district courts, acknowledging judicial independence and the supervisory role of the president judges.

Rule 17 was amended in 2003 to more specifically outline the authority, powers, and responsibilities of the president judges with regard to management of the magisterial district judge system. In so doing, however, it was not intended that this be an exclusive list of powers and responsibilities, nor was it intended to limit the president judges’ authority to the areas listed. . . .

With regard to paragraph (B)(2), president judges or their representatives are encouraged to meet regularly with the magisterial district judges in the judicial district to foster and maintain open lines of communication regarding the management of the magisterial district judge system.

\* \* \* \* \*

Nothing in paragraph (B)(7) is intended to contradict or circumvent the constitutionally established process for the suspension, removal, and discipline of magisterial district judges. See Pa. Const. art. V § 18; see also 207 Pa. Code Part III (Judicial Conduct Board Rules of Procedure) and Part IV (Court of Judicial Discipline Rules of Procedure). President judges do not have authority to suspend or discipline magisterial district judges.

Pa.R.J.A. No. 605, Note (emphasis added). Other provisions of the Rules of Judicial Administration provide for the authority of president judges within their judicial districts. See, e.g., Rule 701(C) (relating to request for assignment of additional magisterial district judges or judges); Rule 702 (relating to divisional assignments of judges); Rule 703 (relating to reports of judges); Rule 704 (relating to judicial leave); and Rule 706 (relating to determination or selection of Chief Justice and president and administrative judges).

Given the administrative and supervisory authority of president judges over the Judicial Officers of the judicial district, it is sometimes appropriate to inform the president judge of on-going Board matters so that the president judge may appropriately exercise his or her administrative or supervisory authority. For example, if a judge within the district is under investigation for alleged mistreatment of judicial staff, it would be appropriate for the Board to so inform the president judge so that he or she might make staff adjustments during the pendency of the Board’s investigation. There may be some circumstances in which adjustments to assignments of the judge under investigation may be warranted. Presently, there is no mechanism, in light of the non-public nature of the Board’s investigative activity, by which to properly communicate these matters to the president judge. While the Supreme Court has ultimate supervisory and administrative authority over all courts, in some matters, notice to the Supreme Court may be ineffectual to be able to deal with the immediate problem at hand.

[Pa.B. Doc. No. 16-737. Filed for public inspection April 29, 2016, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Administrative Suspension

Notice is hereby given that the following attorneys have been Administratively Suspended by Order of the Supreme Court of Pennsylvania dated March 16, 2016, pursuant to Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective April 15, 2016 for Compliance Group 2.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Bolcsak, James W.  
Lawrenceville, NJ

Caudill, David S.  
Brookfield, CT

Collins, John F.  
Mays Landing, NJ

Cusick, Robert William  
Haddonfield, NJ

D’Amico, Theresa Ann  
Miami Beach, FL

D’Antonio, Daniel Joseph  
Mickleton, NJ

Gimpel, William James  
Gibbstown, NJ

Greenfield, Tamara Lynn  
Fairview Heights, IL

Hammons Jr., Terrence Gordon  
Baton Rouge, LA

Hernandez, Kymberly D.  
Wilmington, DE  
McKenrick, Robert William  
Camarillo, CA  
Mikolashek, Kevin Jason  
Alexandria, VA  
Rimol, Andrew Charles  
Trenton, NJ  
Ruggieri, Kimberly Anne  
Vineland, NJ  
Shorter, Darryl Wayne  
Charlotte, NC

Wade, William Henry  
Chesapeake, VA  
Wallace, William Ian  
Haddonfield, NJ  
Wertzberger, Pina Sementa  
Marlton, NJ

SUZANNE E. PRICE,  
*Attorney Registrar*  
*The Disciplinary Board of the*  
*Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 16-738. Filed for public inspection April 29, 2016, 9:00 a.m.]

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# STATEMENTS OF POLICY

## Title 12—COMMERCE, TRADE AND LOCAL GOVERNMENT

### HOUSING FINANCE AGENCY

#### [ 12 PA. CODE CH. 31 ]

### Homeowner's Emergency Mortgage Assistance Program; Amendments

The Housing Finance Agency (Agency) amends Chapter 31, Subchapter B (relating to policy statement on Homeowner's Emergency Mortgage Assistance Program) to read as set forth in Annex A.

#### *History*

The Homeowner's Emergency Mortgage Assistance Program (HEMAP) was established by the act of December 23, 1983 (P.L. 385, No. 91) (Act 91). HEMAP is designed to provide emergency mortgage assistance to homeowners facing foreclosure because of circumstances beyond their control. Assistance is provided in the form of a loan. The amount of the loan will be sufficient to bring the homeowner's delinquent mortgages current and, in addition, the Agency may provide continuing monthly mortgage assistance, as needed by the homeowner, for a period of time as prescribed by Act 91. Act 91 contains notice requirements that lenders shall follow prior to foreclosure, prescribes procedures that a homeowner shall follow in applying to the Agency for mortgage assistance and prohibits a lender from conducting foreclosure proceedings during the HEMAP application process. Act 91 requires repayment of the HEMAP mortgage assistance loan based upon the financial ability of the homeowner.

On February 21, 1984, the members of the Board of the Agency adopted initial guidelines to implement HEMAP under the authority of section 401-C(b) of the Housing Finance Agency Law (act) (35 P.S. § 1680.401c(b)), which provides in part that the Agency shall adopt initial program guidelines and may revise the guidelines when appropriate. The initial guidelines were published at 14 Pa.B. 723 (March 3, 1984). The members of the Board of the Agency adopted the following amendments to the guidelines: October 18, 1985, published at 16 Pa.B. 2126 (June 14, 1986); May 12, 1994, published at 24 Pa.B. 3224 (July 2, 1994); 29 Pa.B. 2859 (June 5, 1999); and 38 Pa.B. 4859 (August 30, 2008), effective September 6, 2008. Under the Agency's authority to revise the statement of policy, the Agency adopts further amendments to Chapter 31, Subchapter B and the uniform Act 91 Notice (notice).

#### *Summary of Public Comment and Responses to Proposed Amendments*

The proposed statement of policy was published at 46 Pa.B. 221 (January 9, 2016). The Agency accepted formal written comments during a 35-day public comment period.

The Agency received comments from several interested parties, including the mortgage lending and servicing community, trade groups, counsel, consumer advocates, counseling agencies and public interest organizations. In

addition to review of the written submissions, the Agency held meetings with several commentators to discuss the proposed amendments.

Following is a summary of comments received and the Agency's response to the comments.

#### *§ 31.201. Definitions*

##### *Reasonable attorneys' fees and costs*

The Agency proposed to delete the detailed section from Chapter 31, Subchapter B setting forth levels and protocol for reimbursement of attorneys' fees to lenders and to provide information instead on the Agency's web site from time to time. Several commentators were concerned that posting all future revisions of this section on the Agency web site, rather than proposing changes in the *Pennsylvania Bulletin*, was an attempt by the Agency to circumvent the rulemaking process. Additionally, some commentators were concerned that failure to place an increase in reasonable attorneys' fees through the public comment process would deprive consumers of the opportunity to comment on potential increases. Others opined that the Agency should create a mechanism within Chapter 31, Subchapter B to challenge the reasonableness of attorneys' fees.

The Agency understands the concerns regarding reimbursement rates and has elected to publish the hourly reimbursement rate in the *Pennsylvania Bulletin* on an annual basis, regardless of whether the rate fluctuates. This publication will allow the Agency to appropriately adjust reimbursement levels in accordance with market conditions without amending Chapter 31, Subchapter B, while at the same time addressing the transparency issues raised by commentators. Much of the original definition of "reasonable attorneys' fees and costs" contained procedural elements regarding the method by which the Agency reimburses lenders for fees and costs associated with initiating a foreclosure action. The amendments to this section do not alter the definition of what the Agency considers an attorney fee or cost, but rather it removes the reimbursement process. Section 401-C(a) of the act authorizes the Agency to establish procedures for the administration of HEMAP. Nothing in the act, however, requires the Agency to subject its internal operating procedures to public scrutiny. To the extent that these procedures are not dictated by law, the Agency is permitted to update and amend them as necessary without soliciting public feedback.

Prior to reimbursing a lender for fees and costs actually incurred, the Agency assesses the reasonableness of the amount requested by reviewing an itemization of the fees and costs actually incurred if itemization is required. Homeowners seeking to challenge the legitimacy of attorneys' fees and costs after the Agency has completed its review process may address these concerns with their lenders or in a court of competent jurisdiction.

#### *§ 31.202. Eligibility for mortgage loan assistance*

Some commentators were concerned that the proposed amendments to § 31.202(g)(5)(i) and (ii) (relating to eligibility for mortgage loan assistance) created an unnecessary limitation on the application of an exception for spouses jointly owning a mortgaged property. Additionally, one commentator believed that revising the exception from joint ownership by a husband and wife to joint ownership by spouses as tenants by the entirety removed a class of persons from eligibility for a HEMAP loan.

After review, the Agency agrees with the commentators and deleted “as tenants by the entirety.”

One commentator suggested making occupancy by at least one of the individuals who acquires the property through inheritance an explicit requirement in § 31.202(g)(6). While supportive of the expansion of HEMAP eligibility, several commentators were concerned that the expansion was overly restrictive. Primarily, these commentators noted that heirs may have title challenges due to a split inheritance among multiple individuals. Further, heirs may have difficulty locating coheirs to an inheritance. These commentators suggested broadening the scope of this paragraph to permit either a single heir holding a majority ownership interest in a property or multiple heirs who collectively hold a majority ownership interest in a property to be eligible for HEMAP assistance, provided that the heir has made reasonable attempts to locate the remaining heirs and the heir-applicant resides in the property.

Language specifically requiring occupancy by at least one of the individuals who acquires the property through inheritance was already provided in the proposed amendments. While sympathetic to the challenges heirs may encounter when attempting to ascertain ownership of an inherited property, it is the Agency’s position that providing HEMAP assistance to a co-owner heir applicant without the consent of all co-owners is contrary to the type of assistance contemplated by the act. Specifically section 405-C(h) of the act (35 P.S. § 1680.405c(h)) creates a limited exception for joint mortgagors who are also spouses, which permits these individuals to obtain a HEMAP loan and execute the associated documents without the consent or signature of the other. Nowhere else in the act, however, is this type of exception to record ownership available to other classes of applicants. The Agency, through the implementation of policy, has applied this exception to co-owner spouses who are separated or divorced. Expanding the exception to other classes of co-owners in the manner suggested by commentators would create a number of challenges.

Primarily, allowing a single heir holding a majority ownership interest or multiple heirs with a collective majority ownership interest would require the Agency, in addition to reviewing other eligibility criteria, to conduct a legal assessment as to which heir or heirs own what percentage of the property. In cases when an heir claimed difficulty locating a co-owner heir, the Agency would be required to make a determination of what constituted a “reasonable attempt” to locate co-owners. Furthermore, allowing an heir to encumber the property without the consent of any ascertained or unascertained co-owners jeopardizes the Agency’s lien interest and may subject the Agency to litigation concerning the validity of a lien, including actions to quiet title in the case of conflicting interests. Given these considerations, the Agency believes that the amendments are consistent with the intent of the act and declines to extend the eligibility criteria beyond the bounds delineated in the act.

Two commentators were opposed to proposed § 31.202(g)(7) due to concerns about the balance of power between a seller and purchaser subject to an installment sales contract. These commentators opined that sellers under installment sales contracts tend to be more sophisticated than buyers under these contracts and often have more leverage in these transactions. Requiring that a buyer who is not the record owner of the subject property obtain the seller’s signature, according to these commentators, further shifts the balance of power in

favor of a seller and creates an opportunity for a seller to strategically allow the contract to default if the value of the subject property has increased. These commentators were also concerned that the proposed paragraph was beyond the scope of permissible actions by the Agency. Further, they believed that the Agency should draft a separate uniform notice specifically for installment sales contracts as they believe that much of the information contained in both the current and proposed notice is inapplicable to these types of agreements.

The Agency recognizes the challenges posed by installment sales contracts and has elected to retain the language currently in Chapter 31, Subchapter B and has not adopted proposed § 31.202(g)(7). The Agency has determined, however, that it is not necessary to create a separate notice for installment sales contracts. Section 401-C(a) of the act affirmatively makes the act and the corresponding notice applicable to land sales agreements. Notwithstanding several of the identified methods by which a buyer’s ownership interest may be terminated, the majority of the notice is applicable to land sale agreements or installment sales contracts. Given the rarity of applicants subject to installment sales contracts, the Agency declines to promulgate a separate notice at this time.

#### § 31.203. Notice; application procedures

A number of commentators supported the proposed amendment to § 31.203(a) (relating to notice; application procedures) and requested that the Agency create a presumption of invalidity applicable to notices that fail to comply with this subsection. The commentators believed that the Agency could better enforce this provision with the addition of the presumption. The commentators, however, were concerned that inclusion of language that would permit the Agency to update this section on its web site would allow the Agency to make substantive changes to the notice while circumventing the public comment process.

The objective of the amendment was to maintain the consistency and clarity of the notice. This objective directly corresponds to the intent of the act, which requires the Agency to promulgate a uniform notice providing homeowners with necessary information regarding access to HEMAP. Accordingly, the language is added to avoid confusion that may stem from a mortgagee’s addition of content to the notice. Inclusion of lender letterhead or changes in font, language or style negates the purpose of having a uniform, clear and concise notice. The Agency has vigorously advised lenders over the history of HEMAP to maintain the exact structure and format of the published notice.

The Agency is aware that Pennsylvania courts have increasingly examined whether lenders strictly comply with the form and content requirements of the notice when reviewing the legitimacy of a foreclosure action. Strict adherence to the form is accordingly advised, and failure to comply with the exact contours and instructions in Chapter 31, Subchapter B may unnecessarily jeopardize legal process. While the Agency views any deviation as a violation of the requirements in the act applicable to foreclosure actions in this Commonwealth, the act does not provide the Agency with enforcement authority over lenders. Thus, courts are the appropriate forum to adjudicate matters related to the validity of the notice. Therefore, although the Agency encourages lenders to comply with the adopted language, the Agency refrains from a presumption of invalidity.

Furthermore, the intent of the proposed amendment was to allow the Agency to update the list of consumer credit counseling agencies as necessary due to the changes that may occur in the roster of active counseling agencies from time to time. Recognizing the concern of the commentators, the Agency amended the proposed language to reflect that updates made under this subsection on the Agency's web site will solely be to the list of consumer credit counseling agencies. A list of scheduled periodic updates to the consumer credit counseling agency roster will be published annually in the *Pennsylvania Bulletin* simultaneously with the publishing of the annual interest and attorneys' fee reimbursement rates.

Commentators indicated that proposed amendments to § 31.203(a)(3) were narrow and suggested that it be expanded to require lenders to send the notice in the preferred language of the homeowner. Specifically, commentators believed that the language of the notice should be dictated by prior communications the lender has had with the homeowner, placing the lender on notice that English or Spanish is not the homeowner's primary language.

The Agency declines to require lenders to send the notice in the preferred language of the homeowner. In recent years, a large, non-native English speaking population has developed in this Commonwealth. A vast percentage of that population is comprised of native Spanish-speakers. In an attempt to create greater access to HEMAP for these residents, the Agency has required that the notice be sent in Spanish and English. The Agency also recognizes, however, that the diverse population in this Commonwealth is comprised of residents who may not be fluent in either English or Spanish, yet may require access to HEMAP benefits. In furtherance of its access-driven mission, the Agency has elected to make the notice available in the six most widely used languages in this Commonwealth based on population. These languages will initially include English, Spanish, Chinese, Russian, Vietnamese and Cambodian. An independent language translation agency was hired to generate the notices in languages other than English.

While the Agency will not require the notice to be sent in languages other than English and Spanish at this time, lenders are encouraged to utilize translated notices as a supplement to the required notice form when the lender communicates with the homeowner in a language other than English or Spanish. Translated notices will be available on the Agency's web site at [www.phfa.org](http://www.phfa.org). The Agency also urges lenders to have resources and staff available to assist homeowners who speak languages other than English in addition to ensuring that these resources are available to assist consumers with accessing HEMAP. Lenders are also advised that while the act may not require communication of the notice in alternative languages, other consumer protection statutes and certain Federal and State laws may mandate that lenders provide translation services to their consumers. The Agency also reminds lenders that they shall comply with all applicable laws regarding services to persons with disabilities.

Commentators suggested that "and" be added between each of the first three subsections in § 31.203. While the commentators were supportive of the restrictions on altering the notice, they encouraged the Agency to require that language be added to the outside of the envelope indicating that the notice is inside.

The Agency believes that the changes adequately convey that all four subparts are required, therefore

making the suggested "and" superfluous. The Agency declines to make the suggested revision.

Placing language on the envelope that contains the notice raises a variety of privacy implications and potential legal issues. While the objective of revising the notice is to promote greater access to HEMAP and to encourage homeowners to take advantage of the benefits offered, it is not clear that placing text on the envelope is necessary to assist homeowners. At the same time, placing information on the outside of an envelope may alert people seeing the envelope to the fact of the recipient's delinquency or default, creating privacy concerns as well as litigation risk under Federal consumer protection laws. The Agency is open to considering options that will promote HEMAP and inform homeowners about the availability of government assistance. The addition of language to notice envelopes, however, will not be mandated at this time.

Regarding § 31.203(b)(4), several commentators requested that the Agency require lenders to provide information within forbearance agreements advising homeowners that they may apply for HEMAP if they are eventually unable to fulfill the terms of the agreement.

The act gives the Agency the authority to regulate the implementation of HEMAP as well as to mandate a uniform notice that shall be sent to homeowners prior to the commencement of foreclosure proceedings. The delegated authority in the act, however, does not give the Agency the authority to regulate the content of underlying loan documents. Therefore, attempting to require lenders to include information regarding HEMAP in forbearance agreements is beyond the Agency's authority.

The Agency encourages lenders to provide this information at the time of execution of an agreement. Further, Chapter 31, Subchapter B requires counseling agencies that may be involved with facilitating the execution of a forbearance agreement or payment arrangement between a homeowner and lender notify both parties of this provision, which does not require the lender to send a new notice in the event that the homeowner is not able to fulfill the terms of the agreement. The Agency will also continue to actively pursue methods of better informing consumers of assistance that may be available.

Several comments were received regarding § 31.203(b)(5) requesting that the Agency maintain the legal standard known as the "mailbox rule." The Agency proposed establishment of a strict 30-day time period for receipt of the application, rather than allowing an extra 3 days under the legal mailing convention. Commentators were concerned that requiring that the Agency receive HEMAP applications within 30 days of the consumer's face-to-face meeting with the counseling agency provides more work for homeowners by requiring that they physically deliver the application to the Agency or another location designated by the Agency for HEMAP application delivery. Other commentators were concerned that this requirement could result in increased operating costs for counseling agencies, which may elect to use Priority Mail to ensure receipt by the Agency within the 30-day time frame. The commentators were also concerned that the Agency would deviate from its current practice of accepting applications that were initially lost in the mail, provided that the counseling agency is able to provide proof of the original mailing date.

Commentators also requested that the current required 33 days for timely face-to-face meetings be measured from the date of postmark of the notice, as opposed to the date

printed on the notice. This request originated from a concern that the 33-day period was being shortened due to the date on the notice and the postmark date on the envelope, in certain cases, not matching, with the latter being later in time.

The Agency reconsidered its position and will retain the 3-day allowance for mail receipt. Consistent with the act, however, the Agency will continue to instruct its counseling agencies to expeditiously submit applications within the 30-day time period proscribed in the act. Further, the Agency declines to adopt the postmark date as the sole measure for timely face-to-face meetings, and instead has adopted a presumption that the date printed on the notice is also the date of mailing. In the event of a discrepancy between the two dates, the Agency will consider the later of the two dates for purposes of establishing timeliness of face-to-face meetings with a counseling agency.

Commentators suggested an amendment to § 31.203(b)(12)(ii) that would stay foreclosure procedures while a HEMAP appeal to the Agency is pending.

The act clearly delineates the limitations on staying the foreclosure process in the act. Specifically, section 403-C(b)(7) of the act (35 P.S. § 1680.403c(b)(7)) states that “[a] late application or an administrative appeal will not stay foreclosure proceedings . . . .” As such, a proposed expansion of this limitation falls beyond the scope of the Agency’s administrative powers. Furthermore, it is the Agency’s position that the requested amendment is unnecessary as the act provides a remedy in the event that a denial of HEMAP assistance is reversed through the administrative appeals process. Section 403-C(b)(7) of the act also states that “in the event the application is approved by the agency, a commenced foreclosure proceeding shall be stayed unless and until the mortgagor fails to proceed to closing and the agency rescinds its approval.” Thus, the Agency declines to further stay the foreclosure process beyond the time frame designated in the act.

*§ 31.205. Financial hardship due to circumstances beyond the homeowner’s control*

Regarding § 31.205(c) (relating to financial hardship due to circumstances beyond the homeowner’s control), commentators suggested exempting necessary and ordinary expenses from the determination of whether a homeowner is suffering financial hardship due to circumstances beyond the homeowner’s control. Several commentators expressed concern that applicants will be denied based on expenditures made towards items other than mortgage payments, such as expenses related to the death or illness of a family member or necessary home repairs.

The Agency’s practice, as identified in Chapter 31, Subchapter B, has been and will continue to be to consider all relevant factors when assessing a homeowner’s financial circumstances and whether the financial hardship was beyond the homeowner’s control. Chapter 31, Subchapter B affirmatively exempts necessary and ordinary expenses from the determination of eligibility. Specifically, § 31.205(c)(4)(i) states that “[t]he homeowner’s continued payment of normal and necessary living expenses after the financial hardship occurred will not be considered evidence of poor financial management.” Chapter 31, Subchapter B also provides for the consideration of unanticipated and extraordinary expenses when determining eligibility for assistance. Examples of extraordinary expenses delineated in § 31.205(c) include “expenses related to death or illness

in the homeowner’s household or of family members living outside the household” in paragraph (6) as well as “expenses actually incurred related to uninsured damage or costly repairs to the mortgaged premises affecting its habitability” in paragraph (5). The amendments to Chapter 31, Subchapter B simply provide transparency regarding the Agency’s criteria and review process.

Several commentators opined that the proposed amendment to § 31.205(c)(4)(ii) was impermissible under the act. In addition to making HEMAP eligibility more stringent, the commentators believed that the proposed amendment placed an unduly burdensome requirement on homeowners, which may be difficult to fulfill.

The act delegates authority to the Agency to promulgate rules to administer HEMAP. Specifically, section 401-C(c) of the act states that “[t]he agency shall develop uniform notices and rules and regulations in order to implement the provisions of this article.” Therefore, the authority granted by the act allows the Agency to provide and apply its interpretation of the language in the act, unless the interpretation is clearly erroneous.

The act itself does not define “circumstances beyond his control,” thus the Agency’s interpretation is entitled to great weight and deference. Among the criteria assessed when determining whether a homeowner is suffering from circumstances beyond his control is whether the financial hardship was a result of money mismanagement or an over extension of credit to the homeowner. Terms and phrases such as “money mismanagement” and “over extension of credit” also remain undefined. Thus, the amendments to this section both clarify the Agency’s interpretation of that language and codify the Agency’s application of that criteria toward an eligibility determination.

When conducting an eligibility assessment, the Agency considers all relevant factors. The assessment recognizes that homeowners shall maintain normal and ordinary expenses. Conversely, the analysis also recognizes that some homeowners may struggle with financial management and that monetary mismanagement may be evidenced by certain unnecessary expenditures. A determination of eligibility for emergency mortgage assistance is made with consideration of the homeowner’s circumstances in their totality. Given these considerations, the Agency believes that the amendment is consistent with the act and the manner in which this criteria has been applied.

*§ 31.205. Financial hardship due to circumstances beyond the homeowner’s control*

*§ 31.206. Reasonable prospect of resuming mortgage payments and paying mortgage by maturity*

Several commentators believed that the proposed amendments to § 31.205(c) and (f) and § 31.206(a)(7) (relating to reasonable prospect of resuming mortgage payments and paying mortgage by maturity) are inflexible and should provide an additional means for homeowners to demonstrate that they have filed taxes. Furthermore, the commentators requested that the Agency delineate what forms will acceptably demonstrate that a homeowner is not required to file taxes.

The objective of the proposed amendment is to enable the Agency to obtain an accurate assessment of a homeowner’s finances, rather than, as the commentators suggest, verify whether a homeowner has, in fact, filed taxes. Much of the HEMAP eligibility criteria is predicated on a homeowner’s financial circumstances—

past, present and future. Accordingly, generating an accurate accounting of a homeowner's income is necessary.

Tax returns have proven to be an efficient and effective way to establish annual income for the current year and prior years. While homeowners often submit other financial documentation, such as bank statements and paystubs, these documents provide limited information as they may cover a shorter or erratic time frame. This type of documentation may also derive from various sources that calculate income slightly differently or contain different tax deductions. For example, an applicant who submits paystubs from a time period when he had seasonal employment in addition to full-time employment may appear to earn more income if paystubs solely from that time period are submitted and reviewed. In turn, a determination of eligibility based on that financial data alone may unfairly prejudice an otherwise eligible applicant. Similarly, an applicant who resides in this Commonwealth and has employment in another state may have different tax deductions, which affect gross income.

Time and resource restraints do not permit the Agency to assess an entire year of paystubs and bank statements, particularly when the analysis may yield less than accurate results. The Agency recognizes that other tax documents, such as Internal Revenue Service Form W-2, may also provide the necessary financial data and will permit applicants to submit Internal Revenue Service Form W-2, tax returns, tax transcripts and other documentation deemed acceptable by the Agency as fulfillment of the proposed requirement. Applicants who are not required to file taxes shall certify this on HEMAP applications. In cases when nontaxable, monetary benefits are received, applicants shall provide documentation demonstrating receipt of the benefit. In this circumstance, other financial documents evidencing household income may be submitted instead of Internal Revenue Service Form W-2, tax returns and tax transcripts.

#### § 31.209. Appeals

Regarding § 31.209(e) (relating to appeals), commentators suggested that the Agency should retain the option of in-person hearings. The commentators also opined that TTY access and limited English proficiency interpreters should be provided for both telephonic and in-person hearings, and that the Agency should ensure this access in Chapter 31, Subchapter B.

The Agency discontinued in-person hearings in 2010 due to safety concerns raised as a result of several face-to-face appeal hearings. It is the Agency's position that telephonic hearings afford applicants the same rights and benefits that may be derived from in-person hearings without the expense and inconvenience to the applicant of traveling to Harrisburg. Discerning no distinction between the two forums and in the interest of preserving the well-being of its employees, additional amendments will not be made to this subsection. The Agency, however, will explore mechanisms to provide appeal hearings by other methods, such as video-conferencing.

Further, the Agency has consistently provided appropriate accommodations for applicants with hearing impairments as well as those that require the assistance of a language interpreter without cost to the applicant. Language interpreters are procured from an independent agency. Upon reasonable notice of the need for an accommodation, the Agency secures the necessary service. Access to this accommodation becomes available to the applicant on the date of the appeal hearing. Hearing

dates have also been postponed, when necessary, to acquire the necessary assistance for applicants who have failed to provide the Agency with prior notice.

#### Appendix A. Uniform notice

Several commentators suggested changes to the form of the notice. In general, the comments focused on stylistic and design elements aimed at drawing the attention of the consumer. Commentators opined that a lack of design may derogate the objective of creating greater access if the notice failed to capture the attention of the consumer. They suggested revisions to font, word placement and other similar visual changes. While the Agency recognizes these concerns and seeks to encourage homeowners to read the notice, it is the Agency's position that the notice is an informative, legal document and that design elements such as the ones suggested may detract from the information in the notice. The Agency declines to make the changes.

The Agency received a number of comments regarding the act of January 30, 1974 (P.L. 13, No. 6) (Act 6) (41 P.S. §§ 101—605), known as the Usury Law. Although the notice is promulgated under the act, section 403-C(b)(1) of the act references Act 6. Section 403-C(b)(1) of the act states that "[t]he agency shall prepare a notice which shall include all the information required by this subsection and by section 403 of the act of January 30, 1974 (P.L. 13, No. 6), referred to as the Loan Interest and Protection Law and referred to commonly as the Usury Law." Section 506 of Act 6 (41 P.S. § 506) sets forth that the Office of Attorney General and the Department of Banking and Securities (Department) have the authority to enforce Act 6.

As the entity charged with enforcing Act 6, the Department has consistently collaborated with the Agency regarding the revision of the notice from its inception and has played a considerable part in its development. The Department took a primary role in drafting much of the language pertaining to Act 6 in the notice, therefore ensuring its compliance with the statutory requirements of the act. Following the close of the comment period, the Department vigilantly assessed the comments relevant to Act 6 and, working closely with the Agency, developed responses to commentators' concerns. The positions of the Department and the Agency regarding the notice and its conformity to the requirements of Act 6 are summarized as follows.

Generally, the comments regarding Act 6 focused on section 403(c)(2), (5) and (6) of Act 6 (41 P.S. § 403(c)(2), (5) and (6)) and section 403(c)(3) of Act 6 (specifically, references to section 404(a), (b)(1) and (3) and (c) of Act 6 (41 P.S. § 404(a), (b)(1) and (3) and (c))). As a preliminary note, the Department and the relevant case law do not interpret Act 6 to mandate a verbatim recitation of the law in a foreclosure provided that the notice references the required topics. Comments regarding the Act 6 requirements are addressed in numerical order.

*Section 403(c)(2) of Act 6.* Comments were received which expressed concern that the notice fails to "clearly and conspicuously state the nature of the default claimed."

The Agency considered this comment and declines to make a change to the notice. The notice, including the account summary, references, multiple times, that the nature of the default is a mortgage debt. The account summary clearly and conspicuously displays the debtor's default information and requires lenders to not only list

the nature of the default, but to itemize fees and costs that shall be paid in addition to any other action that must be taken by the debtor.

*Section 403(c)(3) of Act 6.* A number of commentators questioned whether the notice incorporated the language of section 404(a), (b)(1) and (3) and (c) of Act 6 as cross-referenced by section 403(c)(3) of Act 6.

Section 403(c)(3) of Act 6 instructs lenders to advise debtors of the right to cure a default “as provided in section 404 of this act and exactly what performance including what sum of money, if any, must be tendered to cure the default.” Overall, section 404 of Act 6 sets timing limits on the rights of a residential mortgage debtor (debtor) to cure (subsection (a)), lists the requirements a debtor shall meet to cure a default (subsection (b)) and explains the position of a debtor after curing a default. Following is a discussion of section 404 of the act as it relates to section 403 of the act.

*Section 404(a) of Act 6*—This subsection limits a debtor’s right to cure a default to 1 hour prior to a sheriff sale or other judicial sale and to cure no more than three times in a calendar year. Although subsection (a) limits the timing of right rather than setting forth the information statutorily required under 403(c)(3) of Act 6, the Agency added “no more than three times in any calendar year” to the fifth paragraph of the notice for further clarification.

*Section 404(b)(1) of Act 6*—Under this subsection, a debtor is required to pay or tender “all sums which would have been due at the time of payment or tender in the absence of default and the exercise of an acceleration clause, if any” to cure a default. The Agency determined that no changes to the notice were necessary. The account summary section of the notice includes a box that requires a lender to itemize and describe the total amount past due that the debtor shall pay to cure the default and also reminds debtors that fees and costs continue to accrue from the date printed on the account summary.

*Section 404(b)(3) of Act 6*—Debtors are required to “[p]ay or tender any reasonable fees allowed under section 406 and the reasonable costs of proceeding to foreclosure as specified in writing by the residential mortgage lender actually incurred to the date of payment.” Section 406 of Act 6 (41 P.S. § 406) outlines the situations when a lender may require a debtor to pay attorney’s fees. After a thorough review, the Agency declined to make revisions related to this section as the fifth paragraph of the notice states that to cure the default the debtor must pay “attorney’s fees” in addition to any other amounts due, such as reasonable late charges and other fees necessary to bring the mortgage current.

*Section 404(c) of Act 6*—This subsection explains that the curing of a default “restores the residential mortgage debtor to the same position as if the default had not occurred.” Section 404(c) of Act 6 is a legal statement of the position of the debtor after the curing of a default. A recitation of this statement is unnecessary because it is not a condition of section 403(c)(3) of Act 6. Section 403(c)(3) of Act 6 obligates a lender to provide notice of the right to cure a default and the requirements placed on the debtor to cure the default. Thus, the Agency declines to make any further revision.

*Section 403(c)(5) of Act 6.* Commentators questioned whether the notice stated “the method or methods by

which the debtor’s ownership or possession of the real estate may be terminated” as stated in section 403(c)(5) of Act 6.

The foreclosure process ending in a sheriff’s sale is the method in this Commonwealth for a lender to terminate a debtor’s ownership or possession of the real estate. The notice references foreclosure and sheriff’s sale multiple times. The Agency will not further revise the notice as this requirement of Act 6 is satisfied.

*Section 403(c)(6) of Act 6.* Commentators expressed concern that the notice failed to address the right of the debtor in some circumstances to “transfer the real estate to another person subject to a security interest or to refinance the obligation and of the transferee’s right, if any, to cure the default” as stated in section 403(c)(6) of Act 6.

The Agency declines to make additional changes as the options in section 403(c)(6) of Act 6 are outlined under the third bullet in the third paragraph of the notice. Furthermore, the Agency added language to the fifth bullet in the notice advising homeowners of their right to challenge the debt as well as to assert other defenses to the foreclosure action.

#### *Summary of Changes*

In general, this final statement of policy incorporates several program clarifications and amendments to the notice. The most significant amendments:

- Relocate the existing parameters for mortgagees’ reimbursement of fees and costs by the Agency from Chapter 31, Subchapter B to the Agency’s web site to enable the Agency to update the parameters on a more frequent basis.
- Establish the requirements for receiving emergency mortgage assistance for an inherited property.
- Replace Appendix A, which sets forth the notice that lenders are required to send to homeowners who are delinquent in their home mortgages. The notice retains its status as a combined notice and continues to retain the information required under Act 6. The amendments significantly reduce and streamline the content of the notice and contain two pages. The first page describes HEMAP and how a homeowner may obtain an application for assistance, in addition to other rights prescribed by Act 6. The notice also includes an Account Summary, where mortgagees provide homeowner account and default information as required under Acts 6 and 91.
- Require mortgagees to send both English and Spanish language versions of the information on the first page of the notice.
- Provide guidance on implementing the revised notice.

#### *Fiscal Impact*

The Agency does not anticipate fiscal impact from the amendments to Chapter 31, Subchapter B.

#### *Effective Date*

The amendments to Chapter 31, Subchapter B will become effective upon publication. The revised notice must be used by September 1, 2016. Prior to that date, either the revised notice or the previously published notice may be used.

BRIAN A. HUDSON, Sr.,  
*Executive Director*

(*Editor's Note:* Title 12 of the *Pennsylvania Code* is amended by amending statements of policy in §§ 31.201—31.207, 31.209 and 31.211 to read as set forth in Annex A, with ellipses referring to the existing text.)

**Fiscal Note:** Fiscal Note 39-11 remains valid for the final adoption of the subject regulations.

### Annex A

## TITLE 12. COMMERCE, TRADE AND LOCAL GOVERNMENT

### PART I. GENERAL ADMINISTRATION

#### Subpart D. HOUSING FINANCE AGENCY

#### CHAPTER 31. HOUSING FINANCE AGENCY

#### Subchapter B. POLICY STATEMENT ON HOMEOWNER'S EMERGENCY MORTGAGE ASSISTANCE PROGRAM

#### § 31.201. Definitions.

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

\* \* \* \* \*

*Consumer credit counseling agency*—A nonprofit corporation or governmental entity located in this Commonwealth which has been designated by the Agency to provide Homeowner's Emergency Mortgage Assistance Program counseling. A qualified consumer credit counseling agency shall either be certified as a housing counseling agency by the United States Department of Housing and Urban Development or otherwise be determined acceptable by the Agency. A list of counseling agencies approved by the Agency is set forth in Appendix C. This list was last updated and includes all changes through April 1, 2016. Future updates of this list will only appear on the Agency's web site at [www.phfa.org](http://www.phfa.org), and will be updated on a periodic basis as changes occur. The Agency will annually publish a schedule for updates to the list, and mortgagees will be expected to update their lists in accordance with the schedule.

\* \* \* \* \*

*Reasonable attorneys' fees and costs*—Fees for legal services and reasonable and necessary costs related thereto, which are actually incurred by a mortgagee, in commencing or pursuing an action of mortgage foreclosure. The Agency will reimburse lenders for reasonable attorneys' fees and reasonable and necessary costs, which are actually incurred by a mortgagee, in commencing or pursuing an action of mortgage foreclosure and which meet the requirements or limitations on the Agency's web site at [www.phfa.org](http://www.phfa.org). The Agency will reimburse lenders based upon a reasonable hourly rate as may be established by the Agency annually and published by the Agency in the *Pennsylvania Bulletin*.

*Total housing expense*—The sum of the mortgagor's monthly mortgage payments, including escrows, utility costs, hazard insurance expenses, real property taxes and, in the case of cooperatives and condominiums, the maintenance expense shall consist of the monthly amount the unit is assessed for the maintenance of common elements.

#### § 31.202. Eligibility for mortgage loan assistance.

(a) Property must be all of the following:

(1) A one- or two-family owner-occupied residence.

(2) Secured by a mortgage, or other security interest in the case of a cooperative or condominium.

(3) The principal residence of the mortgagor.

(4) Located within this Commonwealth.

(b) A mortgage which is insured under Subchapter II of the National Housing Act (12 U.S.C.A. §§ 1707—1715z-25) and mortgages where the secured property is used primarily for commercial or business purposes are not eligible for assistance.

(c) A mortgage held by a noncorporate seller is not eligible for assistance unless the noncorporate seller elects, in writing, in the mortgage or elsewhere to be covered by sections 103 and 401-C—409-C of the act (35 P.S. §§ 1680.103 and 1680.401c—1680.409c). This election may be indicated by the issuance of an Act 91 notice—see Appendix A.

(d) A mortgagor is not eligible for a mortgage assistance loan if any of the following apply:

(1) The mortgage is more than 24 months delinquent or in default for more than 24 months under the terms of the mortgage.

(2) The aggregate amount of assistance needed to bring the mortgage delinquencies current exceeds \$60,000.

(3) The property is encumbered by more than two mortgages, other than a mortgage filed by the agency to secure repayment of the mortgage assistance loans, or by other liens or encumbrances which would unreasonably impair the security of the Agency's mortgage as determined by the Agency.

(e) The mortgagee shall have indicated to the homeowner, using the notice referred to in Appendix A, its intention to foreclose or initiate other legal action to take possession of the secured real property. This notice need not be sent to homeowners who do not qualify under subsection (a), (b), (c) or (d).

(f) If a homeowner is in bankruptcy and the automatic stay under 11 U.S.C.A. § 362 is still in effect, the lender is legally prevented from foreclosing. A homeowner who has been sent the notice referred to in Appendix A may apply to the Agency for a mortgage assistance loan while protected by the automatic stay. If the Agency approves the application and the homeowner is still protected by the automatic stay, the approval will be contingent upon the trustee and the bankruptcy court approving the incurring of the mortgage assistance loan by the homeowner.

(g) The homeowner shall meet all of the following requirements:

(1) Be a permanent resident of this Commonwealth.

(2) Have had a favorable residential mortgage credit history for the previous 5 years, as determined under § 31.205(c)(5) (relating to financial hardship due to circumstances beyond the homeowner's control).

(3) Be suffering financial hardship due to circumstances beyond his control which renders the homeowner presently unable to correct the delinquencies within a reasonable time and unable to make full mortgage payments. In determining if circumstances are beyond the homeowner's control, the Agency will consider the homeowner's credit history, employment record, assets, current and past household income, net worth and other relevant factors.

(4) Have a reasonable prospect of resuming full mortgage payments within 24 months after the beginning

of the period for which assistance payments are provided by the Agency and be capable of making any payments then remaining due on the mortgage in full by the maturity date or a later date to be agreed upon by the mortgagee.

(5) All owners of the residence shall execute—either personally or through a valid power of attorney—the mortgage and other related loan documents required by the Agency, except as follows:

(i) When the residence is owned by spouses who are separated and the applicant is occupying the mortgaged premises.

(ii) When the residence is jointly owned by former spouses, who are divorced, and the applicant, who is occupying the mortgaged premises, is unable to locate a former spouse or the applicant is unable to obtain a former spouse's consent to join in the application or sign the Agency's loan documents.

(6) When an individual has acquired the residence through inheritance, is able to demonstrate ownership of the residence, has assumed the mortgage and is occupying the mortgaged premises, the individual may be eligible for mortgage assistance provided that all other eligibility criteria are fulfilled. When more than one individual acquires a residence through inheritance, all owners of the residence shall execute—either personally or through a valid power of attorney—the mortgage and other related loan documents required by the Agency.

**§ 31.203. Notice; application procedures.**

(a) Before a mortgagee accelerates the maturity of a mortgage obligation, commences legal action including mortgage foreclosure to recover under the obligation or takes possession of a security of the mortgage debtor for the mortgage obligation, the mortgagee is required to give notice in accordance with the guidance and form set forth in Appendix A and subject to the following requirements:

(1) The notice is comprised of a one-page English language version with a Spanish language version on the reverse side. Following is an Account Summary which shall be completed by the mortgagee and which must contain all relevant account and default information. The form of notice is set forth in Appendix A. The form in Appendix A includes embedded instructions on format and fonts, which mortgagees should not include in final prepared notices to homeowners. The form in Appendix A may be available in downloadable form on the Agency's web site at [www.phfa.org](http://www.phfa.org).

(2) Except for the entry of the date at the top of each page and the entry of the relevant homeowner account information on the Account Summary, the notice shall be sent without modification or alteration of its form or substance. The notice may not appear on company letterhead. Other changes including formatting changes to font or type size or the alteration of language contained in the body of the notice are not permitted.

(3) The portion of the notice entitled Account Summary may be amended to include the relevant homeowner's complete account information only. The mortgagee may increase or decrease the height of cells within the table to accommodate the homeowner account information specifically indicated. In no circumstance may a mortgagee add or remove any additional fields or cells. Fields that do not apply to a homeowner's account shall be filled "Not Applicable" or "N/A."

(4) Each notice must include the English and Spanish language versions set forth in Appendix A, with the

Spanish language version appearing on the reverse side of the English language version. In addition to the required mailing of the English and Spanish versions set forth in Appendix A, mortgagees are encouraged to send other translated versions of the first page of the notice when reasonably necessary. Several alternative language versions of the notice are available on the Agency's web site at [www.phfa.org](http://www.phfa.org). Mortgagees are also encouraged to ensure information is available to homeowners who have limited English proficiency. Mortgagees are reminded that they are required to provide accommodations for persons with disabilities as may be required by law.

(5) Each notice must include the list of consumer credit counseling agencies as updated periodically on the Agency's web site at [www.phfa.org](http://www.phfa.org). While this list of counseling agencies will be continuously available on the Agency's web site a schedule of maintenance updates to the list will be provided by the Agency on an annual basis in the *Pennsylvania Bulletin*. It is the Agency's intention that the annual notice be provided to the industry to reflect new addresses, updates in contact information and other timely adjustments to the list. Mortgagees are expected to check the Agency's web site on the scheduled dates to ensure they are providing the most current counseling agency contact information in the notice. Counseling agencies must provide the Agency with any updates to mailing addresses, phone numbers and any other pertinent updates as these changes occur.

(6) The notice shall be sent:

(i) By first class mail to the last known address of all homeowners and, if different, the residence which is the subject of the mortgage.

(ii) By registered or certified mail.

(iii) Without any other information or materials.

(iv) If using a window mailing envelope, with either of the following:

(A) An addressed single sheet of plain, white paper.

(B) A mailing insert containing either the last known address of the homeowner or the residence which is the subject of the mortgage.

(7) The notice should be sent at the point the homeowner is at least 60 days contractually delinquent in his mortgage payments or is in violation of other provisions of the mortgage. When the original mortgagor is deceased, mortgagees are encouraged to send the notice to the mortgaged premises at the point that mortgage payments are at least 60 days contractually delinquent.

(8) A mortgagee is not required to send the notice required by this subchapter (unless the homeowner has cured his mortgage delinquency, by means of a mortgage assistance loan or otherwise) as follows:

(i) To homeowners who do not qualify for mortgage assistance under § 31.202(a), (b) or (c) (relating to eligibility for mortgage loan assistance).

(ii) To homeowners who are more than 24 months delinquent or in default for more than 24 months under the terms of the mortgage.

(iii) If the aggregate amount of arrearages due to a mortgagee pursuant to the terms of the mortgage, without regard to any acceleration under the mortgage including the amount of principal, interest, taxes, assessments, ground rents, hazard insurance, any mortgage insurance or credit insurance premiums, exceeds the sum of \$60,000.



(iv) To a homeowner who has already been sent the notice and who did not apply for a mortgage assistance loan, or who applied for a mortgage assistance loan but whose application was denied, or whose mortgage assistance disbursements were terminated by the Agency for any reason.

(9) Unless the homeowner has cured his mortgage delinquency, by means of a mortgage assistance loan or otherwise, receipt of partial payments of arrears from the homeowner, subsequent to the sending of the notice, does not mean that the mortgagee shall send a new notice to the homeowner prior to legal action being taken to enforce the mortgage.

(10) A notice sent to the homeowner, while the homeowner was in bankruptcy, shall be valid and no new notice need be provided as a result of any discharge or dismissal of the bankruptcy petition or relief from the automatic stay.

(11) A notice sent under this subchapter, in the form prescribed in Appendix A, shall be instead of any other notice required by State law. If notice is not required to be sent under this subchapter, the mortgagee may still be required to send the 30-day notice required by the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. §§ 101—605), known as the Usury Law.

(b) When the homeowner has been sent a notice as required under this subchapter—see Appendix A—by the lender holding the mortgage, the following apply:

(1) The homeowner shall arrange for and attend a face-to-face meeting with a consumer credit counseling agency listed in the notice. The meeting shall be held within 30 days of the date printed on the notice, plus an additional 3 days to allow for mailing period. The Agency presumes that the date printed on the notice is the same as the postmark date of the notice. When the date printed on the notice and the postmark date are not the same as determined by the Agency, the later date will be used to measure the timeliness of the face-to-face meeting.

(2) If the homeowner meets with a consumer credit counseling agency within the period specified in paragraph (1), notice of the holding of and date of the meeting shall be given within 5 business days of the meeting by the consumer credit counseling agency to known mortgagees holding a mortgage on the principal residence of the homeowner. For the purpose of this subchapter, it is the obligation of the mortgagor to notify the consumer credit counseling agency of the name and address of all mortgagees. A mortgagee may not pursue legal action against the homeowner's property if the homeowner meets with the consumer credit counseling agency within 33 days of the postmark date of the notice and for an additional period of 30 days subsequent to the meeting between the homeowner and the consumer credit counseling agency, while the application is being prepared to be sent to the Agency. A mortgagee may not proceed with legal action against the homeowner once an application has been approved by the Agency and shall cooperate with the Agency in obtaining reinstatement figures and executing a reinstatement agreement.

(3) The consumer credit counseling agency notice—see Appendix B—to the mortgagee will indicate that the homeowner intends to apply for homeowner's emergency mortgage assistance payments.

(4) If after a face-to-face meeting, the homeowner/mortgagor and mortgagee reach an agreement to resolve the delinquency or default as stated in paragraph (1) and if, because of circumstances beyond the homeowner's

control, the homeowner is unable to fulfill the obligations of that agreement, the homeowner may apply to the Agency or its authorized agent for homeowner's emergency mortgage assistance payments within 30 days of a default in payment under the agreement previously reached. The mortgagee is not required to send an additional notice under this provision. The Agency encourages the mortgagee to advise the homeowner of this provision at the time any loss mitigation or forbearance agreement is arranged. If a consumer credit counseling agency is involved, the counseling agency shall notify both the homeowner and the mortgagee of this provision at the time the forbearance agreement is arranged.

(5) An application for assistance may only be obtained from a consumer credit counseling agency. The consumer credit counseling agency will assist the homeowner in preparing and submitting an application. This application shall be postmarked or filed at the offices of the Agency or at a location designated by the Agency within 30 days of the initial meeting between the homeowner and the consumer credit counseling agency.

(6) If the consumer credit counseling agency assists the homeowner in the preparation or submittal of an application for assistance, it will, within 5 business days, inform the known mortgagees of the date of the application submittal.

(7) If the homeowner does apply to the Agency, the Agency will notify known mortgagees holding a mortgage on the principal residence of the homeowner of the receipt of the application.

(8) The Agency will determine eligibility for assistance within 60 days of receipt of the application, during which time no mortgagee may pursue legal action to foreclose upon the mortgage on the homeowner's principal residence.

(9) Within 5 business days of making the determination of the eligibility for assistance, the Agency will notify known mortgagees as to whether the application has been approved, disapproved or if funds are not available. If the mortgagee does not receive this notice of disposition or determination within 60 days—plus 5 business days for notification—of receipt of the application by the Agency, or if the notice indicates the application has been disapproved, the applicant was determined to be ineligible for assistance or that funds are not available, the mortgagees may then take legal action to enforce the mortgage.

(10) If after receiving an Appendix A notice the homeowner cures the delinquency or default with or without mortgage assistance from the Agency and the homeowner subsequently becomes more than 60 days delinquent, the mortgagee shall again provide the Appendix A notice before taking legal action.

(11) If the homeowner fails to meet with an approved consumer credit counseling agency within the period specified or fails to meet other time limitations in this subchapter, the mortgagee may take legal action to enforce the mortgage. A homeowner may file a late application and in that case the Agency will make a determination within 60 calendar days of receipt of the application. A late application will not prevent the lender from starting and pursuing a foreclosure action, but if the application is eventually approved at any time before a sheriff's sale, the foreclosure must be stopped.

(12) If the Agency determines that the applicant does not qualify for assistance, the following apply:

(i) The applicant may not reapply for assistance for 24 months from the date of eligibility determination under a

mortgage obligation unless there is a material change in the applicant's financial circumstances.

(ii) An applicant who is denied a mortgage assistance loan may request an administrative hearing under § 31.209 (relating to appeals). This request does not prohibit a mortgagee from pursuing legal action to enforce the mortgage.

(c) Payments under this subchapter shall be provided for a period not to exceed 24 months, either consecutively or nonconsecutively, whether the payments are on account of arrears, continuing monthly assistance or any combination thereof, and may not exceed the sum of \$60,000 on behalf of any mortgagor.

§ 31.204. Agency review.

\* \* \* \* \*

(b) Agency responsibilities include the following:

\* \* \* \* \*

(3) The Agency will determine whether the homeowner has a reasonable prospect of being able to resume full mortgage payments within 24 months after the beginning of the period for which assistance payments are provided by the Agency and of being able to pay the mortgage in full by the maturity date or by a later date agreed to by the mortgagee for completing mortgage payments. If the term of the mortgage matures prior to or during the period of assistance, the mortgagor may still be eligible for assistance under this subchapter, except as provided in § 31.206(d) (relating to reasonable prospect of resuming mortgage payments and paying mortgage by maturity).

\* \* \* \* \*

§ 31.205. Financial hardship due to circumstances beyond the homeowner's control.

\* \* \* \* \*

(c) *Disallowance.* The following circumstances will not be considered by the Agency to be beyond the mortgagor's control:

(1) The mortgage of the property for commercial or business purposes.

(2) Termination of employment by the homeowner without a necessitous cause or termination of the homeowner's employment by an employer for willful misconduct.

(3) When the homeowner had sufficient income to pay his mortgage, but failed to do so. In this regard, if the homeowner's total housing expense is less than or equal to 40% of net effective income, and no reasonable cause for financial hardship is demonstrated by the homeowner, nonpayment of the mortgage debt will not be considered to be a circumstance beyond the homeowner's control.

(4) When the homeowner's financial hardship was a result of money mismanagement or an over-extension of credit to the homeowner. In this regard, the Agency will consider the following in determining whether the homeowner used prudent financial management:

(i) The homeowner's continued payment of normal and necessary living expenses after the financial hardship occurred will not be considered evidence of poor financial management. The homeowner's continuing to make reasonable payments on debts reasonably incurred prior to the financial hardship also will not be considered evidence of poor financial management.

(ii) Debts incurred, expenditures made by the homeowner for non-necessities or failure to evidence reasonable efforts to modify or reduce unnecessary expenses during the financial hardship, which exceeded the homeowner's ability to pay, will be considered evidence of poor financial management.

(5) When the homeowner has had an unfavorable mortgage credit history prior to the present delinquency. The Agency will determine that a homeowner has had an unfavorable residential mortgage credit history if, prior to the present mortgage delinquency, the homeowner was in arrears on a residential mortgage for more than 3 consecutive months within the previous 5 years, except for delinquencies which were the result of financial hardship due to circumstances beyond the homeowner's control.

(d) *Eligibility.* The fact that a circumstance which was beyond the homeowner's control occurred before the homeowner actually ceased making mortgage payments does not preclude eligibility. A homeowner may, for example, suffer a loss in income but continue to pay the mortgage from savings, inheritance or borrowing and then later fall behind when the savings or other sources of funds run out.

(e) *Cause of financial hardship.* In determining the cause of the financial hardship, the Agency will determine whether the cause is one event—such as the loss of a job, separation or divorce, sickness or injury—or whether a series of factors beyond the homeowner's control, in combination, caused the financial hardship.

(f) *Information required.* The homeowner shall provide sufficient information, including tax returns, Internal Revenue Service Form W-2, tax transcripts and other documentation deemed acceptable by the Agency to allow the Agency to assess household income and the reasons for the mortgage delinquency. The Agency will base its decision on the information received from the homeowner or other sources. The lack of sufficient information from the homeowner which is reasonably available to the homeowner, or the receipt of knowingly false or misleading information from the homeowner may result in a denial of the application on the merits.

§ 31.206. Reasonable prospect of resuming mortgage payments and paying mortgage by maturity.

(a) In general, the Agency will consider all relevant factors when evaluating whether the homeowner has a reasonable prospect of being able to resume full mortgage payments within 24 months after the beginning of the period for which assistance payments are provided the Agency and of being able to pay the mortgage in full by maturity or by a later date agreed to by the mortgagee, including the following:

(1) The homeowner's prior work history, experience, training, opportunities for retraining and similar factors which may affect the homeowner's future employment opportunities.

(2) Potential for future changes in the homeowner's financial prospects through re-employment, schooling, training or debt reduction, or other income changes sufficient to enable the homeowner to resume full mortgage payments.

(3) Noncash benefits that may reduce household expenses, such as food stamps, free medical services for military or low-income families, a company-provided automobile, or receipt of food or clothing from family members living outside the household.

(4) Changes in income or recurring expenses, or both, that may be affected by changes in the age, composition or employment of members of the household.

(5) Potential for repayment of short-term or installment debt.

(6) Delinquencies in other debts which seriously jeopardize continued ownership of the home, which cannot be cured by a mortgage assistance loan.

(7) A homeowner's demonstrated ability to make regular monthly mortgage payments, even though those payments represented most of the homeowner's income. In determining whether the homeowner's future job and income prospects will be sufficient to enable the homeowner to pay the mortgage debt—including principal, interest, taxes and insurance—the Agency will take into consideration the amount of household income available to the homeowner for a reasonable period of time not to exceed 24 months prior to the circumstances which caused the mortgage delinquency and whether the income was sufficient as evidenced by documentation, including tax returns, Internal Revenue Service Form W-2 and tax transcripts. If a homeowner is not required to file taxes, certification of this fact is mandatory at the time of application. In cases when nontaxable income is earned or financial government benefits are received, documentation evidencing receipt of the income or benefits shall be provided.

\* \* \* \* \*

**§ 31.207. Repayment.**

(a) The Agency will establish loan repayment schedules and prepare appropriate forms, instructions and documents concerning repayments or the security for its assistance.

(b) The Agency will enter into an agreement with the homeowner for repayment of mortgage assistance plus interest.

(1) Interest shall accrue at the rate of 9% per year except for loans closed starting January 1, 2009, and thereafter, in which case the rate of interest will be determined by the Agency under section 406-C(5) of the act (35 P.S. § 1680.406c(5)) and as set forth on the Agency's web site at [www.phfa.org](http://www.phfa.org).

(2) Except as provided in subsection (c), interest shall start to accrue when the homeowner begins to make repayment, and will accrue only during the period in which the homeowner is required to make repayment. Interest will not accrue in an amount greater than the amount of repayment required.

(3) When the mortgage for which mortgage assistance was made under this program is paid, and the homeowner's emergency mortgage assistance payments are still due to the Agency, interest will begin to accrue on the outstanding balance, including accrued interest, of the payments made on the homeowner's behalf at the same interest rate and on the same basis as specified in the mortgage for which assistance payments were made.

(4) If the residence is no longer owner occupied, the entire balance of the homeowner's emergency mortgage assistance loan will immediately be due and payable. The Agency will permit an assumption of the mortgage debt in appropriate cases, such as when the original mortgagor dies and a family member becomes the owner-occupant of the property and wishes to become legally responsible for the debt.

(c) Beginning February 1, 1999, and continuing thereafter, a mortgagor who has received mortgage assistance shall pay to the Agency a minimum monthly repayment of at least \$25 for each mortgage that was assisted. The minimum monthly repayment shall be applied to the principal of the debt and will not result in the accrual of interest on the mortgage assistance loan.

(d) The Agency will require full or partial repayment of the mortgage assistance loan once the mortgagor has established credit to the extent that there is sufficient equity in the property for the mortgagor to be able to refinance their mortgage obligations at reasonable rates and terms as determined by the Agency.

**§ 31.209. Appeals.**

\* \* \* \* \*

(e) The hearing examiner will notify the appellant as to the date and time of the hearing, as determined by the Agency. The Agency will attempt to schedule hearings within 30 days after the request is received. The hearing may be conducted by a telephone conference call. The hearing examiner shall also provide notice to the mortgagees that an administrative appeal has been filed.

\* \* \* \* \*

**§ 31.211. Act 91 Notices; information to be supplied to the Agency.**

(a) *Notification.* The mortgagee or other person sending the Act 91 Notice shall either send a copy of the notice or information concerning notices sent to the Agency in either of the following manners:

(1) *Electronic reporting.* Instead of sending an actual copy of each notice as set forth in paragraph (2), the Agency recommends that the mortgagee or other person sending the Act 91 Notice provide the Agency with a report of notices sent as an e-mail attachment to [Act91@phfa.org](mailto:Act91@phfa.org) including the following information and in the following format:

- (i) The date of the Act 91 Notice.
- (ii) The name of lender/servicer on whose behalf it was sent.
- (iii) The street address of the property being foreclosed upon, divided by Address Line 1 and Address Line 2. When there is not an Address Line 2, the field may be left blank.
- (iv) The city, state and zip code, including the four-digit zip code extension (if available), of the address being foreclosed upon. If the four-digit zip code extension is not available, this field may be left blank.

Date of Act 91 Notice	Address 1	Address 2	City	State	5-digit zip	4-digit extension	Current Lender
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(2) *Copy of the notice.* The mortgagee may send an actual copy of each notice sent to the Agency by one of the following methods:

(i) Regular mail addressed as follows:

PHFA-HEMAP  
P.O. Box 15530  
Harrisburg, PA 17105-5530

(ii) Overnight mail addressed as follows and hand deliveries to:

PHFA-HEMAP  
211 North Front Street  
Harrisburg, PA 17101

(iii) Facsimile sent to either of the following fax numbers:

Toll free: (877) 207-0205  
Local: (717) 780-4340

(iv) E-mail a scanned copy to Act91@phfa.org.

(b) *Multiple notices.* If more than one notice is sent (such as, when the mortgagors live somewhere other than the mortgaged property or when there are multiple mortgagors and individual notices are sent to each) only one entry should be made in the report since only one property is being foreclosed upon.

(c) *Frequency of reports.* The mortgagee may send a report as set forth in subsection (a)(2) on a monthly basis, for notices sent during the previous month, or they may send a report on a quarterly basis listing the notices sent during the prior calendar quarter. Quarterly reports shall be sent within 30 days after the end of each calendar quarter.

(d) *Effective date.* Copies of notices or reports, or both, as set forth in this section shall be sent for notices sent on or after October 1, 2008.

## APPENDIX A

All paragraphs contained within the body of the notice shall appear in 12 point font.

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

### Act 91 Notice\* (24 point font, bold)

#### La Notificación de Acto 91\* (14 point font, bold)

#### Save Your Home From Foreclosure (20 point font, bold)

This is an official Act 91 Notice. You are receiving this notice because Pennsylvania law requires mortgage lenders to send it to homeowners facing foreclosure. This notice contains important legal information about your rights and how you can save your home. **YOU MAY BE ELIGIBLE FOR STATE FUNDED ASSISTANCE** from the Homeowner's Emergency Mortgage Assistance Program (HEMAP), a program of the Pennsylvania Housing Finance Agency (PHFA).

#### CALL A COUNSELING AGENCY FOR A MEETING. APPLYING FOR HEMAP MAY TEMPORARILY STOP A FORECLOSURE ACTION.

To apply, you **must** have a face-to-face meeting with a HEMAP-approved Consumer Credit Counseling Agency **within 33 days** of the date of this notice. This meeting is free and is the only way to apply for HEMAP. A list of approved Counseling Agencies is attached. A list is also available at <http://www.phfa.org/counseling/hemap.aspx>. If after speaking with a Counseling Agency you have further questions about HEMAP, please call 1 (800) 342-2397. Individuals with hearing impairment may call 711 (RELAY).

To make sure you meet the deadline, please call a Counseling Agency **immediately** to schedule a face-to-face meeting. Take this entire Act 91 Notice, including the attached Account Summary, with you to your face-to-face meeting. A counselor can:

- Help you apply for HEMAP and explain how the program works.
- Talk with your lender about a loan modification or other repayment plan.
- Explain possible options to avoid foreclosure such as loss mitigation, refinancing your loan, selling or transferring your property to a third party or having a third party cure the delinquency on your behalf through a short sale or assumption of mortgage.
- Provide referrals for other assistance, programs or services.
- Explain other rights you may have, including your right to assert the non-existence of the debt and any other defenses you may have.

Even if you miss the deadline, you may still apply for HEMAP, but a late HEMAP application will not stop your lender from foreclosing. However, if your application is approved, a HEMAP assistance loan will bring your mortgage current and stop the foreclosure. HEMAP may also temporarily help you make future mortgage payments.

Alternatively, you may save your home from foreclosure by curing your default. That means paying your lender all amounts currently due, including reasonable late charges, attorney fees and other costs and by otherwise fulfilling your mortgage obligations. You may cure the default at any time up to one hour before a Sheriff's Sale, up to three times in any calendar year.

If you have filed a petition in **bankruptcy**, this notice is provided for informational purposes only and is not an attempt to collect a debt. If you are protected by a bankruptcy filing you may still apply for HEMAP assistance.

\*CONSULTE AL DORSO LA TRADUCCIÓN DE ESTA NOTIFICACIÓN IMPORTANTE, O LLAME AL 1.800.342.2397.

Fecha: \_\_\_\_\_

## Notificación sobre la Ley 91\*

Act 91 Notice\*

### Salve a su Hogar de la Ejecución Hipotecaria

La presente es una notificación oficial sobre la Ley 91. Usted está recibiendo esta notificación porque la ley de Pennsylvania requiere que los prestamistas hipotecarios la envíen a los propietarios de viviendas que se encuentren enfrentando una ejecución hipotecaria. Este aviso contiene información legal importante acerca de sus derechos y de lo que puede hacer para salvar su hogar. **ES POSIBLE QUE SEA ELEGIBLE PARA OBTENER AYUDA CON FONDOS ESTATALES** del Programa de Asistencia de Emergencia Hipotecaria para Dueños de Hogares (HEMAP, por sus siglas en inglés), un programa de la Agencia de Financiamiento de Hogares de Pennsylvania (PHFA, por sus siglas en inglés).

**LLAME A UNA AGENCIA DE ASESORAMIENTO PARA CONCERTAR UNA REUNIÓN.  
LA SOLICITUD PARA EL HEMAP PUEDE DETENER DE FORMA TEMPORARIA LA EJECUCIÓN DE UNA HIPOTECA.**

Para presentar su solicitud, debe celebrar una reunión presencial con una Agencia de Asesoría Crediticia para el Consumidor aprobada por el HEMAP, antes de que transcurran 33 días, a partir de la fecha de esta notificación. Esta reunión es gratuita y es la única manera de solicitar el HEMAP. Se adjunta una lista de Agencias de Asesoría aprobadas. También puede encontrar una lista en <http://www.phfa.org/counseling/hemap.aspx>. Si luego de hablar con una Agencia de Asesoría tiene alguna pregunta sobre el HEMAP, por favor llame al 1 (800) 342-2397. Las personas con discapacidades auditivas pueden llamar al 711 (RELÉ).

Con el fin de asegurar que cumpla con el plazo, por favor llame a una Agencia de Asesoría y programe una reunión presencial **de inmediato**. Lleve esta Notificación sobre la Ley 91, junto con el Resumen de Cuenta adjunto, a su reunión presencial. Un asesor puede:

- Ayudarlo a presentar su solicitud al HEMAP y explicarle cómo funciona el programa.
- Hablar con su prestamista acerca de una modificación del préstamo u otro plan de pago.
- Explicarle las opciones posibles para evitar la ejecución de la hipoteca, como la mitigación de pérdidas, la refinanciación del préstamo, la venta o transferencia de su propiedad a un tercero, o que un tercero pague el atraso en su nombre, a través de una venta al descubierto o asumiendo la hipoteca.
- Derivarlo a otro tipo de asistencia, programa o servicio.
- Explicarle otros derechos que pueda tener, incluido su derecho de reivindicar la no existencia de la deuda y cualquier otra defensa que tenga.

Incluso si no cumple con el plazo, es posible presentar su solicitud para el HEMAP, pero la solicitud tardía al HEMAP no impedirá que su prestamista ejecute la hipoteca. Sin embargo, si se aprueba su solicitud, el préstamo de ayuda del HEMAP pondrá su hipoteca al día y detendrá la ejecución. El HEMAP también puede ayudarlo, de manera temporal, a realizar los pagos de hipoteca futuros.

También puede optar por la alternativa de subsanar el incumplimiento para salvar a su hogar de la ejecución hipotecaria. Eso significa pagarle a su prestamista todos los montos adeudados a la actualidad, incluidos los cargos moratorios, los honorarios de abogados y otros costos razonables, y cumplir con sus obligaciones hipotecarias. Puede subsanar el incumplimiento en cualquier momento, hasta una hora antes de la subasta judicial, un máximo de tres veces por cada año calendario.

Si usted ha presentado una solicitud de quiebra, esta notificación se proporciona solo con fines informativos y no es un intento de cobrar una deuda. Usted puede solicitar la ayuda del HEMAP, incluso si está protegido por una declaración de quiebra.

\*SEE REVERSE SIDE FOR TRANSLATION OF THIS IMPORTANT NOTICE OR CALL 1.800.342.2397. (10 POINT FONT)

ACT 91 NOTICE

PAGE 2

**ACT 91 NOTICE** (12 point font, bold)**Account Summary** (12 point font, bold)**Your Loan Details:** (16 Point Font, Bold)<sup>1</sup>

Name(s) on Account: (12 Point Font) <sup>2</sup>	[Name(s)] The name(s) of the homeowner(s) and any other name appearing on the account; if the notice is being provided to additional parties not appearing on the account, the names of the additional parties shall be included under the names of the homeowner and other names appearing on the account. (12 Point Font) <sup>3</sup>
Address of Mortgaged Property:	[Address] The address of the mortgaged property. [Address]
Account Number:	[Account Number] The account number used by the mortgagee to reference the homeowner's account.

**How to Contact Your Lender:**

Current Lender or Servicer:	[Lender or Servicer Name] The name of the current Lender/Servicer for the account.
Lender or Servicer Address:	[Address] The address of the current Lender/Servicer [Address] for the account.
Lender or Servicer Phone Number:	[Phone Number] The general phone number for the Lender/Servicer (i.e., a 1(800) number).
Contact Person:	[Name] The name of a contact person at Lender/Servicer for the account.
Phone Number:	[Phone Number] The direct phone number for the contact person for the account.
Fax Number:	[Fax Number] The fax number for the contact person for the account.
Email:	[Email Address] The email address for the contact person for the account.

**Default Information:**

Monthly Payments Missed:	[Months missed e.g., Jan. 2014-August 2014]
Total Amount Past Due:	<b>\$(amount(s))<sup>4</sup></b> ; itemize and describe; <b><i>*Please be aware that fees and costs may continue to accrue through the duration of the delinquency.</i></b> An itemization of all amounts necessary to cure the delinquency, including fees and costs. Language regarding the continued accrual of fees should appear at the end of the itemization.

<sup>1</sup> All Table headings shall appear in 16 point font, bold.

<sup>2</sup> All Field headings shall appear in 12 point font.

<sup>3</sup> All account information shall appear in 12 point font unless otherwise indicated.

<sup>4</sup> All amounts listed in this field shall appear in 12 point font, bold. The itemization and description of the amounts shall not appear in bold.

**How to Cure the Default:**

<p>Within 30 Days of the Date on This Notice:</p>	<p>Pay <b>\$[amount]</b><sup>5</sup>, plus any payment and other charges that have become due to your lender or servicer by cash, cashier's check, certified check or other means acceptable to both parties.</p>
<p>Send Payment and Make Payable to:</p>	<p>[Lender or Servicer Name]Lender/Servicer name and [Address]address where the Lender/Servicer receives [Address]payment.</p>
<p>To Cure "Other Default":</p>	<p>[describe]Action homeowner must take to remedy a default other than a financial default.</p>
<p>Is the Mortgage Assumable?</p>	<p>Language indicating whether the mortgage is assumable. If the mortgage is assumable, the text in this box should read, "Yes, you may sell or transfer your home to a buyer or transferee who will assume the mortgage debt, if all the outstanding payments, charges and attorneys fees and costs are paid prior to or at the sale and if the other requirements of the mortgage are satisfied." If the mortgage is not assumable, the text in this box should read "No" only. If the mortgage is not assumable under the terms of the contract, but the Lender is willing to discuss the possibility of allowing an assumption of the mortgage, the text in this box should read "No, but please contact your Lender to discuss your options."</p>

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<sup>5</sup> All amounts listed in this field shall appear in 12 point font, bold.  
 ACT 91 NOTICE PAGE 4

# NOTICES

## DELAWARE RIVER BASIN COMMISSION

### Public Hearing and Business Meeting

The Delaware River Basin Commission (Commission) will hold a public hearing on Wednesday, May 11, 2016. A business meeting will be held on Wednesday, June 15, 2016. The hearing and business meeting are open to the public and will be held at the Washington Crossing Historic Park Visitor Center, 1112 River Road, Washington Crossing, PA.

*Public hearing.* The public hearing on May 11, 2016, will begin at 1:30 p.m. Hearing items will include: draft dockets for the withdrawals, discharges and other water-related projects subject to the Commission's review; and resolutions: (1) adopting procedural guidelines for certain determinations made under the Commission's Water Quality Regulations; (2) approving the Commission's annual current expense and capital budgets for the fiscal year ending June 30, 2017; and (3) apportioning among the signatory parties the amounts required for support of the current expense and capital budgets for the fiscal year ending June 30, 2017.

Written comments on matters scheduled for hearing on May 11, 2016, will be accepted through 5 p.m. on May 12, 2016. After the hearing on all scheduled matters has been completed, and as time allows, an opportunity for open public comment will also be provided.

The public is advised to check the Commission's web site periodically prior to the hearing date, as items scheduled for hearing may be postponed if additional time is deemed necessary to complete the Commission's review, and items may be added up to 10 days prior to the hearing date. In reviewing docket descriptions, the public is also asked to be aware that project details commonly change in the course of the Commission's review, which is ongoing.

1. *Deposit Village, D-1974-057 CP-4.* An application to renew the approval of the docket holder's existing 0.7 million gallons per day (mgd) wastewater treatment plant (WWTP) and its discharge. The WWTP will continue to discharge to the West Branch Delaware River at River Mile 330.71—14.5 (Delaware River—West Branch Delaware River) and is located within the drainage area of the section of the main stem Delaware River known as the Upper Delaware, which the Commission has classified as Special Protection Waters, in the Village of Deposit, Broome County, NY.

2. *Pen Argyl Municipal Authority, D-1975-028 CP-4.* An application to renew the approval of the existing 0.95 mgd Pen Argyl Municipal Authority WWTP and its discharge. The WWTP will continue to discharge treated effluent to an unnamed tributary (UNT) of Waltz Creek at River Mile 190.65—4.7—4.1—0.6 (Delaware River—Martins Creek—Waltz Creek—UNT of Waltz Creek) in the Borough of Pen Argyl, Northampton County, PA, within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters.

3. *Exide Technologies, D-1976-097-4.* An application to renew the approval of Exide's existing 0.7 mgd industrial wastewater treatment plant (IWTP) and existing 0.4 mgd

stormwater treatment plant (SWTP) and their discharges. Treated effluent from the IWTP and SWTP will continue to combine prior to discharge by an existing stormwater conveyance system to the Schuylkill River at River Mile 92.47—78.29 (Delaware River—Schuylkill River), in Muhlenberg Township, Berks County, PA. The application also includes a request to continue a total dissolved solids (TDS) determination of 6,000 milligrams per liter (mg/l) (monthly average) and 7,500 mg/l (daily maximum) for the existing IWTP.

4. *NRG REMA, LLC—Titus Generating Station (TGS), D-1987-026 CP-4.* An application to renew the approval of the applicant's existing industrial process water discharge associated with the TGS, and to update the docket approval to reflect modifications to the facility operations associated with the closing of the TGS coal-fired generating units. The TGS will continue to discharge coal-ash leachate discharge from the Beagle Club Ash Disposal site by Outfall No. 004 to the Schuylkill River at River Mile 92.47—71.3 (Delaware River—Schuylkill River) in Cumru Township, Berks County, PA. The applicant has requested that the intermittent discharge from Outfall No. 004 continue to have an effluent limit of 3,500 mg/l of TDS (monthly average).

5. *Pennsylvania Utility Company, D-1989-033 CP-4.* An application to renew the approval of an existing groundwater withdrawal (GWD) of up to 21.01 million gallons per month (mgm) to supply the applicant's public water supply distribution system from existing Wells Nos. 1—3. The project wells are completed in the Towamensing Member of the Catskill Formation. The requested allocation is not an increase from the previous allocation. The project is located in the Little Bushkill Watershed in Lehman Township, Pike County, PA within the drainage area of the section of the main stem Delaware River known as the Middle Delaware, which the Commission has classified as Special Protection Waters.

6. *Richland Borough, D-1992-001 CP-3.* An application to renew the approval of an existing GWD of up to 5.4 mgm to supply the applicant's public water supply distribution system from existing Wells Nos. 2, 3, 6 and an existing spring source. Wells Nos. 2 and 3 are completed in Crystalline Rock and Well No. 6 is completed in the Hardyston Formation. The requested allocation is not an increase from the previous allocation. The project is located in the Mill Creek Watershed in Millcreek Township, Lebanon County, PA.

7. *Delaware County Regional Water Quality Control Authority (DELCORA), D-1992-018 CP-3.* An application to renew the approval of the existing DELCORA Western Regional WWTP and to renew the approval of a project to modify and rerate the WWTP. The project consists of constructing an outfall extension to the existing WWTP, upgrading the WWTP sludge handling facilities, and rerating the WWTP from 44 mgd to 50 mgd. The WWTP will continue to discharge to Water Quality Zone 4 of the tidal Delaware at River Mile 80.7 in the City of Chester, Delaware County, PA.

8. *Bart Golf Club, Inc., D-1992-024-3.* An application to renew the approval of an existing surface water withdrawal of up to 11.37 mgm to irrigate the applicant's Hickory Valley Golf Course from an existing surface water intake on Swamp Creek. The requested allocation is not an increase from the previous allocation. The



project intake is located in the Swamp Creek Watershed in New Hanover Township, Montgomery County, PA.

9. *Village of Monticello, D-2001-005 CP-2*. An application to approve an existing surface water and GWD project to supply up to 27.9 mgm of groundwater from Wells Nos. 1—3; up to 47.43 mgm (1.53 mgd) of surface water from Intake No. 2 in Kiamesha Lake except that during the summer season when the allocation may be temporarily increased to 62 mgm (2 mgd); and the diversion of up to 360 million gallons per year of water from a UNT of Kiamesha Creek into Kiamesha Lake for use in the docket holder's public water distribution system. The docket also approves an expansion of the docket holder's service area to include a new water district located in the Town of Thompson, Sullivan County, NY. Although all sources have been previously approved by the State of New York, only the groundwater supply was approved by the Commission. All allocations included in this docket are the same allocations previously approved by the Commission or the State of New York, or both. The wells are completed in unconsolidated Pleistocene stratified drift in the Black Brook Watershed in the Village of Monticello, Sullivan County, NY and the surface water intake is located in the Sheldrake Stream Watershed in the Town of Thompson, Sullivan County, NY within drainage areas of sections of the main stem Delaware River known as the Upper and Middle Delaware, which the Commission has classified as Special Protection Waters.

10. *Buena Borough Municipal Utilities Authority, D-2002-037 CP-2*. An application to approve the renewal of an existing withdrawal and export of up to 17.80 mgm of groundwater from Well No. 3 located in the Delaware River Basin and the import of water from Wells Nos. 1 and 2 located in the Atlantic Basin for use in the docket holder's public water system. The docket holder is not requesting an increase in the groundwater allocation from that contained in its prior Commission approval. The project's sources and service area are situated in the Delaware River and Atlantic basins and no changes to the existing importation/exportation of water will occur as a result of this approval. Well No. 3 is completed in the Piney Point Formation in the Cedar Branch Creek—Maurice River Watershed in Buena Borough, Atlantic County, NJ. The existing groundwater withdrawals are approved by the New Jersey Department of Environmental Protection (NJDEP) and will continue to be regulated in accordance with the March 2015 Administrative Agreement between the Commission and NJDEP.

11. *Green Walk Trout Hatchery, Inc., D-2006-008-2*. An application to renew the approval of an existing GWD of up to 13.392 mgm to supply the applicant's trout hatchery from existing Wells Nos. 2, 5 and 6. The project wells are completed in the Martinsburg Formation. The requested allocation is not an increase from the previous allocation. The wells are located in the Waltz Creek Watershed in Washington Township, Northampton County, PA within the drainage area of the section of the main stem Delaware River known as the Lower Delaware which the Commission has classified as Special Protection Waters.

12. *Silverleaf Resorts, Inc., D-2006-019-4*. An application to renew the approval of the existing 0.049 mgd Silverleaf Resorts WWTP and its related discharge. The WWTP will continue to discharge treated effluent to Brookdale Lake at River Mile 213.0—3.9—0.9—11.4—2.85—0.15 (Delaware River—Brodhead Creek—McMichael Creek—Pocono Creek—Scot Run—Brookdale Lake) in Pocono Township, Monroe County, PA within the

drainage area of the section of the main stem Delaware River known as the Middle Delaware, which the Commission has classified as Special Protection Waters.

13. *Central Wayne Regional Authority, D-1986-009 CP-4*. An application to renew the approval of the applicant's existing 2.2 mgd Honesdale WWTP and its discharge, and to approve an expansion to the WWTP's service area. The service area expansion project includes the construction of a low-pressure grinder pump system to collect and convey sewage from the Village of White Mills, located in Texas Township, to an existing pump station located in the docket holder's existing sewer collection system. No modifications to the WWTP treatment facilities are proposed. The WWTP will continue to discharge treated effluent to the Lackawaxen River at River Mile 277.7—24.6 (Delaware River—Lackawaxen River), and is located within the drainage area to the section of the main stem Delaware River known as the Upper Delaware, which is classified as Special Protection Waters, in the Borough of Honesdale, Wayne County, PA.

14. *Pennsylvania American Water Company, D-1990-028-2*. An application to renew the approval of the applicant's existing 0.2 mgd Marcel Lakes WWTP and its discharge, and to approve a WWTP upgrade consisting of the replacement of the existing influent pumping, headworks and gravity collection system for the WWTP. The WWTP will remain designed for an annual average flow of 0.2 mgd, and will continue to discharge treated effluent to Dingmans Creek at River Mile 239.5—7.2 (Delaware River—Dingmans Creek). The WWTP is located within the drainage area to the section of the main stem Delaware River known as the Middle Delaware, which is classified as Special Protection Waters, in Delaware Township, Pike County, PA.

15. *Exeter Township, D-1992-003 CP-2*. An application to renew the approval of the applicant's existing 7.1 mgd WWTP and to approve a TDS determination of an average monthly effluent limit of 1,500 mg/l. No modifications to the WWTP are proposed. The WWTP will continue to discharge treated wastewater effluent to the Schuylkill River at River Mile 92.47—65.3 (Delaware River—Schuylkill River), in Exeter Township, Berks County, PA.

16. *Lower Township Municipal Utilities Authority (LTMUA), D-1994-021 CP-3*. An application to renew the approval of an existing import of up to 35.7 mgm of groundwater from the Atlantic Basin to the Delaware River Basin from existing LTMUA Well No. 7 to supply the docket holder's public water supply distribution system and an exportation of up to 139.5 mgm of water from the Delaware River Basin to the Atlantic Basin through the LTMUA WWTP (4.0 mgd) and water supply interconnection with the City of Cape May (0.5 mgd). The application also requested to renew the approval to withdraw up to 143 mgm of groundwater from five Delaware River Basin groundwater sources, Wells Nos. 1, 2, 6, 8 and 9. The project's existing groundwater withdrawals are approved by the NJDEP and will continue to be regulated by NJDEP in accordance with the AA between the Commission and the State of New Jersey. The wells are located in the Delaware River Watershed in Lower Township, Cape May County, NJ.

17. *Superior Water Company, D-2001-015 CP-5*. An application to approve new Well No. SWC-13 for inclusion into the applicant's public water supply distribution system and to approve an increase in the total system GWD allocation from 36.82 mgm to 39.33 mgm from 1 new and 11 existing wells. All the wells are completed in

the Brunswick Formation, except for Well No. CP-9 which is completed in the Lockatong Formation. The wells are located in the Commission's designated Ground Water Protected Area in the Swamp Creek, Minister Creek, Scioto Creek and Zacharias Creek watersheds in New Hanover, Douglass, Upper Fredrick and Worcester Townships, Montgomery County, PA.

18. *United States Environmental Protection Agency, D-2015-022 CP-1.* An application to approve the docket holder's new 0.101 mgd groundwater extraction treatment system and its discharge of remediated groundwater into the subsurface through an injection well. The treatment system will treat contaminated groundwater withdrawn from up to 10 extraction wells within the Operable Unit 1 portion of the Pohatcong Valley Groundwater Contamination Superfund Site utilizing airstripping and granular activated carbon, after which the treated groundwater will be reinjected back to the subsurface by a bedrock injection well. The project extraction wells, IWTP and its discharge are located in the Upper Pohatcong Creek Watershed, within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in Washington Borough, Warren County, NJ.

*Public meeting.* The public business meeting on June 15, 2016, will begin at 10:30 a.m. and will include: adoption of the minutes of the Commission's March 16, 2016, business meeting; announcements of upcoming meetings and events; a report on hydrologic conditions; reports by the Executive Director and the Commission's General Counsel; and consideration of any items for which a hearing has been completed or is not required. Items expected to be considered on June 15, 2016, for which no hearing is required include: a resolution for the minutes providing for the election of Commission officers for Fiscal Year 2017 (ending June 30, 2017); and a resolution for the minutes to amend the *Administrative Manual—Bylaws, Management and Personnel* concerning the timing of annual salary adjustments.

After all scheduled business has been completed and as time allows the meeting will also include up to 1 hour of open public comment.

There will be no opportunity for additional public comment for the record at the June 15, 2016, business meeting on items for which a hearing was completed on May 11, 2016, or a previous date. Commission

consideration on March 16, 2016, of items for which the public hearing is closed may result in approval of the item (by docket or resolution) as proposed, approval with changes, denial or deferral. When the Commissioners defer an action, they may announce an additional period for written comment on the item, with or without an additional hearing date, or they may take additional time to consider the input they have already received without requesting further public input. Any deferred items will be considered for action at a public meeting of the Commission on a future date.

*Advance sign-up for oral comment.* Individuals who wish to comment on the record during the public hearing on May 11, 2016, or to address the Commissioners informally during the open public comment portion of the meeting on either May 11, 2016, or June 15, 2016, as time allows, are asked to sign up in advance by contacting Paula Schmitt, paula.schmitt@drbc.nj.gov.

*Addresses for written comment.* Written comment on items scheduled for hearing may be delivered by hand at the public hearing or by hand, United States Mail or private carrier to the Commission Secretary, P.O. Box 7360, 25 State Police Drive, West Trenton, NJ 08628, fax (609) 883-9522 or e-mail (preferred) paula.schmitt@drbc.nj.gov. If submitted by e-mail, written comments on a docket should also be sent to David Kovach, Manager, Project Review Section, david.kovach@drbc.nj.gov.

*Accommodations for special needs.* Individuals in need of an accommodation as provided for in the Americans with Disabilities Act who wish to attend the informational meeting, conference session or hearings should contact the Commission Secretary directly at (609) 883-9500, Ext. 203 or through the Telecommunications Relay Services at 711 to discuss how the Commission can accommodate their needs.

*Additional information and contacts.* Additional public records relating to hearing items may be examined at the Commission's offices by appointment by contacting Carol Adamovic at (609) 883-9500, Ext. 249. For other questions concerning hearing items, contact the Project Review Section assistant at (609) 883-9500, Ext. 216.

PAMELA M. BUSH,  
Secretary

[Pa.B. Doc. No. 16-740. Filed for public inspection April 29, 2016, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P.L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P.L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P.L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending April 19, 2016.

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

## Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
4-14-2016	Beneficial Bancorp, Inc. Philadelphia Philadelphia County  Application for approval to acquire 100% of Conestoga Bank, Chester Springs.	Effective
4-18-2016	Univest Corporation of Pennsylvania Souderton Montgomery County  Application for approval to acquire 100% of Fox Chase Bancorp, Inc., Hatboro, and thereby indirectly acquire 100% of Fox Chase Bank, Hatboro.	Approved

## Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
4-14-2016	Beneficial Bank Philadelphia Philadelphia County  Merger of Conestoga Bank, Chester Springs, with and into Beneficial Bank, Philadelphia. All branch offices of Conestoga Bank will become branch offices of Beneficial Bank including the former main office of Conestoga Bank located at:  165 Pottstown Pike Chester Springs Chester County	Effective
4-18-2016	Univest Bank and Trust Company Souderton Montgomery County  Application for approval to merge Fox Chase Bank, Hatboro, with and into Univest Bank and Trust Company, Souderton.	Approved

## Branch Applications

## De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-8-2016	Republic First Bank Philadelphia Philadelphia County	401 Ganttown Road Sewell Gloucester County, NJ	Opened
4-13-2016	PS Bank Wyalusing Bradford County	100 Old Lackawanna Trail Clarks Summit Lackawanna County	Opened
4-13-2016	Orrstown Bank Shippensburg Cumberland County	4750 Lindle Road Harrisburg Dauphin County	Approved
4-18-2016	VIST Bank Wyomissing Berks County	258 East High Street Pottstown Montgomery County	Approved

## Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-9-2016	Republic First Bank Philadelphia Philadelphia County	<i>To:</i> 29-39 East Wynnewood Road Wynnewood Montgomery County  <i>From:</i> 233 East Lancaster Avenue Ardmore Montgomery County	Effective

**Branch Consolidations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-14-2016	ESSA Bank & Trust Stroudsburg Monroe County	<i>Into:</i> 2826 Route 611 Tannersville Monroe County  <i>From:</i> 2836 Route 611 Tannersville Monroe County	Filed

**Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
4-18-2016	Stonebridge Bank West Chester Chester County	Filed

Amendment to Article 5 of the institution's Articles of Incorporation changes the par value of the common stock to \$1 per share. The amendment also adds Section 5A which provides for a ten for one reverse stock split of the presently outstanding shares.

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

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
4-19-2016	PPL GOLD Credit Union Allentown Lehigh County	Filed

Amendment to Article 1 of the credit union's Articles of Incorporation changes their corporate title from PPL GOLD Credit Union to GOLD Credit Union.

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

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 16-741. Filed for public inspection April 29, 2016, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Emergency Solutions Grant Applications

The Department of Community and Economic Development (Department), Center for Community Development Operations, is anticipating receiving funding through the United States Department of Housing and Urban Development for the Emergency Solutions Grant. The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 provides funding for Emergency Solutions for the Commonwealth to address the needs of homeless people through services in Street Outreach, Emergency Shelters, Rapid Rehousing and Homelessness Prevention. The focus is to help individuals and families to quickly regain stability in permanent housing after experiencing a housing crisis or homelessness, or both.

The Department will accept applications from any general purpose units of local government, including cities, boroughs, townships, towns, counties, home rule municipalities and communities that wish to apply "on behalf of" other municipalities. Priority will be given to nonentitled jurisdictions; however, the Department will consider funding applications received from all eligible government jurisdictions previously listed.

A fully executed application with all applicable attachments must be submitted to the Department through the

Electronic Single Application only and during the time the application is open. The application will open on May 1, 2016, and close at 5 p.m. on June 17, 2016. Applications received during this window of time will be considered for funding. Hard copies will not be accepted. The application is located on the Department's web site at <http://www.newpa.com/single-application/>.

A copy of the guidelines and application may be obtained by download from the Department's web site at <http://www.newpa.com/programs/emergency-solutions-grant-esg/>. A hard copy may be requested by persons with a disability who wish to submit an application in accordance with the provisions stated herein and who require assistance with that application. Persons who require copies of this notice in an alternate format (large type, Braille, and the like) should contact Megan Snyder, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120, (717) 787-7404 or TDD (717) 346-0308 to discuss how the Department may best accommodate those needs. Copies of the application may also be viewed at any Department regional office. The following is the listing of Department regional offices and the counties they serve:

#### *Regional Offices*

##### **Southeast**

Bucks, Chester, Delaware, Montgomery and Philadelphia Counties

Department of Community and Economic Development  
200 South Broad Street, 11th Floor  
Philadelphia, PA 19102  
(215) 560-5822

**Northeast**

Bradford, Carbon, Lackawanna, Luzerne, Pike, Schuylkill, Sullivan, Susquehanna, Tioga, Wayne and Wyoming Counties

Department of Community and Economic Development  
409 Lackawanna Avenue  
Oppenheim Building, 3rd Floor  
Scranton, PA 18503  
(570) 963-4571

**Lehigh Valley**

Berks, Lehigh, Monroe and Northampton Counties  
(484) 547-2441

**Central**

Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry, York, Bedford, Blair, Cambria, Centre, Clinton, Columbia, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Snyder, Somerset and Union Counties

Department of Community and Economic Development  
Commonwealth Keystone Building  
400 North Street, 4th Floor  
Harrisburg, PA 17120  
(717) 525-5796

**Southwest**

Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Washington and Westmoreland Counties

Department of Community and Economic Development  
301 5th Avenue, Suite 250  
Pittsburgh, PA 15222  
(412) 565-5002

**Northwest**

Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Potter, Venango and Warren Counties

Department of Community and Economic Development  
100 State Street, Suite 205  
Erie, PA 16507  
(814) 871-4241

**Main Office**

Center for Community Financing  
400 North Street, 4th Floor  
Commonwealth Keystone Building  
Harrisburg, PA 17120  
(717) 787-5327

DENNIS M. DAVIN,  
*Secretary*

[Pa.B. Doc. No. 16-742. Filed for public inspection April 29, 2016, 9:00 a.m.]

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Applications, Actions and Special Notices**

**APPLICATIONS**

**THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT  
APPLICATIONS FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION  
SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM)  
PERMITS**

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Waste; Discharge into Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. In accordance with 25 Pa. Code § 92a.32(d), the proposed discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the United States Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for public hearings on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### I. NPDES Renewal Applications

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0247227— SEW	Dublin Township Burnt Cabins PO Box 719 McConnellsburg, PA 17233	Fulton County Dublin Township	South Branch Little Aughwick Creek/12-C	Y
PA0087131— SEW	Northern Lancaster County Auth— Gehman School Road STP 983 Beam Road Denver, PA 17517	Lancaster County Brecknock Township	Little Muddy Creek/7-J	Y
PA0087718— IW	Crystal Spring Hardwoods 345 South Valley Road Crystal Spring, PA 15536	Fulton County Brush Creek Township	Little Brush Creek/11-C	Y
PA0055123— GWCU	American Household, Inc.— Bally Groundwater Contamination Superfund Site 2381 Executive Center Drive Boca Raton, FL 33431	Berks County Bally Borough & Washington Township	UNT Perkiomen Creek/3-E	Y

*Northcentral Regional Office: Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3636.*

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0114081 (Sewage)	Woods Edge Estates STP 2028 State Route 487 Orangeville, PA 17859-9029	Columbia County Orange Township	Fishing Creek (5-C)	Yes

*Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0030350 (Sewage)	Lakewood STP Central City, PA 15926	Somerset County Indian Lake Borough	Indian Lake (18-E)	Y
PA0091898 (Sewage)	Pine Valley Estates MHP STP 1283 Sugar Hollow Road Apollo, PA 15613	Armstrong County Kiskiminetas Township	Unnamed Tributary to Rattling Run (18-B)	Y
PA0217247 (sewage)	WBM Enterprises STP 181 Hudson Road Creekside, PA 15732	Indiana County Washington Township	Unnamed Tributary of South Branch Plum Creek (17-E)	Y
PA0046116 (Sewage)	Ridge STP PO Box 105 124 Main Street Ohiopyle, PA 15470	Fayette County Henry Clay Township	Beaver Creek (19-E)	No
PA0026336 (Sewage)	Wickham Village STP 1700 Clark Boulevard Aliquippa, PA 15001-4205	Beaver County Hopewell Township	Unnamed Tributary to Boggs Run (20-G)	Yes

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0254819 A-1 (Sewage)	North Fork Mine STP 1134 Stoystown Road Friedens, PA 15541	Somerset County Jenner Township	Hoffman Run (18-E)	Yes

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0221783 (Sewage)	Crystal Springs MHP 201 Crystal Lane Slippery Rock, PA 16057	Butler County Mercer Township	Unnamed Tributary to McDonald Run (20-C)	Yes

**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. Telephone 484-250-5970

**PA0012432**, Industrial, SIC Code 2033, **Sunny Dell Foods, Inc.**, 135 North 5th Street, Oxford, PA 19363. Facility Name: Sunny Dell Foods Cannery. This existing facility is located in Oxford Borough, **Chester 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), Unnamed Tributary of West Branch Big Elk Creek, is located in State Water Plan watershed 7-K and is classified for Mi and High Quality Waters—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 0.05 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Instantaneous Minimum	Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2
Temperature (deg F) (°F)						
Jan 1 - 31	XXX	XXX	XXX	60	XXX	110
Feb 1 - 29	XXX	XXX	XXX	58	XXX	110
Mar 1 - 31	XXX	XXX	XXX	67	XXX	110
Apr 1 - 15	XXX	XXX	XXX	81	XXX	110
Apr 16 - 30	XXX	XXX	XXX	110	XXX	110
May 1 - 15	XXX	XXX	XXX	96	XXX	110
May 16 - 31	XXX	XXX	XXX	110	XXX	110
Jun 1 - 15	XXX	XXX	XXX	79	XXX	110
Jun 16 - 30	XXX	XXX	XXX	88	XXX	110
Jul 1 - 31	XXX	XXX	XXX	76	XXX	110
Aug 1 - 15	XXX	XXX	XXX	93	XXX	110
Aug 16 - 31	XXX	XXX	XXX	110	XXX	110
Sep 1 - 15	XXX	XXX	XXX	105	XXX	110
Sep 16 - 30	XXX	XXX	XXX	93	XXX	110
Oct 1 - 15	XXX	XXX	XXX	93	XXX	110
Oct 16 - 31	XXX	XXX	XXX	80	XXX	110
Nov 1 - 15	XXX	XXX	XXX	81	XXX	110
Nov 16 - 30	XXX	XXX	XXX	60	XXX	110
Dec 1 - 31	XXX	XXX	XXX	57	XXX	110
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.05 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Total Annual	Minimum	Average Monthly	Maximum	
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report	Report	XXX	XXX	XXX	XXX

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Total Annual		Average Monthly	Maximum	
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Nitrate as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Report	Report	XXX	XXX	XXX	XXX

In addition, the permit contains the following major special conditions:

- Remedial Measures for satisfactory Effluent
- Change in Ownership
- Lab certification

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is not in effect.

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.*

**Application No. PA0065111**, Concentrated Animal Feeding Operation (CAFO), **Jaindl Farms LLC (Jaindl Farms)**, 3150 Coffeetown Road, Orefield, PA 18069.

Jaindl Farms LLC has submitted an application for an Individual NPDES permit for a renewal of an CAFO known as Jaindl Farms, located in North Whitehall Township, **Lehigh County**.

The CAFO is situated near Unnamed Tributary to Jordan Creek in Watershed 2-C, which is classified for High Quality—Cold Water Fishes. The CAFO is designed to maintain an animal population of approximately 4,700 animal equivalent units (AEUs) consisting of 772,000 turkeys. Manure is handled as a heavily bedded floor litter held within the barns. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

**PA0275794**, Industrial Waste, SIC Code 4941, **Nestlé Waters North America**, 305 Nestle Way, Breinigsville, PA 18031. Facility Name: Greenwaltz Springs. This existing facility is located in Washington Township, **Northampton County**.

Description of Proposed Activity: The application is for a new NPDES permit for an existing discharge of groundwater.

The receiving stream, Greenwalk Creek, is located in State Water Plan watershed 01F and is classified for Cold 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 0.377 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Dissolved Solids	XXX	XXX	XXX	XXX	1,000	XXX
Total Magnesium	XXX	XXX	XXX	Report	Report	XXX
Total Calcium	XXX	XXX	XXX	Report	Report	XXX
Total Sodium	XXX	XXX	XXX	Report	Report	XXX
Sulfate	XXX	XXX	XXX	Report	Report	XXX
Chloride	XXX	XXX	XXX	Report	Report	XXX
Total Hardness	XXX	XXX	XXX	Report	Report	XXX

In addition, the permit contains the following major special conditions:

- Instream Monitoring Requirements



You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570.826.5472.

The EPA Waiver is in effect.

**PA0036382**, Sewage, SIC Code 7032, **Camp Morasha, Inc.**, 1118 Avenue J, Brooklyn, NY 11230. Facility Name: Camp Morasha. This existing facility is located in Buckingham Township, **Wayne 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, Unnamed Tributary to Equinunk Creek, is located in State Water Plan watershed 1-A and is classified for High Quality Waters—Cold Water 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 0.045 MGD. The limits are in effect from Permit Effective Date through the Permit Expiration Date.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	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	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	4.2	XXX	8.4
Nov 1 - Apr 30	XXX	XXX	XXX	6.0	XXX	12.0
Total Dissolved Solids	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.045 MGD. The limits are in effect from Permit Effective Date through One Year After Permit Effective Date.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	1.2	XXX	2.8

The proposed effluent limits for Outfall 001 are based on a design flow of 0.045 MGD. The limits are in effect from One Year After Permit Effective Date through the Permit Expiration Date.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.24	XXX	0.57

In addition, the permit contains the following major special conditions:

- TRC Effluent Limits Compliance Schedule and Solids Management

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is in effect.

**Application No. PA0275875**, Concentrated Animal Feeding Operation (CAFO), **Heislars Egg Farm (Heislars Egg Farm)**, 757 Valley Road, Tamaqua, PA 18252.

Heislars Egg Farm has submitted an application for an Individual NPDES permit for a new CAFO known as Heislars Egg Farm, located in Walker Township, **Schuylkill County**.

The CAFO is situated near Beaver Creek in Watershed 3-A, which is classified for High Quality—Cold Water and Migratory Fish. The CAFO will be designed to maintain an animal population of approximately 1,867.95 animal equivalent units (AEUs) consisting of 593,000 layers. Manure will be handled by a conveyor system and stored in

stacking sheds. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**PA0246433 A-1**, Sewage, SIC Code 4952, **Broad Top Township Bedford County**, PO Box 57, Defiance, PA 16633-0057. Facility Name: Broad Top Township Hess MHP. This existing facility is located in Broad Top Township, **Bedford County**.

Description of Existing Activity: The application is for an amendment of an NPDES permit for an existing discharge of treated SFTF Sewage.

The receiving stream(s), Unnamed Tributary to Sherman Valley Run, is located in State Water Plan watershed 11-D and is classified for Cold 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 0.0012 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (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 Daily Max	6.0	XXX	9.0 Max	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	0.25	0.4	XXX	25	40	50
Total Suspended Solids	0.3	0.45	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000

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 Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

**PA0004278**, Industrial, SIC Code 3315, **Lafarge North American Inc.**, 11435 County Road 176, Paulding, OH 45879. Facility Name: Duquesne Slag. This existing facility is located in West Mifflin Borough, **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), Thompson Run, is located in State Water Plan watershed 19-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.288 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (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 Suspended Solids	XXX	XXX	XXX	35.0	70.0	88.0
Aluminum, Total	Report	1.03	XXX	0.5	0.75	1.25
Iron, Total	Report	2.95	XXX	1.5	3.0	3.9
Manganese, Total	XXX	XXX	XXX	2.0	4.0	5.0
Nickel, Total	XXX	XXX	XXX	0.054	0.108	0.135

The proposed effluent limits for stormwater Outfall 002; design flow varies.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	35.0	70.0	XXX
Aluminum, Total	Report	Report	XXX	0.75	0.75	XXX
Iron, Total	Report	Report	XXX	1.5	3.0	XXX
Manganese, Total	XXX	XXX	XXX	2.0	4.0	XXX
Nickel, Total	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for stormwater Outfall 003; design flow varies.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	35.0	70.0	XXX
Aluminum, Total	Report	Report	XXX	0.75	0.75	XXX
Iron, Total	Report	Report	XXX	1.5	3.0	XXX
Manganese, Total	XXX	XXX	XXX	2.0	4.0	XXX
Nickel, Total	XXX	XXX	XXX	Report	Report	XXX

In addition, the permit contains the following major special conditions:

- Requirements applicable to stormwater outfalls.
- Requirement to use the eDMR system.

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.

**PA0254983**, Storm Water, SIC Code 4491, **Donora Dock LLC**, 11 Lloyd Avenue, Suite 200, Latrobe, PA 15650-1711. Facility Name: Donora Terminal. This proposed facility is located in Carroll Township, **Washington County**.

Description of Proposed Activity: The application is for a new NPDES permit for a discharge of Industrial Stormwater from a new pond treatment system. Design and operation of the treatment system will be covered under a new Water Quality Management Part II permit.

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 (treatment pond discharge) are based on a design flow of 1.8 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	35.0	50.0	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Cadmium, Total	XXX	XXX	XXX	Report	Report	XXX
Chromium, Hexavalent	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	3.5	7.0	XXX
Lead, Total	XXX	XXX	XXX	Report	Report	XXX
Manganese, Total	XXX	XXX	XXX	Report	Report	XXX
Silver, Total	XXX	XXX	XXX	Report	Report	XXX
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX
Thallium, Total	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 002 (treatment pond emergency overflow) are based on a design flow of 58.68 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX
Iron, Total	XXX	XXX	XXX	3.5	7.0	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

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### III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

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*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.*

**WQM Permit No. 5815401**, Sewerage, **BAHS Operating, Inc. dba Camp Chen-A-Wanda**, 1 Ellis Court, Woodcliff Lake, NJ 07677.

This proposed facility is located in Ararat and Herrick Townships, **Susquehanna County**.

Description of Proposed Action/Activity: The construction of a treatment system having a hydraulic design capacity of 10,500 gpd and consisting of a primary sedimentation tank, a recirculation tank, a gravel media filter, a post effluent storage, a UV disinfection and a spray irrigation field. The new treatment system will be utilized when the summer camp is in operation, in conjunction with the Fiddle Lake Sewerage Treatment Plant, to treat and dispose of the projected average daily flow of 25,500 gpd. During the offseason, the camp flows are minimal and the new flow equalization system will be bypassed with all sewage flowing directly to the Fiddle Lake Sewerage Treatment Plant.

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**WQM Permit No. 4416401**, Sewerage, **Granville Township Sewer & Water Department**, 100 Helen Street, Lewistown, PA 17044.

This proposed facility is located in Granville Township, **Mifflin County**.

Description of Proposed Action/Activity: Seeking permit approval to upgrade Pumping Station #9.

**WQM Permit No. 0616403**, Sewerage, **Bethel Township Municipal Authority**, PO Box 274, 60 Klahr Road, Bethel, PA 19507.

This proposed facility is located in Bethel Township, **Berks County**.

Description of Proposed Action/Activity: Seeking permit approval for the Camp Swatara Road Sewer Extension. The proposed Camp Swatara Road Sewer Extension is a combination of gravity and pressure systems.

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**WQM Permit No. WQG01201603**, Sewerage, **Joseph M. French**, 20540 Irish Road, Edinboro, PA 16412.

This proposed facility is located in Venango Township, **Crawford County**.

Description of Proposed Action/Activity: Single Residence Sewerage Treatment Plant.

**WQM Permit No. 1016404**, Sewerage, **David Selfridge**, 204 Geibel Road, Butler, PA 16002.

This proposed facility is located in Summit Township, **Butler County**.

Description of Proposed Action/Activity: Single Residence Sewerage Treatment Plant.

**WQM Permit No. 1096407 A-2**, Sewerage, **West Sunbury Borough Municipal Authority Butler County**, PO Box 202, West Sunbury, PA 16061-0202.

This existing facility is located in West Sunbury Borough, **Butler County**.

Description of Proposed Action/Activity: Installation of tertiary treatment unit to reduce Ammonia in treated effluent.

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### VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

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*Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI011516004	Timothy J. Holton 219 Scroggy Road Oxford, PA 19363	Chester	Penn Township	East Branch Big Elk Creek HQ-TSF-MF

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Lehigh County Conservation District, Lehigh Ag Center, Suite 102, 4184 Dorney Park Rd., Allentown, PA 18104*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023916007	Shawn Furman Samuel Adams PA Brewery 7880 Penn Drive Breinigsville, PA 18031	Lehigh	Upper Macungie Township	Iron Run (HQ-CWF, MF)

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701*

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041416006	JJ Powell Inc 109 W. Presqueisle St. Philipsburg, PA 16866	Centre	Milesburg Borough	Spring Creek HQ-CWF

**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, Bureau of Safe Drinking Water, P.O. Box 8467, Harrisburg, PA 17105-8467*

**Permit No. [9996605], Public Water Supply.**

Applicant	<b>[Hickory Springs Bottling, Inc.]</b>
[Township or Borough]	[Elloree, South Carolina]
Responsible Official	[Rick Stewart]
Type of Facility	[Out of State Bottled Water System]
Application Received Date	[April 11, 2016]
Description of Action	[Applicant requesting Department approval to sell bottled water in Pennsylvania under the following brand names: Nice Spring Water, Great Value Distilled Water, Great Value Purified Drinking Water and Nice Purified Water]

*Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Permit No. 0316501, Public Water Supply.**

Applicant	<b>Cowanshannock Township Municipal Authority</b> PO Box 127 NuMine, PA 16244
[Township or Borough]	Cowanshannock Township
Responsible Official	Peter Catanese, Chairman Cowanshannock Township Municipal Authority PO Box 127 NuMine, PA 16244
Type of Facility	Water system
Consulting Engineer	Bankson Engineers, Inc. 267 Blue Run Road Suite 200 Cheswick, PA 15024
Application Received Date	April 15, 2016
Description of Action	Development of Well #2 and sequesterization of iron and manganese (Margaret water system).

*Northwest Region: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Permit No. 1016502**, Public Water Supply  
 Applicant **Summit School, Inc.**  
 Township or Borough Summit Township  
 County **Butler**  
 Responsible Official Colleen Urish  
 Office Manager  
 PO Box 13  
 839 Herman Road  
 Herman, PA 16039-0013  
 Type of Facility Public Water Supply  
 Consulting Engineer James F. Marino, P.E.  
 CME Engineering LP  
 975 Georges Station Road  
 Suite 100  
 Greensburg, PA 15601  
 Application Received Date March 29, 2016  
 Description of Action Installation of corrosion control facilities.

**Permit No. 1016501**, Public Water Supply  
 Applicant **Beacon Lite Associates**  
 Township or Borough Center Township  
 County **Butler**  
 Responsible Official William Hess  
 455 West Newport Road  
 Lititz, PA 17543  
 Type of Facility Public Water Supply  
 Consulting Engineer Thomas L. Thompson, P.E.  
 Gannett Fleming, Inc.  
 554 South Erie Street  
 Mercer, PA 16137  
 Application Received Date March 25, 2016  
 Description of Action Design and permitting of a corrosion control chemical feed system.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

#### Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907)

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to

Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office listed before the notice. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**Amos Fry Residence**, 645 West Main Street, Ephrata, PA 17522, Ephrata Borough, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17522, on behalf of Amos Fry, 645 West Main Street, Ephrata, PA 17522, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil. The site will be remediated to the Site Specific and Residential Statewide Health Standards, and remain residential. The Notice of Intent to Remediate was published in the *LNP Newspaper* on April 7, 2016.

**Caner Transport Diesel Fuel Spill**, 1631 West Philadelphia Avenue, Boyertown, PA 19519, Earl Township, **Berks County**. Taylor GeoServices, 38 Bishop Hollow Road, Suite 200, Newtown Square, PA 19073, on behalf of Caner Transport, 104 Crider Avenue, Mt. Laurel, NJ 08057, and Jill and Dennis Stanisewski, 1343 Stag Drive, Auburn, PA 17922 submitted a Notice of Intent to Remediate site soils and groundwater contaminated with diesel fuel from a vehicular accident. The site will be remediated to the Residential Statewide Health Standard

and remain residential. The Notice of Intent to Remediate was published in *The Mercury*, *The Mercury Digital* on April 8, 2016.

**Family First Health Corporation**, 1230 High Street, Hanover, PA 17331, Hanover Borough, **Adams County**. Ramboll Environmental, 4350 North Fairfax Drive, Suite 300, Arlington, VA 22203, on behalf of Miller Chemical and Fertilizer LLC, 120 Radio Road, Hanover, PA 17332 and Family First Health Corporation, 116 South George Street, York, PA 17401 submitted a Notice of Intent to Remediate site soils contaminated with fertilizer and inorganics as a result of fire-fighting activities. The site will be remediated to the Residential Statewide Health Standard and remain commercial. The Notice of Intent to Remediate was published in *The Evening Sun* on March 24, 2016.

**Metropolitan Edison Company North Hanover Substation**, Radio Road west of High Street, Hanover, PA 17332, Hanover Borough, **Adams County**. Ramboll Environmental, 4350 North Fairfax Drive, Suite 300, Arlington, VA 22203, on behalf of Miller Chemical & Fertilizer, LLC, 120 Radio Road, Hanover, PA 17332, and FirstEnergy Corporation, P.O. Box 16001, Reading, PA 19612, submitted a Notice of Intent to Remediate site soils contaminated with fertilizer and inorganics as a result of fire-fighting activities. The site will be remediated to the Resident Statewide Health Standard and remain a substation. The Notice of Intent to Remediate was published in *The Evening Sun* on March 24, 2016.

**D.D. Freed Trucking Diesel Release**, 2894 Oxford Road, New Oxford, PA 17350, Tyrone Township, **Adams County**. Environmental Products & Service of Vermont, Inc., 1539 Bobali Drive, Harrisburg, PA 17104, on behalf of D.D. Freed Trucking/Canal Insurance, 13958 Unionville Road, Mount Airy, MD 21771, and Robert and Linda Adams, 2894 Oxford Road, New Oxford, PA 17350 submitted a Notice of Intent to Remediate site soils contaminated with diesel fuel and motor oil from a vehicular accident. The site will be remediated to the Residential Statewide Health Standard and remain residential. The Notice of Intent to Remediate was published in the *Gettysburg Times* on April 1, 2016.

*Southeast Regional Office: Regional Manager, Environmental Cleanup and Brownfields, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5960. Charline Bass*

**Sunoco Marcus Hook Refinery Sitewide**, 100 Green Street, Borough of Marcus Hook/Lower Chichester Township, **Delaware County**. Brad Fish, Sunoco Partner Marketing & Terminal, L.P., 4041 Market Street, Aston, PA 19014, Jennifer Menges, Stantec, 1060 Andrew Drive, Suite 140, West Chester, PA 19380 on behalf of Jim Oppenheim, Evergreen Resources Management Operation, 2 Righter Parkway, Suite 200, Wilmington, DE 19803 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of 1, 2-dichloroethene, 1, 2, 4-trimethylbenzene, 1, 3, 5-trimethylbenzene, benzene, cumene, ethylbenzene, methyl tertiary butylether, toluene, total xylenes, ethylene dibromide, anthracene, benzo (a) anthracene, benzo (g, h, i) perylene, benzo (a)pyrene, benzo (b) fluoranthene, chrysene, fluorine, naphthalene, phenanthrene, and pyrene. The future use of the facility is to remain industrial. PF780192.

**McHugh Residence**, 226 Upper Tincum Church Road, Tincum Township, **Bucks County**. Greg Van Hook, INTEX Environmental Group Inc., 6907A Easton

Road, Pipersville, PA 18947 on behalf of Michael McHugh, 226 Upper Tincum Church Road, Upper Black Eddy, PA 18972 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of 1, 2 4-trimethylbenzene, 1, 3, 5-trimethylbenzene. The future use of the site will remain residential. The Notice of Intent to Remediate was published in *The Intelligencer* on April 1, 2016. PF803367.

**US States Steel Corporation (KIPC)**, One Ben Fairless Drive, Falls Township, **Bucks County**. John Garges, GHD Services Inc., 401 Eagleview Boulevard, Suite 110, Exton, PA 19341 on behalf of Michael H. Leon, United States Steel Corporation, 1350 Penn Avenue, Suite 200, Pittsburgh, PA 15222 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of vocs, svocs, and metals and pcbs. The KIPC Facility and the site are currently zoned for materials processing and manufacturing use and the future use is nonresidential involving storage, manufacturing an industrial uses. The Notice of Intent to Remediate was published in the *Bucks County Courier Times* on April 6, 2016. PF809297.

**428-454 Erie Avenue**, 428-454 Erie Avenue, City of Philadelphia, **Philadelphia County**. Mark Kuczynski, REPSG, Inc., 6901 Kingsessing Avenue, 2nd Floor, Philadelphia, PA 19142, Sarah Szymanski, REPSG, Inc., 6901 Kingsessing Avenue, 2nd Floor, Philadelphia, PA 19142, Glenn DePalantino, Cardone Industries, Inc., 5501 Whitaker Avenue, Philadelphia, PA 19124 on behalf of Haile Johnston, Common Market Philadelphia, 428 East Erie Avenue, Philadelphia, PA 19134 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with the release of petroleum-related compound of concern. The future use of the site will remain the same. The Notice of Intent to Remediate was published in the *Philadelphia Daily News* on March 9, 2016. PF809278.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of the application, the Department's analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the Department's Regional

Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

A person wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when the Department determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate Department Regional Office.

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: James A. Beach, New Source Review Chief—Telephone: 484-250-5920*

**09-00024: Waste Management of Pennsylvania Inc.** (1000 New Ford Mill Road, Morrisville, PA 19067) On April 15, 2015 to administratively amend for the incorporation of Plan Approval 09-0024H for a landfill gas fired engine. The Tullytown Resource and Recovery Facility is located in Tullytown Borough, **Bucks County**.

**46-00035: GlaxoSmithkline** (709 Swedeland Road, King of Prussia, PA 19406) On April 15, 2016 for the modification of their Title V Operating Permit which consists of the removal of three (3) under-ground storage tanks and the installation of a new above ground storage tank (7A) with a 29,800 gallon capacity. The facility is located in Upper Merion Township, **Montgomery County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702*

**67-05098C: Kinsley Construction, Inc.** (PO Box 2886, York, PA 17405) for the modification of the existing limestone crushing plant at the Penroc Quarry in West Manchester Township, **York County**. The facility's potential emissions of particulate matter (PM) are estimated at around 84 tons per year. The proposed additions include six 250-ton silos, three fabric filters and two bin vents. These modifications will increase the facility's estimated potential annual emissions of particulate matter by around 4.3 tons per year. The Plan Approval will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. The proposed plant will include equipment subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specifications of the application for plan approval, the requirements established in the plan approval will be incorporated into the facility's State-Only Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450(a)(5).

**07-05001F: Appvion Inc.** (100 Paper Mill Road, Roaring Spring, PA 16673) for the following activity at the Spring Mill located in Roaring Spring Borough, **Blair County**:

1. Installation of a wet electrostatic precipitator (Source ID C036) to further control particulate matter (PM) emissions from the No. 3 Power Boiler (Source ID 036) in order to comply with 40 CFR Part 63, Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters (MACT Subpart DDDDD);
2. Modification of the existing venturi wet scrubber (Source ID C17) that controls PM and HCl emissions from the No. 3 Power Boiler; and
3. Construction of a fly ash handling system (Source ID 201) consisting of a fly ash storage silo whose PM emissions will be controlled by a bin vent collector (Source ID C201).

The maximum expected increases in facility emissions as a result of the changes proposed are: 0.49 TPY PM; 0.49 TPY PM<sub>10</sub>; and 0.49 TPY PM<sub>2.5</sub>. The facility is a Title V facility. The Department's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology (BAT) requirement of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department proposes to issue a plan approval for the proposed activity. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specifications of the application for plan approval, the requirements established in the plan approval will be



incorporated into the facility's Title V Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450(a)(5).

**21-05037B: Union Quarries, Inc.** (102 Bonny Brook Road, Carlisle, PA 17013) for the installation of a 550 tons per hour limestone crushing plant to replace the existing plant at the Bonny Brook quarry in South Middleton Township, **Cumberland County**. The plant will include a jaw crusher, cone crushers, several screens and a battery of conveyors. The plant will be controlled by a wet suppression system. Potential emissions of particulate matter (PM) from the crushing plant are estimated at around 27.3 tons per year. The Plan Approval will include emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. The proposed plant will include equipment subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specifications of the application for plan approval, the requirements established in the plan approval will be incorporated into the facility's State-Only Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450(a)(5).

#### OPERATING PERMITS

##### **Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 1901*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**46-00051: Schlosser Steel Incorporated** (2641 Township Line Road, Hatfield, PA 19440) located in Hatfield Township, **Montgomery County**. This action is a renewal of the Title V Operating Permit. Schlosser Steel Incorporated is a steel coating operation for fabricated structural steel. The facility is a major source for volatile organic compounds (VOC). The steel coating operation is subject to the requirements 25 Pa. Code §§ 130.601—130.611. Per this operating permit, the Space Heaters, previously identified as Source ID 100, are now identified under Source ID 030, to reflect that these space heaters are operated as combustion units, as defined under 25 Pa. Code § 121.1. The facility is subject to the following site-wide emission limits: (a) VOC are limited to less than 71 tons/year; (b) individual HAP are limited to less than 9.9 tons/year; and (c) total HAP are limited to less than 24.9 tons/year. The potential to emit for NO<sub>x</sub> at the facility is less than 3 tons/year. Potential site wide emissions of CO, PM, and SO<sub>x</sub> are each less than 1 ton/year. The facility is not subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64. The operating permit will contain requirements to keep the facility operating within all applicable air quality requirements for this source.

**23-00004: Covanta Delaware Valley, LP** (10 Highland Avenue, Chester, PA 19013) for renewal of the Title V Operating Permit in City of Chester, **Delaware County**. The facility is a municipal waste combustion facility. The proposed Title V Operating Permit Renewal does not reflect any change in air emissions from the

facility. The operation is subject to the State Plan approved by the USEPA. The renewal permit contains all applicable requirements including monitoring, recordkeeping and reporting.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702*

**36-05014: Alumax Mill Products, Inc.** (1480 Manheim Pike, Lancaster, PA 17604-3167) for operation of their secondary aluminum production facility in Manheim Township, **Lancaster County**. Actual emissions from the facility in 2014 were estimated at 36.84 tons CO, 135.23 tons NO<sub>x</sub>, 59.98 tons PM<sub>10</sub>, 44.17 tons PM<sub>2.5</sub>, 0.64 ton SO<sub>x</sub>, 186.11 tons VOC, 3.95 tons of a single HAP (hydrochloric acid), and 7.50 tons of combined HAPs. The Title V Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60, Subpart TT—Standards of Performance for Metal Coil Surface Coating, 40 CFR 63 Subpart SSSS—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil, 40 CFR 63, Subpart RRR—National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production, 40 CFR 60, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, & 40 CFR 63, Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Tom Joseph, Permitting Chief—Telephone: 412-442-4336*

**TV-11-00370:** (625 Cherrington Parkway, Moon Township, PA 15108) In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) is providing notice that it intends to issue a Title V Operating Permit renewal to Laurel Highlands Landfill, Inc. for their facility located in Jackson Township, **Cambria County**.

Laurel Highlands Landfill, a municipal solid waste landfill has been in operation since 1960s. Sources and the control devices at this facility include Landfill Gas Collection System, Paved and Unpaved Roads, Landfill Gas Fugitives, Soil Processing (portable), Landfill Fugitive emissions (particulate), Diesel Generator, LFG Ground Flare (Enclosed Flare), portable Candle Flare and Water Sprays.

This facility has the potential emissions per year of the following type and quantity of air contaminants: 61.28 tons of carbon monoxide, 30.90 tons of nitrogen oxides, 25.74 tons of particulate matter, 5.66 tons of sulfur oxides, 5.51 tons of volatile organic compounds and 20.59 tons of HAPs. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 60, 40 CFR Parts 63 and 25 Pa. Code Chapters 121—145.

A person may oppose the proposed Title V Operating Permit by filing a written protest with the Department

through Noor Nahar via mail to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; email to nnaharr@pa.gov; or fax to 412.442.4194. 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 Title V Operating Permit (TV-11-00370) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

Laurel Highlands Landfill's Title V Operating Permit application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Operating Permit for this facility are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the Laurel Highlands Landfill's Title V Operating Permit application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed air Quality Operating Permit for this facility, a person may contact Phil Bouse at pbouse@pa.gov or 412.442.4000.

For additional information you may contact Noor Nahar at 412.442.5225.

All comments must be received prior to the close of business 30 days after the date of this publication.

**TV-63-00550:** (3100 Hill Road, South Park Township, PA 15129) In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) is providing notice that it intends to issue a Title V Operating Permit renewal to USA South Hills Landfill, Inc. for their facility located in Union Township, Washington County and South Park Township, **Allegheny County**, Pennsylvania.

USA South Hills Landfill, a municipal solid waste landfill has been in operation since 1940s. Sources and the control devices at this facility include Landfill Gas Collection System, Paved and Unpaved Roads, Landfill Leachate Storage, Soil Processing (portable), Degreasing Operation, Landfill Fugitive emissions, Diesel Air Compressor, LFG Ground Flare (Enclosed Flare) and Water Spray.

This facility has the potential emissions per year of the following type and quantity of air contaminants: 13.50 tons of carbon monoxide, 38.97 tons of nitrogen oxides, 38.97 tons of particulate matter, 8.59 tons of sulfur oxides, 14.22 tons of volatile organic compounds and 13.34 tons of HAPs. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 60, 40 CFR Parts 63 and 25 Pa. Code Chapters 121—145.

A person may oppose the proposed Title V Operating Permit by filing a written protest with the Department through Noor Nahar via mail to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; email to nnaharr@pa.gov; or fax to 412.442.4194. 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 Title V Operating Permit (TV-63-00550) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

USA South Hills Landfill's Title V Operating Permit application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Operating Permit for this facility are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the USA South Hills Landfill's Title V Operating Permit application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed air Quality Operating Permit for this facility, a person may contact Phil Bouse at pbouse@pa.gov or 412.442.4000.

For additional information you may contact Noor Nahar at 412.442.5225.

All comments must be received prior to the close of business 30 days after the date of this publication.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6940*

**25-00920: Waste Management Disposal Service of PA—Lakeview Landfill** (851 Robison Road E., Erie, PA 16509-5339) for reissuance of the Title V Permit to operate the landfill in Summit Township, **Erie County**. The facility's major emission sources include the landfill (controlled by an enclosed ground flare or two engine/generators), the leachate storage system, emergency generators, and parts washers. The facility is a major facility due to its potential to emit Carbon Monoxide (CO). The facility is subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The landfill is subject to the New Source Performance Standards (NSPS) for Municipal Solid Waste Landfills (40 CFR 60, Subpart WWW) and the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Municipal Solid Waste Landfills (40 CFR 63, Subpart AAAA). The engines that control the landfill gas are existing 4 stroke lean burn engines rated greater than 500 hp which are located at a major source of hazardous air pollutants and are not subject to the NESHAP for Stationary Reciprocating Internal Combustion Engines (40 CFR 63, Subpart ZZZZ). The emergency generator for the landfill is subject to the work practice requirements of Subpart ZZZZ. The emergency generator at the scale house is subject to the NSPS for Stationary Combustion Ignition ICE (40 CFR 60 Subpart IIII). The facility reported the following emissions for 2015: CO—206.4 TPY; NO<sub>x</sub>—49.9 TPY; PM<sub>10</sub>—3.5 TPY; PM<sub>2.5</sub>—2.8 TPY; SO<sub>x</sub>—5.6 TPY; VOC 45.0 TPY; and formaldehyde—18.7 TPY.

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**Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**23-00101: Esschem, Inc.** (4000 Columbia Ave., Linwood, PA 19061-3925) for a non-Title V, State Only, Natural Minor operating permit in Lower Chichester Township, **Delaware County**. This action is a renewal of the State Only Operating Permit. Esschem, Inc. operates a monomer and blending facility that produces a variety

of products, including raw monomer and polymer blends. Based on its potential-to-emit volatile organic compounds and nitrogen oxides, being below major source thresholds, without operating limits restrictions or control devices, the facility is a Natural Minor. The renewed permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**09-00184: Doylestown Hospital** (595 West State Street, Doylestown, PA 18901), for renewal of a State Only Operating Permit in Doylestown Township, **Bucks County**. The facility operates four (4) dual-fired boilers, one (1) natural gas fired electric generator for peak shaving purposes, four (4) emergency diesel electric generators, and two (2) emergency diesel fire pumps. Doylestown Hospital is categorized as a synthetic minor facility for NO<sub>x</sub> emissions with a site-wide limit of 24.9 tons per year. There have been no changes to any of the existing sources and there are no new sources being added under this renewal and the permittee shall continue to comply with all existing requirements. The permit includes monitoring, record keeping and reporting requirements designed to address all applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702*

**67-03115: Garrod Hydraulics, Inc.** (1050 Locust Point Road, York, PA 17406) to issue a State Only Operating Permit for their hard chromium electroplating facility in East Manchester Township, **York County**. Chromium electroplating activities are subject to 40 CFR Part 63, Subpart N—National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks. Chromium emissions are controlled by two 3-stage mesh pad mist eliminators with chromium emissions limited to 0.015 mg/DSCM of exhaust airflow. Potential chromium emissions from plating operations are estimated at around 0.003 ton per year based upon previous stack testing results. Two small waste oil boilers are subject to 40 CFR Part 63, Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources and are required to undergo biennial tune-ups. The Operating Permit includes emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

**34-03005: Energex American, Inc.** (95 Energex Drive, Mifflintown, PA 17059) to issue a State Only Operating Permit for their wood fuel pellet manufacturing facility in Walker Township, **Juniata County**. Estimated potential emissions for the plant's wood-fired rotary dryer are 21.7 tons/year for volatile organic compounds, 12.6 tons/year for carbon monoxide and 3.7 tons/year for particulate matter. The Operating Permit includes emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

**36-03115: Pennsy Supply, Inc.** (1001 Paxton Street, Harrisburg, PA 17105) to issue a State Only Operating Permit for the Landisville Quarry in West Hempfield

Township, **Lancaster County**. The actual controlled emissions from the facility are estimated to be approximately 6.64 tpy of Particulate Matter (PM). The Operating Permit will include emission limits and work practice standards, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**49-00057: Pet Rest Memorial Park** (2410 8th Street Drive, Watsonstown, PA 17777-8002) to issue a renewal State Only Operating Permit for their facility in Delaware Township, **Northumberland County**. The facility is currently operating under State Only Operating Permit 49-00057. The facility's main source includes one (1) animal crematory incinerator. The facility has potential emissions of 0.13 TPY of CO; 0.94 TPY of NO<sub>x</sub>; 0.01 TPY of SO<sub>x</sub>; 0.03 TPY of PM/PM<sub>10</sub>; 0.00 TPY of VOCs; 0.00 TPY HAPs. The emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of Title 25 Pa. Code Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

**49-00015: International Paper Company** (1008 Locust Gap Highway, Mt. Carmel, PA 17851-1876) to issue a state only operating permit for their facility located in Mt. Carmel Township, **Northumberland County**. The facility is currently operating under State Only Operating Permit 49-00015. The facility's sources include a 20.9 million Btu per hour natural gas-fired boiler, a 10.5 million Btu per hour natural gas-fired boiler, six natural gas-fired space heaters (all rated less than 10 million Btu per hour), four flexographic printers with folder/gluer, three rotary die cutters with printers, a folder gluer, two paper hoppers, a 15.9 horsepower propane-fired emergency generator a starch silo and a wastewater treatment operation with a batch filter press. The facility has potential emissions of 18.31 tons per year of nitrogen oxides, 13.10 tons per year of carbon monoxide, 4.43 tons per year of sulfur oxides, 65.27 tons per year of particulate matter, 49.99 tons per year of volatile organic compounds, 9.99 tons per year of a single hazardous air pollutant and 24.99 tons per year of a combination of hazardous air pollutants. The boilers are subject to 40 CFR Part 60, Subpart Dc of the Federal Standards of Performance for Small Industrial, Commercial, Institutional Steam Generating Units and the emergency generator is subject to 40 CFR Part 63, Subpart ZZZZ of the National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility

complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121–145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6940*

**37-00121: EzeFlow USA Incorporated previously Flowline Division Of Markovitz Enterprises Inc.** (1400 New Butler Road, New Castle, PA 16101) for a natural minor permit to operate a valve and fittings production facility. The facility is located in New Castle City, **Lawrence County**. The facility's emitting sources include a degreaser boiler, robotic plasma cutter, old plasma cutter and two grinders, a batch vapor degreaser, acid cleaning, press operations (5), miscellaneous natural gas fired furnaces, and a Hydra-Flow parts washer. The emission inventory submitted by the facility for 2014 is as follows: Particulate Matter 2.5 (PM<sub>2.5</sub>): 0.0330 Ton per year (TPY), Oxides of Nitrogen (NO<sub>x</sub>): 0.6050 TPY, Oxides of Sulfur (SO<sub>x</sub>): 0.004 TPY, Carbon Monoxide (CO): 0.50 TPY, Volatile Organic Compound (VOC): 7.198 TPY and, Particulate Matter less than ten micron (PM<sub>10</sub>): 0.169 TPY.

#### PLAN APPROVALS

**Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B And Subchapter F. These actions may include the administrative amendments of an associated operating permit.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507*

**58-00019A: Holdridge Energy, LLC** (358 North Shore Drive, Suite 201, Pittsburgh, PA 15212) for their facility located in Herrick Twp, **Susquehanna County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Holdridge Energy, LLC (358 North Shore Drive, Suite 201, Pittsburgh, PA 15212) for their facility located in Herrick Twp, Susquehanna County. This Plan Approval No. 58-00019A will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 58-00019A is for the installation and operation of 3 Rolls-Royce Bergen Natural gas fired engines with oxidation catalyst and SCR to control emissions. The company shall be subject to and comply with New Source Performance Standards 40 CFR Part 60 Subpart JJJJ and MACT 40 CFR Part 63 Subpart ZZZZ. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 58-00019A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

**48-00095C: Ecopax, LLC** (3600 Glover Road, Easton, PA 18040) for their facility in Forks Township, **Northampton 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 Ecopax, LLC (3600 Glover Road, Easton, PA 18040) for their facility in Forks Township, Northampton County. This Plan Approval No. 48-00095C will be incorporated into a Title V Permit a later date.

Plan Approval No. 48-00095C is for the installation of four (4) 3,350 cubic feet reclaim polystyrene fluff silos, one (1) 2,200 lbs/hr polystyrene foam scrap repelletizer, one (1) new 1,000 lbs/hr polystyrene extrusion line, and expansion of the foam curing room. Particulate Matter (PM) emissions from the plant will remain under their 100 TPY threshold limit, 12-month rolling sum. The company shall be subject to and comply with 25 Pa. Code § 123.13 for PM emissions. These limits will meet BAT requirements for this source. VOC emissions from the plant are projected to be 98.4 TPY, 12-month rolling sum after the modification. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions and a VOC destruction/removal efficiency (DRE) of the RTO of greater than 98%. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the

name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 48-00095C and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Environmental Group Manager, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

## 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*

**30743702. Murray American Energy, Inc.**, (46226 National Road, St. Clairsville, OH 43950). To transfer the permit for the Blacksville No. 1 Mine Refuse Area in Wayne Township, **Greene County** from Consolidation Coal Company to Murray American Energy, Inc. No additional discharges. The application was considered administratively complete on April 12, 2016. Application received December 22, 2015.

**30841317 and NPDES No. PA0213527. Consol Pennsylvania Coal Company LLC**, (1000 Consol Energy Drive, Canonsburg, PA 15317). To revise the permit for the Enlow Fork Mine in Richhill and East Finley Townships, **Greene and Washington Counties** and related NPDES permit for installation of F27 Powerline. Surface Acres Proposed 24.1. No additional discharges. The application was considered administratively complete on April 13, 2016. Application received November 2, 2015.

**63981301 and NPDES No. PA0215171. The Ohio County Coal Company**, (46226 National Road, St. Clairsville, OH 43950). To transfer the permit for the Ohio County Mine in West Finley Township, **Washington County** and related NPDES from Consolidation Coal Company, Shoemaker Mine to The Ohio County Coal Company, Ohio County Mine. No additional discharges. The application was considered administratively complete on April 14, 2016. Application received January 8, 2016.

**32803712 and NPDES No. PA0092142. Consol Mining Company LLC**, (1000 Consol Energy Drive, Canonsburg, PA 15317). To renew the permit for the Lewisville Recovery Plant in Young and Black Lick Townships, **Indiana County** and related NPDES. No additional discharges. The application was considered administratively complete on April 14, 2016. Application received September 16, 2015.

**02841304 and NPDES No. PA0041785. Tesone Land Company**, (PO Box 630, Gibsonia, PA 15044). To renew the permit for the Allegheny Mine and Preparation Plant in Fawn Township, **Allegheny County** and related NPDES. No additional discharges. The application was considered administratively complete on April 18, 2016. Application received July 10, 2015.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**17080105 and NPDES PA0256781. King Coal Sales, Inc.** (P.O. Box 712, Philipsburg, PA 16866). Permit renewal for continued operation and restoration of a bituminous surface mine located in Morris Township, **Clearfield County** affecting 94.2 acres. Receiving stream(s): Unnamed Tributaries to Alder Run and Alder Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: April 11, 2016.

**17050109 and NPDES PA0256293. Forcey Coal, Inc.** (475 Banion Road, Madera, PA 16661). Permit renewal for long term mine drainage treatment of a bituminous surface mine located in Bloom Township, **Clearfield County** affecting 119.9 acres. Receiving streams: Unnamed Tributary to Little Anderson Creek and Unnamed Tributary to Bell Run, classified for CWF. There are no potable water supply intakes within 10 miles downstream. Application received: April 7, 2016.

*New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500*

**03090201 and NPDES Permit No. PA0251798. Coal Valley Sales, LLC** (111 Freeport Road, Pittsburgh, PA 15215). Renewal application for continued treatment and restoration to an existing coal refuse reprocessing surface mine, located in Cadogan and North Buffalo Townships, **Armstrong County**, affecting 72.6 acres. Receiving streams: unnamed tributary to Allegheny River, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: April 8, 2016.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**Permit No. 40763204C8. Northampton Fuel Supply Co., Inc.**, (1 Horwirth Drive, Northampton, PA 18067), correction to update the post-mining land use from

forestland to unmanaged natural habitat and a stream encroachment in Newport Township, **Luzerne County** affecting 61.2 acres, receiving stream: Newport Creek, classified for the following uses: cold water and migratory fishes. Application received: April 1, 2016.

**Permit No. 40900203R5. Northampton Fuel Supply Co., Inc.**, (1 Horwirth Drive, Northampton, PA 18067), renewal of an existing anthracite coal refuse reprocessing operation in Newport Township, **Luzerne County** affecting 49.5 acres, receiving stream: Newport Creek, classified for the following uses: cold water and migratory fishes. Application received: April 1, 2016.

**Permit No. 40900203C9. Northampton Fuel Supply Co., Inc.**, (1 Horwirth Drive, Northampton, PA 18067), correction to update the post-mining land use from forestland to unmanaged natural habitat and a stream encroachment of an existing anthracite coal refuse reprocessing operation in Newport Township, **Luzerne County** affecting 49.5 acres, receiving stream: Newport Creek, classified for the following uses: cold water and migratory fishes. Application received: April 1, 2016.

#### *Noncoal Applications Received*

*Effluent Limits*—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

<i>Parameter</i>	<i>Table 2</i>		
	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

*New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500*

**26990301 and NPDES Permit No. PA0278220. Iron Mountain US, LLC** (1 Pilarsky Way, Aliquippa, PA 15001). Transfer application of an existing large noncoal surface mine permitted by Vanderbilt Aggregates, located in Dunbar Township and Vanderbilt Borough, **Fayette County**, affecting 297 acres. Receiving streams: Dickerson Run and unnamed tributaries to Dickerson Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Transfer application received: March 16, 2016.

**03920301 and NPDES Permit No. PA0097250. Continental Clay Company** (260 Oak Avenue, Kittanning, PA 16201). NPDES renewal application for continued mining to an existing large noncoal surface mine, located in Rayburn Township, **Armstrong County**, affecting 334.5 acres. Receiving streams: unnamed tributaries to Allegheny River, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: April 14, 2016.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**Permit No. 06970302C12. H & K Group, Inc.**, (PO Box 196, Skippack, PA 19474), correction to include a water handling plan on an existing quarry operation in Robeson and Union Townships, **Berks County** affecting 289.6 acres, receiving stream: Hay Creek, classified for the following use: EV—migratory fishes. Application received: April 11, 2016.

**Permit No. 45900301T and NPDES Permit No. PA0595241. Lehigh Cement Co., LLC**, (7660 Imperial Way, Allentown, PA 18195), transfer of an existing quarry operation and NPDES Permit for discharge of treated mine drainage from Haines & Kibblehouse, Inc. (H & K Group, Inc.) in Ross Township, **Monroe County** affecting 85.3 acres, receiving stream: Buckwa Creek, classified for the following uses: cold water and migratory fishes. Application received: April 12, 2016.

### MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

#### *Effluent Limits for Coal Mining Activities*

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*	greater than 6.0; less than 9.0		
Alkalinity greater than acidity*			

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

#### *Effluent Limits for Noncoal Mining Activities*

The limits for noncoal mining activities as provided in 25 Pa. Code Chapter 77 are pH 6 to 9 and other parameters the Department may require.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 563-2112-115, Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

*Coal NPDES Draft Permits*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**NPDES No. PA0224294 (Mining Permit No. 44030302), Glenn O. Hawbaker, Inc.**, 1952 Waddle Road State College, PA 16803, renewal of an NPDES permit for discharge of water resulting from surface mining of limestone in Armagh Township, **Mifflin County**, affecting 110.6 acres. Receiving stream: Honey Creek, classified for the following use: High Quality—Cold Water Fishes. Application received: April 5, 2016.

The outfall listed below discharges to Honey Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
001 (Sediment Basin 1A)	N

The proposed effluent limits for the above listed outfall are as follows:

*Outfalls: 001*

*(Dry Weather to ≤10-yr/24-hr Precip. Event)*

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Turbidity (NTU)	N/A	N/A	40.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units			
Alkalinity must exceed acidity			

*Outfalls: 001 (>10-yr/24-hr Precip. Event)*

pH (S.U.): Must be between 6.0 and 9.0 standard units  
Alkalinity must exceed acidity

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**NPDES No. PA0257346 (Mining permit no. 17100106), RES Coal LLC**, 224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920. Renewal of an NPDES permit for surface coal mine in Bigler Township, **Clearfield County**, affecting 68.4 acres. Receiving stream(s): Unnamed Tributary to Clearfield Creek and Clearfield Creek, classified for the following use(s): CWF. Clearfield Creek TMDL. Application received: March 31, 2016.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall(s) listed below discharge to Unnamed Tributary to Clearfield Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
002 (SP1)	N
003 (SP2)	N
004 (SP3)	N

*Noncoal NPDES Draft Permits*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**NPDES Permit No. PA0124214 on Surface Mining Permit No. 13760301. New Enterprise Stone & Lime Co., Inc. d/b/a Eastern Industries, Inc.**, (3724 Crescent Court West, Whitehall, PA 18052), renewal of an NPDES Permit for a sand and gravel quarry operation in Lower Towamensing Township, **Carbon County**, affecting 137.5 acres. Receiving stream: Aquashicola Creek, classified for the following use: cold water fishes. Application received: February 1, 2016.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to Aquashicola Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	E&S Sediment Pond

The proposed effluent limits for the above listed outfall are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0
Iron (mg/l)		3.5	7.0	
Manganese (mg/l)		2.0	4.0	

<sup>1</sup> The parameter is applicable at all times.



**NPDES Permit No. PA0225631 on Surface Mining Permit No. 58160305.** Jason A. McCarey, (UPS Store BMP 161, 1143 Northern Boulevard, Clarks Summit, PA 18411), new NPDES Permit for a bluestone quarry operation in Franklin Township, **Susquehanna County**, affecting 6.0 acres. Receiving streams: unnamed tributary to Beaver Creek to Salt Lick Creek/Susquehanna River Watershed, classified for the following uses: HQ—cold water and migratory fishes. Application received: March 31, 2016.

Non-discharge BMP's shall be in effect.

### FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

#### Applications Received under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.*

**E58-318. Trio-Boro Municipal Authority**, 83 Erie Boulevard #B, Susquehanna, PA 18847-9998, in Susquehanna Depot Borough, **Susquehanna County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain a 260-foot long, 6-foot high concrete floodwall in the floodway and floodway fringe of

the Susquehanna River (WWF, MF). The activities are associated with the Tri-Boro Municipal Authority Wastewater Treatment Plant. The project is located at 216 Exchange Street. (Susquehanna, PA Quadrangle, Latitude: 41°56'52"; Longitude: -75°36'16").

**E39-543. Borough of Catasauqua**, 118 Bridge Street, Catasauqua, PA 18032, in Borough of Catasauqua, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments within the floodway of the Lehigh Canal (TSF, MF):

1) A stormwater outfall consisting of a 24-inch diameter reinforced concrete pipe, concrete endwall, and R-5 riprap apron.

2) A stormwater outfall consisting of a 36-inch diameter reinforced concrete pipe, concrete endwall, and R-6 riprap apron.

The purpose of the project is to provide a stormwater discharge from a proposed municipal building. The project is located approximately 600 feet southwest of the intersection of Pine Street and Front Street (Catasauqua, PA Quadrangle, Latitude: 40°39'4.7"; Longitude: -75°28'37.7").

**E52-254. Glen & Brittany DeLeeuw**, 105 Hunts Road, Dingmans Ferry, PA 18328, in Dingman Township, **Pike County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 27-foot wide single family driveway crossing approximately 80 linear feet of EV wetlands and a UNT to Raymondskill Creek consisting of one 24-inch culvert with a concrete headwall and two 12-inch culverts. The crossing will impact 0.05 acre of wetlands. An electric aerial line attached to poles is also proposed for crossing the watercourse and adjacent wetlands. The project is located approximately 0.10 mile east of the Bluestone Circle and Log Tavern Road intersection (Edgemere, PA Quadrangle, Latitude: 41°17'50"; Longitude: -74°52'48").

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Joseph Buczynski, 570-826-2511.*

**E58-315. Transcontinental Gas Pipe Line Company, LLC**, 2800 Post Oak Blvd, Level 6, Houston, TX 77056, Atlantic Sunrise Pipeline Project, in Lenox Township, **Susquehanna County**, U.S. Army Corps of Engineers, Baltimore District. The proposed project starts near the intersection of SR 2020 and SR 2043 (Russell Road) (Lenoxville, PA Quadrangle N: 41° 42' 57.96"; W: 75° 42' 25.66") and ends at the Susquehanna/Wyoming County Line (Hop Bottom, PA Quadrangle N: 41° 38' 35.53"; W: 75° 45' 39.41").

The project consists of the installation and maintenance of approximately 6.7 miles of 30-inch diameter pipeline and appurtenant structures. The proposed project impacts in Susquehanna County include a total of 747 linear feet of temporary impacts to Willow Brook (CWF, MF), Tributaries to Willow Brook (CWF, MF), Tributaries to Millard Creek (CWF, MF) and Tributaries to Tower Branch (CWF, MF); 94 linear feet of permanent impacts to Willow Brook (CWF, MF), Tributaries to Willow Brook (CWF, MF), Tributaries to Millard Creek (CWF, MF) and Tributaries to Tower Branch (CWF, MF); 1.34 acre of floodway impacts; 1.47 acre of temporary impacts to PEM, PSS and PFO wetlands; and 0.32 acre of

permanent impacts to PEM, PSS and PFO wetlands. To compensate for the proposed permanent project impacts in Susquehanna County, the applicant is proposing 1.39 acre of wetland mitigation through a combination of wetland creation and wetland enhancement. The proposed project impacts in this permit application are associated with a proposed transmission pipeline project extending approximately 195 miles in Pennsylvania between Lennox Township, Susquehanna County, PA and Drumore Township, Lancaster County, PA.

For more detailed information regarding the Susquehanna County Chapter 105 permit application related to this proposed project, which is available in the DEP Northeast Regional Office, please contact Joseph J. Buczynski, PE, Waterways and Wetlands Program Manager, at 570-826-2511 to request a file review.

**E40-769. Transcontinental Gas Pipe Line Company, LLC**, 2800 Post Oak Blvd, Level 6, Houston, TX 77056, Atlantic Sunrise Pipeline Project, in Dallas Township, Fairmont Township, Ross Township, Lake Township, Lehman Township, Jenkins Township and Harvey's Lake Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District. The proposed project starts approximately 0.30 mile south of State Route 0118 and Luzerne/Wyoming County Line (Center Moreland, PA Quadrangle N: 41° 23' 40.8"; W: 75° 57' 58.26") and ends approximately 0.10 mile east of Plattsburg Road on the Luzerne/Columbia County Line (Red Rock, PA Quadrangle N: 41° 17' 02.69"; W: 76° 18' 47.97").

The project consists of the installation and maintenance of approximately 22.3 miles of 30-inch diameter pipeline and appurtenant structures. The proposed project impacts in Luzerne County include a total of 4,106 linear feet of temporary impacts to Marsh Run (CWF, MF), Maple Run (HQ-CWF, MF), Tributaries to Maple Run (HQ-CWF, MF), Kitchen Creek (HQ-CWF, MF), Crooked Creek (HQ-CWF, MF), Phillips Creek (HQ-CWF, MF), Tributaries to Phillips Creek (HQ-CWF, MF), Lick Branch (HQ-CWF, MF), Arnold Creek (HQ-CWF, MF), Tributaries to Arnold Creek (HQ-CWF, MF), Shingle Run (HQ-CWF, MF) Tributaries to Shingle Run (HQ-CWF, MF), Mitchler Run (HQ-CWF, MF), Tributaries to Mitchler Run (HQ-CWF, MF), Huntington Creek (HQ-CWF, MF), Tributaries to Huntington Creek (HQ-CWF, MF), Fades Creek (HQ-CWF, MF), Pikes Creek (HQ-CWF, MF), Tributaries to Pikes Creek (HQ-CWF, MF), Paint Spring Run (HQ-CWF, MF), Tributaries to Paint Spring Run (HQ-CWF, MF), Harveys Creek (HQ-CWF, MF), Tributaries to Harveys Creek (HQ-CWF, MF), Tributaries to Huntsville Creek (CWF, MF), Leonard Creek (HQ-CWF, MF) and Tributaries to Leonard Creek (HQ-CWF, MF); 278 linear feet of permanent impacts to the Marsh Run (CWF, MF), Maple Run (HQ-CWF, MF), Tributaries to Maple Run (HQ-CWF, MF), Kitchen Creek (HQ-CWF, MF), Crooked Creek (HQ-CWF, MF), Phillips Creek (HQ-CWF, MF), Tributaries to Phillips Creek (HQ-CWF, MF), Lick Branch (HQ-CWF, MF), Arnold Creek (HQ-CWF, MF), Tributaries to Arnold Creek (HQ-CWF, MF), Shingle Run (HQ-CWF, MF) Tributaries to Shingle Run (HQ-CWF, MF), Mitchler Run (HQ-CWF, MF), Tributaries to Mitchler Run (HQ-CWF, MF), Huntington Creek (HQ-CWF, MF), Tributaries to Huntington Creek (HQ-CWF, MF), Fades Creek (HQ-CWF, MF), Pikes Creek (HQ-CWF, MF), Tributaries to Pikes Creek (HQ-CWF, MF), Paint Spring Run (HQ-CWF, MF), Tributaries to Paint Spring Run (HQ-CWF, MF), Harveys Creek (HQ-CWF, MF), Tributaries to Harveys Creek (HQ-CWF, MF), Tributaries to Huntsville Creek (CWF, MF), Leonard Creek (HQ-CWF, MF) and Tributaries

ies to Leonard Creek (HQ-CWF, MF); 8.9 acres of floodway impacts; 9.8 acres of temporary impacts to PEM, PSS and PFO wetlands; and 1.5 acre of permanent impacts to PEM, PSS and PFO wetlands. To compensate for the proposed permanent project impacts in Luzerne County, the applicant is proposing 8.13 acres of wetland mitigation through a combination of wetland creation and wetland enhancement. The proposed project impacts in this permit application are associated with a proposed transmission pipeline project extending approximately 195 miles in Pennsylvania between Lennox Township, Susquehanna County, PA and Drumore Township, Lancaster County, PA.

For more detailed information regarding the Luzerne County Chapter 105 permit application related to this proposed project, which is available in the DEP Northeast Regional Office, please contact Joseph J. Buczynski, PE, Waterways and Wetlands Program Manager, at 570-826-2511 to request a file review.

**E54-360. Transcontinental Gas Pipe Line Company, LLC**, 2800 Post Oak Blvd, Level 6, Houston, TX 77056, Atlantic Sunrise Pipeline Project, in Pine Grove Township, Tremont Township, Frailey Township, Porter Township, Hegins Township and Eldred Township, **Schuylkill County**, U.S. Army Corps of Engineers, Baltimore District. The proposed project starts approximately 0.40 mile northeast of Helfenstein Road on the Schuylkill/Northumberland County Line (Valley View, PA Quadrangle N: 40° 43' 49.4"; W: 76° 30' 13.78") and ends approximately 0.10 mile northeast of State Route 0443 and the Schuylkill/Lebanon County Line (Pine Grove, PA Quadrangle N: 40° 31' 39.08"; W: 76° 29' 25.76").

The project consists of the installation and maintenance of approximately 18.4 miles of 42-inch diameter pipeline and appurtenant structures. The proposed project impacts for Schuylkill County include approximately 3,095 linear feet of temporary impacts to Mill Creek (CWF, MF), Tributaries to Mill Creek (CWF, MF), Tributaries to Swatara Creek (CWF, MF), Lorberrry Creek (CWF, MF), Tributaries to Lorberrry Creek (CWF, MF), Lower Rausch Creek (CWF, MF), Tributaries to Lower Rausch Creek (CWF, MF), Good Spring Creek (CWF, MF), Pine Creek (CWF, MF), Tributaries to Pine Creek (CWF, MF), Deep Creek (CWF, MF) Mahantango Creek (CWF, MF), Little Mahantango Creek (CWF-MF), Tributaries to Mahantango Creek (CWF-MF); 426 linear feet of permanent impacts to Mill Creek (CWF, MF), Tributaries to Mill Creek (CWF, MF), Tributaries to Swatara Creek (CWF, MF), Lorberrry Creek (CWF, MF), Tributaries to Lorberrry Creek (CWF, MF), Lower Rausch Creek (CWF, MF), Tributaries to Lower Rausch Creek (CWF, MF), Good Spring Creek (CWF, MF), Pine Creek (CWF, MF), Tributaries to Pine Creek (CWF, MF), Deep Creek (CWF, MF) Mahantango Creek (CWF, MF), Little Mahantango Creek (CWF-MF), Tributaries to Mahantango Creek (CWF-MF); 10.5 acres of floodway; 2.1 acres of temporary impacts to PEM, PSS and PFO wetlands; and 0.37 acre of permanent impacts to PEM, PSS and PFO wetlands. To compensate for the proposed permanent project impacts in Schuylkill County, the applicant is proposing 0.74 acre of wetland mitigation through a combination of wetland creation and wetland enhancement. The proposed project impacts in this permit application are associated with a proposed transmission pipeline project extending approximately 195 miles in Pennsylvania between Lennox Township, Susquehanna County, PA and Drumore Township, Lancaster County, PA.

For more detailed information regarding the Schuylkill County Chapter 105 permit application related to this proposed project, which is available in the DEP Northeast Regional Office, please contact Joseph J. Buczynski, PE, Waterways and Wetlands Program Manager, at 570-826-2511 to request a file review.

**E66-160. Transcontinental Gas Pipe Line Company, LLC**, 2800 Post Oak Blvd, Level 6, Houston, TX 77056, Atlantic Sunrise Pipeline Project, in Monroe Township, Northmoreland Township, Eaton Township, Falls Township, Overfield Township, Clinton Township and Nicholson Township, **Wyoming County**, U.S. Army Corps of Engineers, Baltimore District. The proposed project starts approximately 0.30 mile east of Stanton Hill Road on the Susquehanna/Wyoming County Line (Hop Bottom, PA Quadrangle N: 41° 38' 35.53"; W: 75° 45' 39.41") and ends approximately 0.30 mile south of State Route 0118 and the Wyoming/Luzerne County Line (Center Moreland, PA Quadrangle N: 41° 23' 40.82"; W: 75° 57' 58.26").

The project consists of the installation and maintenance of approximately 23.4 miles of 30-inch diameter pipeline and appurtenant structures. The proposed project impacts in Wyoming County include a total of 2,416 linear feet of temporary impacts to Mill Creek (CWF, MF), Tributaries to Martin Creek (CWF, MF), Susquehanna River (WWF, MF), Tributaries to Susquehanna River (CWF, MF), Tributaries to Beaver Creek (CWF, MF), Trout Brook (CWF, MF), Tributaries to Trout Brook (CWF, MF), South Branch Tunkhannock Creek (TSF, MF), Tributaries to South Branch Tunkhannock Creek (CWF, MF), and Tributaries to Tunkhannock Creek (CWF, MF); 410 linear feet of permanent impacts to Mill Creek (CWF, MF), Tributaries to Martin Creek (CWF, MF), Susquehanna River (WWF, MF), Tributaries to Susquehanna River (CWF, MF), Tributaries to Beaver Creek (CWF, MF), Trout Brook (CWF, MF), Tributaries to Trout Brook (CWF, MF), South Branch Tunkhannock Creek (TSF, MF), Tributaries to South Branch Tunkhannock Creek (CWF, MF), and Tributaries to Tunkhannock Creek (CWF, MF); 8.5 acres of floodway impacts; 5.4 acres of temporary impacts to PEM, PSS and PFO wetlands; and 0.9 acre of permanent impacts to PEM, PSS and PFO wetlands. To compensate for the proposed permanent project impacts in Wyoming County, the applicant is proposing 3.56 acres of wetland mitigation through a combination of wetland creation and wetland enhancement. The proposed project impacts in this permit application are associated with a proposed transmission pipeline project extending approximately 195 miles in Pennsylvania between Lennox Township, Susquehanna County, PA and Drumore Township, Lancaster County, PA.

For more detailed information regarding the Wyoming County Chapter 105 permit application related to this proposed project, which is available in the DEP Northeast Regional Office, please contact Joseph J. Buczynski, PE, Waterways and Wetlands Program Manager, at 570-826-2511 to request a file review.

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Scott Williamson, 717-705-4799*

**E36-947, Atlantic Sunrise, Transcontinental Gas Pipe Line Company, LLC**, 2800 Post Oak Boulevard, Level 6, Houston, TX 77056. Atlantic Sunrise Pipeline in Conestoga, Drumore, Manor, Martic, Mount Joy, Rapho, Pequea, Eden, East Donegal, and West Hempfield Townships, Borough of Mount Joy, **Lancaster County**, ACOE Baltimore District. The proposed project starts at

Lebanon County Lancaster County border Elizabethtown, PA Quadrangle N: 40°, 12', 30"; W: -76°, 31', 49" and ends at CPL south, southern tie-in Holtwood, PA Quadrangle N: 39°, 50', 9"; W: -76°, 15', 15".

The project consists of the installation and maintenance of approximately 36.8 miles long, 42 inch pipeline and appurtenant structures. The proposed project impacts in Lancaster County include a total of 4,416 linear feet of temporary impacts to Back Run TSF, MF, Brubaker Run TSF, MF, Chiques Creek WWF, MF, Climbers Run CWF, MF, Indian Run WWF, MF, Little Chiques Creek TSF, MF, Muddy Run TSF, MF, Pequea Creek WWF, MF, Shawnee Run WWF, MF, Shells Run TSF, MF, Stamans Run WWF, MF, Strickler Run WWF, MF, Tucquan Creek HQ-CWF, MF, Four UNTs to Back Run TSF, MF, UNT to Brubaker Run WWF, MF, Two UNTs to Chiques Creek WWF, MF, UNT to Climbers Run CWF, MF, Two UNTs to Conestoga River WWF, MF, Two UNTs to Fishing Creek CWF, MF, UNT to Indian Run WWF, MF, Four UNTs to Little Chiques Creek TSF, MF, Seven UNTs to Pequea Creek WWF MF, UNT Stamans Run WWF, Two UNTs to Strickler Run WWF, MF, Nine UNTs to Witmers Run WWF, MF, Witmers Run WWF, MF, a total of 505 linear feet of permanent impacts to Back Run TSF, MF, Brubaker Run TSF, MF, Chiques Creek WWF, MF, Climbers Run CWF, MF, Indian Run WWF, MF, Little Chiques Creek TSF, MF, Pequea Creek WWF, MF, Shawnee Run WWF, MF, Shells Run TSF, MF, Stamans Run WWF, MF, Strickler Run WWF, MF, Tucquan Creek HQ-CWF, MF, Four UNTs to Back Run TSF, MF, UNT to Brubaker Run WWF, MF, Two UNTs to Chiques Creek WWF, MF, UNT to Climbers Run CWF, MF, Two UNTs to Conestoga River WWF, MF, Two UNTs to Fishing Creek CWF, MF, UNT to Indian Run WWF, MF, Three UNTs to Little Chiques Creek TSF, MF, Six UNTs to Pequea Creek WWF MF, UNT Stamans Run WWF, Two UNTs to Strickler Run WWF, MF, four UNTs to Witmers Run WWF, MF, Witmers Run WWF, MF and 2.02 acres of floodway impacts, 1.42 acre of temporary impacts to PEM, PSS and PFO wetlands and 0.28 acre of permanent impacts to PEM, PSS and PFO wetlands. To compensate for the proposed permanent project impacts in Lancaster County, the applicant is proposing the creation of a compensatory wetland mitigation project located on the Hibred Farms property along State Route 897 (Latitude: 40° 17' 02.38"N; Longitude: 76° 10' 34.03"W) in West Cocalico Township, Lancaster County. The proposed project impacts in this permit application are associated with a proposed transmission pipeline project extending approximately 195 miles in Pennsylvania between Lennox Township, Susquehanna County and Drumore Township, Lancaster County, PA.

For more detailed information regarding the Lancaster County Chapter 105 permit application related to this proposed project, which is available in the DEP regional office, please contact Scott Williamson 717-705-4799 to request a file review.

**E38-195, Atlantic Sunrise, Transcontinental Gas Pipe Line Company, LLC**, 2800 Post Oak Boulevard, Level 6, Houston, TX 77056. Atlantic Sunrise Pipeline, in Cold Springs, in East Hanover, North Annville, South Annville, South Londonderry, Swatara, North Lebanon, and Union Townships, **Lebanon County**, ACOE Baltimore District. The proposed project starts at the Lebanon County Schuylkill County border Pine Grove, PA Quadrangle N: 40°, 31', 39"; W: -76°, 29', 25" and ends at the Lebanon County—Lancaster County border Elizabethtown, PA Quadrangle N: 40°, 12', 30"; W: -76°, 31', 49".

The project consists of the installation and maintenance of approximately 28 miles, 42 inch pipeline and appurtenant structures. The proposed project impacts in Lebanon County include a total of 5,084 linear feet of temporary impacts to Conewago Creek TSF, MF, Forge Creek WWF, MF, Quittapahilla Creek TSF, MF, Reeds Creek WWF, MF, Swatara Creek WWF, MF, Trout Run CWF, MF, Two UNTs to Conewago Creek TSF, MF, Two UNTs to Forge Creek WWF, MF, Two UNTs to Gingrich Run TSF, MF, Five UNTs to Little Conewago Creek TSF, MF, UNT to Quittapahilla Creek TSF, MF, Four UNTs to Qureg Run WWF, MF, Four UNTs to Reeds Creek WWF, MF, Ten UNTs to Swatara Creek WWF, MF, Seven UNTs to Swatara Creek CWF, MF, Five UNTs to Trout Run CWF, MF, a total of 542 linear feet of permanent impacts to Conewago Creek TSF, MF, Forge Creek WWF, MF, Quittapahilla Creek TSF, MF, Reeds Creek WWF, MF, Swatara Creek WWF, MF, Trout Run CWF, MF, UNT to Conewago Creek TSF, MF, Two UNTs to Forge Creek WWF, MF, Two UNTs to Gingrich Run TSF, MF, Four UNTs to Little Conewago Creek TSF, MF, UNT Quittapahilla Creek TSF, MF, Four UNTs to Qureg Run WWF, MF, Four UNTs to Reeds Creek WWF, MF, Nine UNTs to Swatara Creek WWF, MF, Seven UNTs to Swatara Creek CWF, MF, Four UNTs to Trout Run CWF, MF and 1.41 acre of floodway impacts, 2.66 acres of temporary impacts to PEM, PSS and PFO wetlands and 0.75 acre of permanent impacts to PEM, PSS and PFO wetlands. To compensate for the proposed permanent project impacts in Lebanon County, the applicant is proposing the creation of compensatory wetland mitigation project located on the Hibred Farms property along State Route 897 (Latitude: 40° 17' 02.38"N; Longitude: 76° 10' 34.03"W) in West Cocalico Township, Lancaster County. The proposed project impacts in this permit application are associated with a proposed transmission pipeline project extending approximately 195 miles in Pennsylvania between Lennox Township, Susquehanna County and Drumore Township, Lancaster County, PA.

For more detailed information regarding the Lebanon County Chapter 105 permit application related to this proposed project, which is available in the DEP regional office, please contact. For more detailed information regarding the Chapter 105 permit application related to this proposed project, which is available in the DEP regional office, please contact Scott Williamson 717-705-4799 to request a file review.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E14-568. Daniel B. Fisher**, 106 Toy Cow Lane, Aaronsburg, PA 16820. Fisher Water Wheel, in Haines Township, **Centre County**, ACOE Baltimore District (Millheim, PA Quadrangle N: 40.904984°; W: -77.403267°).

To construct and maintain: 1) a 30-inch wide by 30-inch deep by 12-inch high wedge shaped screened water intake, 2) bury 1,000 linear feet of 12-inch diameter pipe in the right riparian area, to carry water down gradient to a, 3) water wheel to pump air inside of a 14-foot wide by 14-foot wide by 13-foot deep enclosed concrete building, with a 4) 15-inch discharge pipe buried for 300 feet to a 5) rock outlet apron in the right floodway of an unnamed tributary of Pine Creek. The pumped air will be used instead of electricity to operate farm machinery. This project proposes to permanently impact 5 linear feet of an unnamed tributary of Pine Creek, which is classified as an Exceptional Value Fishery.

**E19-313. John Bieler**, 41 Arrowhead Road, Danville, PA 17821. Bieler Driveway Crossing, in Madison Township, **Columbia County**, ACOE Baltimore District (Millville, PA Quadrangle; Latitude: 41°7'25.5"; Longitude: 76°36'48").

The applicant proposes to install 20 feet of 60 inch HDPE culvert pipe and two 24 inch diameter relief pipes with a invert in and out 2 feet above bed elevation to provide access to the proposed home location. The entire project is intended to impact 40 linear feet of stream channel. The culvert is shown to be depressed 1 foot below current bed elevation along with having R-5 rock inlet and outlet protection. This project does not propose any impacts to wetlands. The project is located in East Branch of Chillisquaque Creek and carries a water quality designation of Warm Water Fishery. The project is located 1 mile north of Ants Hill Road from the intersection with SR 0044.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, David Garg, 570-327-3636*

**E19-311, Transcontinental Gas Pipe Line Company, LLC**, 2800 Post Oak Blvd, Level 6, Houston, TX 77056. Atlantic Sunrise Project—Columbia County, in Sugarloaf, Cleveland, Franklin, Montour, Hemlock, Mount Pleasant, Orange, Greenwood, and Jackson Townships, **Columbia County**, ACOE Baltimore District. The proposed project starts at 0.35 mile south on Hynick Road from the intersection of Hynick Road and SR 118 (Red Rock, PA Quadrangle N: 40°, 17', 2.17"; W: 76°, 18', 48.68") and ends at 0.22 mile north on Happy Valley Road from the intersection with Monroe Drive (Shamokin, PA Quadrangle N: 40°, 50', 23.7"; W: 76°, 30', 27.13").

The applicant is proposing the installation and maintenance of approximately 26.1 miles long pipeline. Central Penn Line—North located in Sugarloaf Township is a proposed 30 inch pipeline to extend 5 miles across the Township. Central Penn Line—South in the remainder of the County is a proposed 42 inch pipeline to extend 22.1 miles in the remainder of Columbia County, PA. The proposed project impacts include 465 linear feet and 38.6 acre(s) of floodway impacts to Fishing Creek—Cold Water Fishery (CWF), Unnamed Tributary (UNT) to Fishing Creek—CWF, Coles Creek—High Quality Cold Water Fishery (HQ-CWF), UNT Tributary to Coles Creek—HQ-CWF, UNT Tributary to Hess Hollow—HQ-CWF, Ashelman Run—CWF, Mugser Run—HQ-CWF, UNT to Mugser Run—HQ-CWF, Roaring Creek—Trout Stocked Fishery (TSF), UNT to Roaring Creek—TSF, Montour Run—CWF, UNT to Montour Run—CWF, Frozen Run—CWF, UNT to Frozen Run—CWF, Hemlock Creek—CWF, UNT to Hemlock Creek—CWF, Little Fishing Creek—CWF, UNT to Little Fishing Creek—CWF, Deerlick Run—CWF, UNT to Deerlick Run—CWF, Mud Run—TSF, UNT to Mud Run—TSF, Green Creek—TSF, UNT to Green Creek—TSF, York Hollow—CWF, UNT to York Hollow—CWF, West Creek—CWF, UNT to West Creek—CWF, 6.5 acres of temporary PEM, PSS, PFO, PUB wetland impacts, and 1.37 acre of permanent impacts. To compensate for the proposed permanent project impacts, the applicant is proposing the creation of 3.1 acres of wetland creation and wetland enhancement. The proposed project impacts in this permit application are associated with a proposed transmission pipeline project extending approximately 195 miles in Pennsylvania between Lennox Township, Susquehanna County and Drumore Township, Lancaster County, PA.

For more detailed information regarding the Chapter 105 permit application related to this proposed project, which is available in the DEP regional office, please contact David Garg at 570-321-6581 to request a file review.

**E49-336, Transcontinental Gas Pipe Line Company, LLC**, 2800 Post Oak Blvd, Level 6, Houston, TX 77056. Atlantic Sunrise Project—Northumberland County, in East Cameron, Coal, and Ralpho Townships, **Northumberland County**, ACOE Baltimore District. The proposed project starts at 0.22 mile north on Happy Valley Road from the intersection with Monroe Drive (Shamokin, PA Quadrangle N: 40°, 50', 23.7"; W: 76°, 30', 27.13") and ends at 0.4 mile north west of the Helfenstein Road and Ranch Road Intersection, 1.1 mile north east on Helfenstein Road East of Pitman (Valley View, PA Quadrangle N: 40°, 43', 51.6"; W: 76°, 30', 9.8").

The applicant is proposing the installation and maintenance of approximately 8.1 miles long 42 inch Central Penn Line—South pipeline. The proposed project impacts include 144 linear feet and 2.5 acres of floodway impacts to Shamokin Creek—Warm Water Fishery (WWF), Unnamed Tributary (UNT) to Shamokin Creek—WWF, Mahanoy Creek—WWF, Quaker Run—Cold Water Fishery (CWF), South Branch of Roaring Creek—High Quality Cold Water Fishery (HQ-CWF), 0.13 acre of temporary PEM wetland impacts, and 0.01 acre of permanent impacts. The proposed project impacts in this permit application are associated with a proposed transmission pipeline project extending approximately 195 miles in Pennsylvania between Lennox Township, Susquehanna County and Drumore Township, Lancaster County, PA.

For more detailed information regarding the Chapter 105 permit application related to this proposed project, which is available in the DEP regional office, please contact David Garg at 570-321-6581 to request a file review.

*Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**E42-369, Norwich Township**, 3853 West Valley Road, Smethport, PA 16749. Norwich Township Phase II Wastewater Collection and Conveyance, in Norwich Township, **McKean County**, ACOE Pittsburgh District (Crosby, PA Quadrangle N: 41°, 40', 38.75"; W: 78°, 23', 22.43").

To install approximately 43,000 ft of small diameter, low pressure sewer pipeline and one pump station to service residents in the Betula area. The new collection system will tie into the existing system at the intersection of SR 46 and SR 146 and will be installed primarily along SR 46, West Branch Road, Baily Avenue, Frog Hollow Road, Brewer Run Road, and Sackett Hollow Road. The sewer line installation involves 8 wetland crossings and 35 stream crossings including Potato Creek, West Branch Potato Creek, Lost Run, Brewer Run, and associated unnamed tributaries. The entire project, including stream and wetland crossings, will be installed by Horizontal Directional Drill. No direct impacts to resources are proposed.

*District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E5929-059: Howard Energy Partners, LLC**, 37 Fox Chase Drive, Towanda, PA 18848-9060, Liberty Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 949 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°36'09"N, 77°06'23"W);

2) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 50 linear feet of an unnamed tributary to Blacks Creek (CWF) (Liberty, PA Quadrangle 41°36'06"N, 77°06'21"W);

3) A temporary road crossing using timber mats impacting 527 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41°36'05"N, 77°06'19"W);

4) A temporary road crossing using timber mats impacting 68 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°35'38"N, 77°06'35"W);

5) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 3,051 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°35'36"N, 77°06'43"W);

6) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 3,499 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°35'35"N, 77°06'52"W);

7) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 991 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°35'36"N, 77°07'05"W);

8) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 2,275 square feet of a palustrine emergent (PEM) wetland and 52 linear feet of Blacks Creek (CWF) (Liberty, PA Quadrangle 41°35'36"N, 77°07'09"W).

The project will result in 11,360 square feet (0.26 acre) of temporary wetland impacts and 102 linear feet of temporary stream impacts all for the purpose of installing a natural gas gathering line in Liberty Township, Tioga 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.

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**Applications received under sections 5 and 402 of The Clean Streams Law (35 P.S. §§ 691.5 and 691.402)**

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*Southcentral Region: Waterways & Wetlands Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Dauphin County Conservation District: 1451 Peters Mountain Road, Dauphin, PA 17018, 717-921-8100*

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<i>ESCP No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESG00013150001	Texas Eastern Transmission, LP 5400 Westheimer Ct. 5B-44 Houston, TX 77056-5310	Blair	Taylor Township	Cabbage Creek (WWF) Halter Creek (WWF)

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## ACTIONS

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### THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Wastes; Discharges to Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### I. NPDES Renewal Permit Actions

*Northeast Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2511.*

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0061549 (Sewage)	Cherry Hill Mobile Home Court 6 Cherry Hill Road Honesdale, PA 18431	Wayne County Cherry Ridge Township	Middle Creek (1-B)	Yes
PA0031917 (Sewage)	Blue Mountain High School 688 Red Dale Road PO Box 188 Orwigsburg, PA 17961-2035	Schuylkill County North Manheim Township	Mahorney Creek (3-A)	Yes
PA0033863 (Sewage)	Camp-A-While WWTP 1921 East Main Street Hegins, PA 17938	Schuylkill County Hegins Township	Pine Creek (06C)	Yes

*North Central Regional Office: Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3636.*

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0209031 (Sewage)	Loganton Borough Authority Sewer System STP PO Box 203 Loganton, PA 17747-0203	Clinton County Loganton Borough	Fishing Creek (9-C)	Yes
PA0113280 (Industrial)	The Pennsylvania State University Engineering Services Room 113 Physical Plant Building University Park, PA 16802-6811	Centre County State College Borough	Unnamed Tributary of Slab Cabin Run (9-C)	Yes

*Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0098990 (Sewage)	Graham Joseph P SRSTP 420 Constitution Boulevard Rochester, PA 15074	Beaver County Fallston Borough	Brady Run (20-B)	Y
PA0219428 (Sewage)	VanKirk SRSTP 7669 Big Beaver Boulevard Wampum, PA 16157	Beaver County Big Beaver Borough	Unnamed Tributary of Beaver River (20-B)	Y

### II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

*North Central Regional Office: Regional Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3636.*

**NPDES Permit No. PA0232700**, Industrial, SIC Code 2022, 2023, **Leprino Foods Co.**, 400 Leprino Avenue, Waverly, NY 14892-1351.

This proposed facility is located in South Waverly Borough, **Bradford County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Industrial wastewater.

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**NPDES Permit No. PA0264300**, Sewage, SIC Code 8800, **John R Forbes**, 1944 Buxton Road, Titusville, PA 16354.

This proposed facility is located in Cherrytree Township, **Venango County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Sewage.

**NPDES Permit No. PA0263516**, Industrial, SIC Code 1389, **Fluid Recovery Service LLC**, PO Box 232, Creekside, PA 15732-0232.

This existing facility is located in Cornplanter Township, **Venango County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Industrial.

### III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law

*North Central Regional Office: Regional Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3636.*

**WQM Permit No. 1416401**, Sewage, SIC Code 4952, **The Pennsylvania State University**, 152 N Physical Plant Building, University Park, PA 16802.

This proposed facility is located in State College Borough, **Centre County**.

Description of Proposed Action/Activity: Construction of a proposed equalization tank/pump station and force main to convey industrial wastewater from the new water treatment plant to the existing wastewater treatment plant.

**WQM Permit No. 1716403**, Sewage, SIC Code 4952, **Doug R. Maines**, 151 Graham Road, Woodland, PA 16881-9021.

This existing facility is located in Bradford Township, **Clearfield County**.

Description of Proposed Action/Activity: Issuance of a WQM permit authorizing an existing SFTF.

**WQM Permit No. 0816201**, Industrial, SIC Code 2022, 2023, **Leprino Foods Co.**, 400 Leprino Avenue, Waverly, NY 14892-1351.

This proposed facility is located in South Waverly Borough, **Bradford County**.

Description of Proposed Action/Activity: Construction of an industrial wastewater discharge line consisting of 6" HDPE pipe. The discharge line will discharge to the Chemung River just inside the PA border.

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**WQM Permit No. 6115402**, Sewage, SIC Code 8800, **John R Forbes**, 1944 Buxton Road, Titusville, PA 16354.

This proposed facility is located in Cherrytree Township, **Venango County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

**WQM Permit No. 4315405**, Sewage, SIC Code 4952, **Mercer Borough Mercer County**, 145 N Pitt Street, Mercer, PA 16137.

This proposed facility is located in Mercer Borough, **Mercer County**.

Description of Proposed Action/Activity: This permit approves the construction and operation of Sewage facilities consisting of: A new headworks building with a mechanically-cleaned bar screen with bypass channel and manually cleaned bar screen. A screenings washer compactor and a new vortex grit system. Four new submersible pumps in the headworks dry pit and a magnetic flow meter. A new two basin Sequencing Batch Reactor (SBR). Two interconnected post equalization basins with a combined capacity of 582,000 gallons and four submersible equalization pumps. A new modular Ultraviolet (UV) light disinfection unit with an automatic cleaning system will be installed along with an effluent weir into the existing chlorine contact tank. A new package pumping system with vertical centrifugal pumps and a pressure tank will supply water to the WWTP. Two 183,300 gallon aerobic digesters will be installed along with a screw press for sludge dewatering.

**WQM Permit No. WQG01201601**, Sewage, SIC Code, **Street Track N Trail Inc.**, 13723 Conneaut Lake Road, Conneaut Lake, PA 16316.

This proposed facility is located in Vernon Township, **Crawford County**.

Description of Proposed Action/Activity: Small Flow Treatment Facility.

**WQM Permit No. 1015406**, Sewage, SIC Code 4952, 7032, **Summit School Inc.**, PO Box 13, Herman, PA 16039-0013.

This proposed facility is located in Summit Township, **Butler County**.

Description of Proposed Action/Activity: Addition of a sludge holding tank and chemical feed equipment.

### VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

*Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI010915005(1)	Worthington and Shagen Custom Builder, Inc. 1108 Wrightstown Road Newtown, PA 18940	Bucks	Solebury Township	Aquetong Creek HQ-CWF-MF



*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024815008	Gartner Building Group c/o Mr. Joe Gartner 395 Center Hill Rd. Upper Black Eddy, PA 18972	Northampton	Lower Saucon Township	UNT to Saucon Creek (CWF, MF), EV Wetlands
PAI023915028	Elysium Acquisitions, LLC c/o Jeffery Strauss 718 North Glenwood Street Allentown, PA 18104	Lehigh	South Whitehall Township	Little Cedar Creek (HQ-CWF, MF)
PAI023915029	Cedar Point West Associates, LP c/o Mr. Jay H. King Jr. 16515 Pottsville Pike Suite A Hamburg, PA 19526	Lehigh	South Whitehall Township	Cedar Creek (HQ-CWF, MF)
PAI024515012	Mountain View Vineyard, Inc. 5866 Neola Road Stroudsburg, PA 18360	Monroe	Hamilton Township	UNT to Appenzell Creek (HQ-CWF, MF)
PAI023914025(2)	Liberty Property, LP c/o Robert L. Kiel 74 West Broad Street Bethlehem, PA 18018	Lehigh	Lower Macungie Township	Little Lehigh Creek (HQ-CWF, MF)

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Nathan Crawford, Section Chief, Telephone 717.705.4802.*

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030115004	Knouse Foods Cooperative, Inc. 800 Peach Glen-Idaville Road Peach Glen, PA 17375	Adams	Huntington and Tyrone Townships	UNT Bermudian Creek (WWF)

*Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050214002	Borough of Fox Chapel 401 Fox Chapel Road Pittsburgh, PA 15238	Allegheny County	Borough of Fox Chapel	UNT to Squaw Run (HQ-WWF)
PAI055613009	Cambria Somerset Authority 100 Franklin Street Suite 200 Johnstown, PA 15901	Somerset County	Quemahoning Township Conemaugh Township and Jenner Township	Quemahoning Creek (CWF), Two Mile Run (CWF), Higgins Run (HQ-CWF)

## **VII. Approvals to Use NPDES and/or Other General Permits**

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

### **List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site

PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

*General Permit Type—PAG-02*

*Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Upper Providence Montgomery County	PAG02004616029	GlaxoSmithKline 1250 South Collegeville Road Collegeville, PA 19426	Doe Run CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Providence Township Montgomery County	PAG02004615068	W B Homes Inc 404 Sumneytown Pike North Wales, PA 19454	Perkiomen Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Fallowfield Township Chester County	PAG02001515042	Aaron Taylor 35 Queen Eleanor Drive Elkton, MD 21921	Dennis Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Goshen Township Chester County	PAG02001515043	Commerce Operating GP, LLC 1300 Virginia Drive, Suite 215 Fort Washington, PA 19034	East Branch Chester Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Nottingham Township Chester County	PAG02001515048	Martins Community, LP 25 Randy Lane Cochranville, PA 19330	Unnamed Tributary to Northeast Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Chester Borough Chester County	PAG02001516002	The Hickman 400 North Walnut Street West Chester, PA 19380	Unnamed Tributary to Taylor Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Kennett Township Chester County	PAG02001516007	Longwood Gardens 1001 Longwood Road Kennett Square, PA 19348	Unnamed Tributary to Bennetts Run WWF-MF Unnamed Tributary to Red Clay Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

*Southcentral Region: Water Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Juniata Twp Huntingdon County	PAG02003115003	Douglas O. Kent Sr. 5605 W. Canal Road East Berlin, PA 17316	Snyder's Run and Crooked Creek WWF, MF	Huntingdon County Conservation District 10605 Raystown Road Huntingdon, PA 16652-9603 (814) 627-1627

## NOTICES

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Dudley Borough Huntingdon County	PAG02003116002	Swane Construction Co. 632 Hunt Valley Circle New Kensington, PA 15068	Shoup's Run WWF	Huntingdon County Conservation District 10605 Raystown Road Huntingdon, PA 16652-9603 (814) 627-1627
Berwick Township Adams County	PAG02000115021	Donald H. Erwin 1809 Tall Pine Dr. Harrisburg, PA 17110	UNT E Branch Conewago Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Ste 201 Gettysburg, PA 17325-3404 (717) 334-0636
Conewago Township Adams County	PAG02000116003	Andrew G. Smith Miller Chemical & Fertilizer LLC PO Box 333 120 Radio Road Hanover, PA 17331-1139	UNT South Branch Conewago Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Ste 201 Gettysburg, PA 17325-3404 (717) 334-0636
Mount Joy Township Adams County	PAG02000116001	Felty Investments LP 302 York St. Gettysburg, PA 17325	Rock Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Ste 201 Gettysburg, PA 17325-3404 (717) 334-0636
Gettysburg Borough Adams County	PAG02000115037	S & W Development Corp. 301 Steinwehr Avenue Gettysburg, PA 17325	Gettysburg Borough	Adams County Conservation District 670 Old Harrisburg Road Ste 201 Gettysburg, PA 17325-3404 (717) 334-0636
Conewago Township Adams County	PAG02000114015(1)	Borough of Hanover 44 Frederick St. Hanover, PA 17331-3501	S. Branch Conewago Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Ste 201 Gettysburg, PA 17325-3404 (717) 334-0636
Conewago Township Adams County	PAG02000115032	Trone Rental Properties 350 3rd St. Hanover, PA 17331-4909	UNT South Branch Conewago Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Ste 201 Gettysburg, PA 17325-3404 (717) 334-0636
Allegheny Township Blair County	PAG02000715018	764 Realty, LP c/o Blue Knob Auto 2860 Rte 764 Duncansville, PA 16635	UNT Beaverdam Branch & Spencer Run WWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877
Frankston Township Blair County	PAG02000715014	Allegheny Lutheran Social Ministries 998 Logan Boulevard Altoona, PA 16602	Brush Run WWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Derry Township Dauphin County	PAG02002215047	Joslyn Kirby 890 Hill Church Road Hummelstown, PA 17036	Swatara Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Union Township Lebanon County	PAG02003816004	Wayne Stehman 153 Micro Drive Jonestown, PA 17038	UNT Forge Creek WWF	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 (717) 277-5275
Bethel Township Lebanon County	PAG02003816001	Daniel P. Chirico 154 W. Main Street Fredericksburg, PA 17026	Elizabeth Run WWF	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 (717) 277-5275
North Cornwall Township Lebanon County	PAG02003815030	Gary Gilbert II 950 Smile Way York, PA 17404	Snitz Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 (717) 277-5275
Penn Township Lancaster County	PAG02003616006	Dale Rohrer 750 Doe Run Road Lititz, PA 17543	UNT Santo Domingo Creek WWF	Lancaster County Conservation District 1381 Arcadia Road, Room 200 Lancaster, PA 17601-3149 (717) 299-5361
Earl Township Lancaster County	PAG02003616010	Lavern Shirk 851 Gristmill Road New Holland, PA 17557	Muddy Creek TSF, WWF	Lancaster County Conservation District 1381 Arcadia Road, Room 200 Lancaster, PA 17601-3149 (717) 299-5361
East Lampeter Township Lancaster County	PAG02003616017	High Associates 1853 William Penn Way Lancaster, PA 17605	Stauffer Run WWF, MF	Lancaster County Conservation District 1381 Arcadia Road, Room 200 Lancaster, PA 17601-3149 (717) 299-5361
Manheim Township	PAG02003616014	Chapman Auto Group 1170 Easton Road Horsham, PA 19044	UNT Little Conestoga Creek WWF	Lancaster County Conservation District 1381 Arcadia Road, Room 200 Lancaster, PA 17601-3149 (717) 299-5361
Manheim Township	PAG02003616021	Michael Phillips 1165 Hunsicker Road Apt. 1 Lancaster, PA 17601	Conestoga River WWF	Lancaster County Conservation District 1381 Arcadia Road, Room 200 Lancaster, PA 17601-3149 (717) 299-5361

## NOTICES

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Leacock Township	PAG02003616026	Joel Denlinger 262A Belmont Road Gordonville, PA 17529	UNT Pequea Creek WWF, MF	Lancaster County Conservation District 1381 Arcadia Road, Room 200 Lancaster, PA 17601-3149 (717) 299-5361
South Heidelberg Township Berks County	PAG02000613020(1)	Caron Treatment Centers PO Box 150 Wernersville, PA 19565	Manor Creek TSF, MF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 (610) 372-4657
Heidelberg Township Berks County	PAG02000616004	Glenn High 455 Bunker Hill Road Robesonia, PA 19551	Spring Creek/Wetlands TSF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 (610) 372-4657
Tulpehocken Township Berks County	PAG02000607011(2)R	Mount Aetna Developers, Inc. 817 Grandview Drive Ephrata, PA 17522	Little Swatara Creek CWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 (610) 372-4657
Perry Township Berks County	PAG02000613025(1)	Hamburg Logistics Park, LP 930 East Boot Road Suite 400 West Chester, PA 19380	Pigeon Creek Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 (610) 372-4657
South Heidelberg Township Berks County	PAG02000616006	Rhoads Energy Corporation 624 South Prince Street Lancaster, PA 17603	Cacoosing Creek CWF, MF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 (610) 372-4657
Borough of Hamburg Berks County	PAG02000616002	M & G Realty, Inc. 2100 North George Street York, PA 17404	Karcher Creek Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 (610) 372-4657
West Manheim Township York County	PAG02006715051	Horak & Yorlets Partnership 2751 Baltimore Pike Hanover, PA 17331	SB Conewago Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17403 (717) 840-7430
Dover Township York County	PAG02006715093	Lighthouse Baptist Church 5005 Carlisle Road Dover, PA 17315	UNT Fox Run TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17403 (717) 840-7430

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
City of York York County	PAG02006715095	Apple Retail Properties 950 Smile Way York, PA 17404	Willis Run WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17403 (717) 840-7430
West Manchester Township	PAG02006710001R-1	Albright Care Services 1700 Normandie Drive York, PA 17404	Litle Conewago Creek Willis Run TSF/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17403 (717) 840-7430
Shrewsbury Township York County	PAG02006715099	Central Pennsylvania Transportation Authority 1230 Roosevelt Avenue York, PA 17404	Deer Creek CWF, MF	York County Conservation District 118 Pleasant Acres Road York, PA 17403 (717) 840-7430
York Township York County	PAG02006715039	Springwood LLC 221 Granite Run Drive Lancaster, PA 17601	Mill Creek CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17403 (717) 840-7430
Upper Allen Township Cumberland County	PAG02002116012	Upper Allen Township 100 Gettysburg Pike Mechanicsburg, PA 17055	UNT Yellow Breeches CWF, MF	Cumberland County Conservation District 310 Allen Road, Suite 301 Carlisle, PA 17013-9101 (717) 240-7812
Southampton Township Franklin County	PAG02002812008(2)	Matrix Lot 6 CVRDC 100 Lincoln Way East Suite A Chambersburg, PA 17201	Furnace Run CWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 (717) 264-5499
Borough of Mercersburg Franklin County	PAG02002816004	Rutters Store #67 Tim Rutter 2100 North George Street York, PA 17404	Johnston Run WWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 (717) 264-5499
Southampton Township Franklin County	PAG02002812008-2	Sheetz Southampton Robert Franks 5700 6th Avenue Altoona, PA 16602-1111	Furnace Run CWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 (717) 264-5499
Chambersburg Borough Franklin County	PAG02002815046	Aldi 8751 Gas House Pike Frederick, MD 21701	UNT Falling Springs CWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 (717) 264-5499

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Quincy Township Franklin County	PAG02002816006	Quincy Township 7575 Mentzer Gap Road Waynesboro, PA 17268	UNT W Branch of Antietam Creek CWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 (717) 264-5499
Antrim Township Franklin County	PAG02002815040	Chloe Court LLC 110 Western Maryland Parkway Hagersown, MD 21740	UNT Conococheague Creek WWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 (717) 264-5499
Green Township Franklin County	PAG02002816001	MBC Development PO Box 472 Schuykill, PA 17972	Philamann Run WWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 (717) 264-5499
Green Township Franklin County	PAG02002815032	Sheetz 351 Sheetz Way Claysburg, PA 16625	UNT Conococheague Creek CWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 (717) 264-5499
Lurgan Township Franklin County	PAG02002816002	Scott Kiskaddon 6470 Park Road Orrstown, PA 17244	UNT Paxton Run WWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 (717) 264-5499
Greene Township Franklin County	PAG02002815043	Burkholder's Buildings 3099 Grand Point Road Chambersburg, PA 17202	UNT Conococheague Creek CWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 (717) 264-5499
Chambersburg Borough Franklin County	PAG02002815045	DBW John Wibble 935 South Main Street Chambersburg, PA 17201	UNT Conococheague Creek WWF/MF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 (717) 264-5499
Antrim Township Franklin County	PAG02002815042	Thomas Kelskey 15032 Maryland Line Road Greencastle, PA 17225	UNT Conococheague Creek WWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 (717) 264-5499

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Litchfield Township Bradford County	PAG02000816004	Matt Tripoli Litchfield Energy, LLC 6051 Wallace Road Ext Suite 100 Wexford, PA 15090	Bullard Creek (CWF)	Bradford County Conservation District Stoll Natural Resource Ctr 200 Lake Rd Ste E Towanda, PA 18848 (570) 265-5539, X 6
Woodward Township Lycoming County	PAG02004116001	Jeral Forger RSJF Linden Inc 50 State Street Clayton, NY 13624	UNT to Pine Run (WWF)	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville, PA 17754 (570) 433-3003
Spring Township Snyder County	PAG-02-0055-16-001	Robert S Martin Ridge Valley Farms 4227 Ridge Road Beaver Springs, PA 17812	S. Branch Middlecreek (TSF/MF)	Snyder County Conservation District 403 W Market St Middleburg, PA 17842 (570) 837-3000 X110

*Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Hampton Township West Deer Township and Indiana Township Allegheny County	PAG02000215125	Pennsylvania Turnpike Commission P.O. Box 67676 Harrisburg, PA 17106	Pine Creek Basin (TSF); Deer Creek Basin (CWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Harmar Township Allegheny County	PAG02000215107	Sheetz, Inc. c/o 817 Brookfield Drive Seven Fields, PA 16046	Allegheny River (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Plum Borough Allegheny County	PAG02000215032	Future Development Group, LP 1272 Mars Evans City Road Evans City, PA 16033	UNT to Plum Creek (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Municipality of Penn Hills Allegheny County	PAG02000215127	Peoples Natural Gas Company, LLC 1201 Pitt Street Pittsburgh, PA 15221	UNT to Chalfant Run (WWF); UNTs to Thompson Run (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
City of Pittsburgh Allegheny County	PAG02000214076-1	Oxford Development Company One Oxford Center Suite 4500 Pittsburgh, PA 15219	Allegheny River (WWF-N)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645



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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Adams Township and Mars Borough Butler County	PAG02001016010	American Transmission Systems Inc c/o Mr. William R. Beach 800 Cabin Hill Drive Greenburg, PA 15601-1650	Connoquenessing Creek WWF; Glade Run WWF; Kaufman Run WWF; Likens Run WWF; Breakneck Creek CWF; North Fork Pine Creek CWF	Butler County Conservation District 724-284-5270
Jefferson Township Butler County	PAG02001016004	Anthony Landscaping 127 Caldwell Drive Butler, PA 16002	Thorn Creek CWF	Butler County Conservation District 724-284-5270
Clarion Borough Clarion County	PAG02001616002	Bob Powers 1880 Bankston Place Harrah, OK 73045	Trout Run CWF	Clarion County Conservation District 814-297-7813
North Shenango Township Crawford County	PAG02002015008	PA Game Commission 9552 Hartstown Road Hartstown, PA 16131	Pymatuning Reservoir WWF	Crawford County Conservation District 814-763-5269
Young Township Jefferson County	PAG02003316003	PA American Water Company 203 Sycamore Street Punxsutawney, PA 15767	Elk Run CWF	Jefferson County Conservation District 814-849-7463
City of New Castle and Taylor Township Lawrence County	PAG02003716001	Columbia Gas of PA 2021 West State Street New Castle, PA 16101	Shenango River WWF	Lawrence County Conservation District 724-652-4512

*General Permit Type—PAG-03*

<i>Facility Location Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Delaware Township Northumberland County	PAR214814	Watsontown Brick Co. 86 Portmay Road Watsontown, PA 17777-7800	West Branch Susquehanna River—10-D	DEP North Central Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.3636
Limestone Township Montour County (Industrial Stormwater)	PAR804825	Great Dane LP 70 Strick Road Danville, PA 17821-9097	County Line Branch and Unnamed Tributary of Beaver Run—10-D	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.0530
Adams Township Butler County	PAR808316	Vogel Disposal Service PO Box 1080 Mars, PA 16046-2911	Breakneck Creek (20-C)	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

General Permit Type—PAG-04

Facility Location  
Municipality &  
County

Permit No.

Applicant Name &  
Address

Receiving  
Water/Use

Contact Office &  
Phone No.

Luzerne Township  
Fayette County

PAG046458

US Army Corps of Engineers  
Pittsburgh District  
1000 Liberty Avenue  
Pittsburgh, PA 15222-4186

Meadow Run  
19-C

DEP South West  
Regional Office  
Clean Water Program  
400 Waterfront Drive  
Pittsburgh, PA  
15222-4745  
412.442.4000

Vernon Township  
Crawford County

PAG041202

Street Track N Trail Inc.  
13723 Conneaut Lake Road  
Conneaut Lake, PA 16316

Unnamed Tributary  
to Little Sugar  
Creek—16-D

DEP North West  
Regional Office  
Clean Water Program  
230 Chestnut Street  
Meadville, PA  
16335-3481  
814.332.6942

**STATE CONSERVATION COMMISSION**

**NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

**CAFO NMP  
PUBLIC NOTICE SPREADSHEET—ACTIONS (Approval/Disapproval)**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units (AEUs)</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproval</i>
The Meadows Racetrack & Casino 210 Racetrack Road, Washington, PA 15301	Washington	134.4	929.50	Horse	NA	Approved

**PUBLIC WATER SUPPLY PERMITS**

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor,

Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This

paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### SAFE DRINKING WATER

#### Actions taken under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).

*Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

**Permit No. 3480055, Operations Permit** Public Water Supply.

Applicant	<b>Pennsylvania American Water Company</b> 800 West Hershey Park Dr. Hershey, PA 17033
[Borough or Township]	Hamilton Township
County	<b>Monroe</b>
Type of Facility	PWS
Consulting Engineer	David Lentowski, PE PAWC 4 Wellington Blvd. Wyomissing, PA 19610
Permit to Operate Issued	April 4, 2016

**Permit No. 3540069, Operation Permit**, Public Water Supply.

Applicant	<b>Aqua Pennsylvania, Inc.</b> (The Pines Water System) 1 Aqua Way White Haven, PA 18661
Municipality	Deer Lake Borough and West Brunswick Township
County	<b>Schuylkill</b>
Type of Facility	PWS
Consulting Engineer	Jonathan W. Morris, P.E. GHD 1240 North Mountain Road Harrisburg, PA 17112
Permit to Operate Issued	April 19, 2016

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Permit No. 3815508 MA, Minor Amendment**, Public Water Supply.

Applicant	<b>Cornwall Borough Municipal Authority</b>
Municipality	Cornwall Borough
County	<b>Lebanon</b>

Responsible Official	Barbara Henry PO Box 667 Cornwall, PA 17016
Type of Facility	Installation of a continuous chlorine analyzer at the Borough Garage Pump Station.
Consulting Engineer	Jonathan R. Beers, P.E. Cornwall Borough Municipal Authority 44 Rexmont Road Lebanon, PA 17042
Permit to Construct Issued	3/8/2016

**Permit No. 5015508 MA, Minor Amendment**, Public Water Supply.

Applicant	<b>Newport Borough Water Authority</b>
Municipality	Newport Borough
County	<b>Perry</b>
Responsible Official	Penny Frownfelter, Chairperson 497 N Front Street Newport, PA 17074
Type of Facility	Installation of a bulk water loading station at the Front Street Newport Water Treatment Plant.
Consulting Engineer	Mark Bruening, P.E. Barton & Loguidice D.P.C. 3901 Hartzdale Drive Camp Hill, PA 17011
Permit to Construct Issued	4/18/2016

**Operation Permit No. 3815507** issued to: **Cornwall Borough Municipal Authority (PWS ID No. 7380007)**, Cornwall Borough, **Lebanon County** on 4/1/2016 for facilities approved under Construction Permit No. 3815507.

**Operation Permit No. 3615516** issued to: **Conestoga MHP, Inc. (PWS ID No. 7360014)**, Conestoga Township, **Lancaster County** on 4/18/2016 for facilities approved under Construction Permit No. 3615516.

**Source Water Protection Program Approval** issued to **Mount Penn Borough Municipal Authority**, 200 North 25th Street, Reading, PA 19606, **PWSID 3060082**, Mount Penn Borough, **Berks County** on April 18, 2016.

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**Permit No. 4115507—Construction—Public Water Supply.**

Applicant	<b>Lycoming County Water &amp; Sewer Authority</b>
Township/Borough	Fairfield Township
County	<b>Lycoming</b>
Responsible Official	Ms. Christine Weigle Lycoming County Water & Sewer Authority 380 Old Cement Road P.O. Box 186 Montoursville, PA 17754

Type of Facility Public Water Supply  
 Consulting Engineer David Swisher, P.E.  
 HRG, Inc.  
 474 Windmere Drive, Suite 100  
 State College, PA 16801

Permit Issued April 11, 2016

Description of Action Development of Tules Run Well PW-3 as an additional source of supply, with treatment including sodium hypochlorite disinfection, sodium hydroxide corrosion control, and 4-log virus inactivation. In addition, Well PW-2 disinfection system and the distribution system pump station will be upgraded.

**Permit No. 1416501MA—Construction—Public Water Supply.**

Applicant **Bellefonte Borough Water Authority**

Township/Borough Bellefonte Borough  
 County **Centre**

Responsible Official Mr. Ralph Stewart  
 Bellefonte Borough Manager  
 Bellefonte Borough  
 236 West Lamb Street  
 Bellefonte, PA 16823

Type of Facility Public Water Supply  
 Consulting Engineer Anthony J. Coval  
 Nittany Engineering and Associates, LLC  
 2836 Earlstown Road, Suite 1  
 Centre Hall, PA 16828

Permit Issued April 18, 2016

Description of Action Replacement of the Hypalon floating cover on Big Spring with an new XR-3 PW 8130 floating cover.

**Permit No. 4496557EP114—Permit-By-Rule—Public Water Supply.**

Applicant **Glacier Water**

Township/Borough City of Williamsport  
 County **Lycoming**

Responsible Official Mr. Thomas Conti  
 Vice President and Chief Operating Officer  
 GW Services, LLC  
 d/b/a Glacier Water  
 1385 Park Center Drive  
 Vista, CA 92081

Type of Facility Public Water Supply  
 Consulting Engineer N/A

Permit Issued April 19, 2016

Description of Action Operation of a vended water system with a backflow device at Save-A-Lot (Lingles) to withdraw water from Williamsport Municipal Water Authority.

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Permit No. 0415508**, Public Water Supply.

Applicant **Robert Borland, Owner Whispering Woods Community Water System**  
 479 Big Knob Road  
 Rochester, PA 15074

[Borough or Township] New Sewickley Township  
 County **Beaver**

Type of Facility Water system  
 Consulting Engineer Nittany Engineering & Associates, LLC  
 2836 Earlstown Road  
 Suite 1  
 Centre Hall, PA 16828

Permit to Construct Issued April 18, 2016

**Permit No. 0215537**, Public Water Supply.

Applicant **Pennsylvania American Water Company**  
 800 West Hersheypark Drive  
 Hershey, PA 17033

[Borough or Township] Baldwin Borough and the City of Pittsburgh  
 County **Allegheny**

Type of Facility Chemical tanks at Hays Mine WTP  
 Consulting Engineer Pennsylvania American Water Company  
 800 West Hersheypark Drive  
 Hershey, PA 17033

Permit to Construct Issued April 13, 2016

**Permit No. 0215538**, Public Water Supply.

Applicant **Pennsylvania American Water Company**  
 800 West Hersheypark Drive  
 Hershey, PA 17033

[Borough or Township] Union Township  
 County **Washington**

Type of Facility Chemical tanks at Aldrich WTP  
 Consulting Engineer Pennsylvania American Water Company  
 800 West Hersheypark Drive  
 Hershey, PA 17033

Permit to Construct Issued April 13, 2016

**Permit No. 0216502**, Public Water Supply.

Applicant **Pennsylvania American Water Company**  
 800 West Hersheypark Drive  
 Hershey, PA 17033

[Borough or Township] Chartiers Township  
 County **Washington**

Type of Facility Paxton Farm Road waterline extension project  
 Consulting Engineer Lennon, Smith, Souleret Engineering, Inc. 846 Fourth Avenue Coraopolis, PA 15108  
 Permit to Construct Issued April 13, 2016

**Permit No. 1115511**, Public Water Supply.  
 Applicant **Glendale Valley Municipal Authority**  
 1800 Beaver Valley Road  
 Flinton, PA 16640

[Borough or Township] White Township  
 County **Cambria**  
 Type of Facility Booster pump station along Church Hill Road

Consulting Engineer Keller Engineers, Inc. 420 Allegheny Street PO Box 61 Hollidaysburg, PA 16648

Permit to Construct Issued April 18, 2016

**Operations Permit** issued to: **Pleasant Valley Water Authority**, 2320 Moyer Road, Connellsville, PA 15425, (PWSID # 5260006) Bullsken Township, **Fayette County** on April 13, 2016 for the operation of facilities approved under Construction Permit # 2616501.

**Operations Permit** issued to: **National Pike Water Authority**, PO Box 10, Markleysburg, PA 15459, (PWSID # 5260048) Henry Clay and Wharton Townships, **Fayette County** on April 13, 2016 for the operation of facilities approved under Construction Permit # 2611507MA.

**Operations Permit** issued to: **National Pike Water Authority**, PO Box 10, Markleysburg, PA 15459, (PWSID # 5260048) Wharton Township, **Fayette County** on April 13, 2016 for the operation of facilities approved under Construction Permit # 2615512MA-E.

**Operations Permit** issued to: **Municipal Authority of the Borough of Somerset**, 347 West Union Street, PO Box 71, Somerset, PA 15501, (PWSID # 4560042) Somerset Borough and Somerset Township, **Somerset County** on April 18, 2016 for the operation of facilities approved under Construction Permit # 5614502MA.

**Permit No. 5616503MA, Minor Amendment.** Public Water Supply.

Applicant **Somerset Township Municipal Authority**  
 2209 North Center Avenue  
 Somerset, PA 15501

[Borough or Township] Somerset Township  
 County **Somerset**  
 Type of Facility Waterline-Fairfield Inn & Suites

Consulting Engineer Somerset Planning & Engineering Services, LLC  
 222 West Main Street  
 Suite 100  
 Somerset, PA 15501

Permit to Construct Issued April 18, 2016

**Permit No. 2616502WMP, Minor Amendment.** Public Water Supply.

Applicant **Indian Creek Valley Water Authority**  
 PO Box 486  
 2019 Indian Head Road  
 Indian Head, PA 15446

[Borough or Township] Saltlick Township  
 County **Fayette**

Type of Facility Metered bulk water fill station  
 Consulting Engineer Bankson Engineers, Inc. 267 Blue Run Road Suite 200 Cheswick, PA 15024

Permit to Operate Issued April 18, 2016

**PA-American Water Co. Kittanning (Public Water Supply), Armstrong County:** On April 12, 2016, the Safe Drinking Water Program approved the Source Water Protection (SWP) Plan for PA-American Water Co. Kittanning. The personnel involved with the development of this SWP Plan are to be commended for taking these proactive steps to protect these water sources for their community. Development of the SWP Plan was completed with assistance from PA DEP's Source Water Protection Technical Assistance Program.

**WATER ALLOCATIONS**

**Actions taken on applications received under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631–641) relating to the acquisition of rights to divert waters of the Commonwealth.**

*Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**WA-355**, Water Allocation, **Aqua Pennsylvania, Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010, Conyngham Township, **Luzerne County**. The Department has rescinded the referenced Order of Confirmation, issued to Citizens Water Company of Wapwallopen, which approved the withdrawal of the entire flow to be taken from two springs, about one mile northeast of Wapwallopen Village. The two springs have been acquired by Aqua Pennsylvania, Inc., which does not intend to use the two springs now or in the future.

**SEWAGE FACILITIES ACT PLAN DISAPPROVAL**

**Plan Disapprovals Under the Pennsylvania Sewage Facilities Act (35 P.S. § 750.5)**

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. 717-705-4707.*

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Londonderry Township	783 S. Geyers Church Rd., Middletown, PA 17057	Dauphin

*Plan Description:* The request for a planning exemption for the Stephen J. Wisniewski subdivision, DEP Code No. A3-22920-219-2E, APS Id 912429, is disapproved. The purpose of this subdivision is to create one new single family residential lot to use an individual onlot sewage disposal system. The project is located north of Locust Grove Road, east of the junction with Hillsdale Road. In

accordance with the conditions specified in Londonderry Township's 1999 Act 537 Plan and the corresponding approval letter issued by the Department, planning for onlot sewage disposal systems in Londonderry Township must be completed using Component 2 module forms with a preliminary hydrogeologic study.

**REDEVELOPMENT OF A  
PORTION OF A SITE  
UNDER THE HAZARDOUS SITES  
CLEAN-UP ACT OF  
OCTOBER 18, 1988**

**Public Notice of Proposed Consent Order  
and Agreement  
Jackson Ceramix Site, Falls Creek Borough,  
Jefferson County**

Pursuant to Section 1113 of the Pennsylvania Hazardous Sites Cleanup Act, Act of October 18, 1988, P.L. 756, No. 108, 35 P.S. §§ 6020.101—6020.1305 (HSCA), notice is hereby provided that the Pennsylvania Department of Environmental Protection (Department) has agreed to a Consent Order and Agreement (2016 Agreement) with Mr. John Yenzi and Caiserra Corporation (collectively Yenzi) and the Borough of Falls Creek (Falls Creek) regarding the donation and redevelopment for public benefit of an approximately 17.12 acre property (the Property) within the Jackson Ceramix Site.

The Jackson Ceramix Site (Site) is located in Falls Creek Borough, Jefferson County and Sandy Creek Township, Clearfield County. The Site is listed by the United States Environmental Protection Agency (EPA) on the Superfund National Priorities List, and is also a Site designated by the Department under HSCA. The Site, including the Property, is an area where china was manufactured by various companies, including Jackson Ceramix, Inc., from approximately 1912 until 1985. Neither Jackson Ceramix, Inc., nor any other company that manufactured china at the Site is currently in existence.

When china was manufactured at the Site, wastes and other materials containing hazardous substances were dumped, spilled, or otherwise disposed at the Site, including the Property. The Department, EPA, and others have investigated the Site and, to date, have found that sediment, groundwater, and soils at the Site, including the Property, are contaminated with "hazardous substances" as defined in Section 103 of HSCA, 35 P.S. § 6020.103. The presence of these hazardous substances at the Site constitutes a "release" and a "threat of release" of a hazardous substance, as defined in Section 103 of HSCA, 35 P.S. § 6020.103.

In 2000, the Department conducted a response action at the Site that included capping the wastes on the Property. To date, the Department has incurred more than \$2,900,000 in response costs at the Site, including at the Property.

In April 1994, Yenzi purchased the Property at a tax sale for a nominal sum. On July 15, 1996, the Department entered into a Consent Order and Agreement with Yenzi concerning the Property (1996 Agreement). The 2016 Agreement concerns the donation and redevelopment of the Property for public benefit, and it replaces some parts of the 1996 Agreement.

Specifically, the 2016 Agreement requires Yenzi to donate the Property to Falls Creek, with the exception of 2 acres of the Property that Yenzi will retain along with the existing old office building located at the Property.

Falls Creek shall retain ownership of the remaining 15.12 acre parcel for public benefit, and shall redevelop all or a portion of that parcel for commercial and industrial uses which will provide jobs within Falls Creek. Both Yenzi and Falls Creek shall place restrictions for reuse of their parcels through an Environmental Covenant. The specific terms are set forth in the 2016 Agreement.

The Department will receive and consider comments relating to the 2016 Agreement for sixty (60) days from the date of this Public Notice. The Department has the right to withdraw its consent to the 2016 Agreement if the comments concerning the 2016 Agreement disclose facts or considerations which indicate that the 2016 Agreement is inappropriate, improper, or not in the public interest. After the public comment period, the 2016 Agreement shall be effective upon the date that the Department notifies Yenzi and Falls Creek, in writing, that this Agreement is final and effective in its present form and that the Department has filed a response to significant written comments to the 2016 Agreement or that no such comments were received.

The 2016 Agreement is available for inspection and copying at the Department's office at 230 Chestnut Street, Meadville, Pennsylvania. Comments may be submitted, in writing, to Mr. Charles Tordella, Acting Environmental Group Manager. Mr. Tordella can be reached in the Department's Northwest Regional Office, located at 230 Chestnut Street, Meadville, PA 16335, telephone: 814-332-6071. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 800-645-5984.

**LAND RECYCLING AND  
ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995  
PREAMBLE 2**

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**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

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Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of

regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Future Transport Inc.**, Interstate 80 @ MM 184.8E, Greene Township, **Clinton County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857 on behalf of Future Transport, Inc., 112 Luther Avenue, Rockford, IL 61107 has submitted a Final Report concerning remediation of site soils contaminated with Diesel Fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

*Northeast Region: Eric Supey, Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

**Country Cleaners**, 1245 Chestnut Street, Emmaus Borough, **Lehigh County**. Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104-0591, on behalf of Mannino Brothers Partnership, 1985 Brookside Road, Macungie, PA 18062, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soils and groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**South Oakview Road & Lincoln Highway East**, 2090 Lincoln Highway East, Lancaster, PA 17602, East Lampeter Township, **Lancaster County**. Liberty Environmental, Inc., 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602, on behalf of Franchise Realty Interstate Corp., DBA as McDonald's Restaurant, 2090 Lincoln Highway East, Lancaster, PA 17602, and Elk Environmental Services, 1420 Clarion Street, Reading, PA 19601, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

*Southeast Regional Office: Regional Manager, Environmental Cleanup and Brownfields, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5960.*

**Phase II Arlington Square**, 50 South 3rd Street, Telford Borough, **Montgomery County**. Craig Herr, PG, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Christopher Canavan, Old Forge Acquisitions, LP, 404 Summeytown Pike, Suite 200, North Wales, PA 19454 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF803174.

**Clark Resident/232 Hyde Park Place**, 232 Hyde Park Place, Lower Makefield Township, **Bucks County**. Daniel P. Claycomb, Environmental Standards, Inc., 1140 Valley Forge Road, P.O. Box 810, Valley Forge, PA 19482, Justin Lineman, Lewis Environmental, Inc., 155 Railroad Plaza, P.O. Box 639, Royersford, PA 194682 on behalf of Bruce Clark, 232 Hyde Park Place, Yardley, PA 19607 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF782578.

**Schultz Residence**, 61 East Pumping Station Road, Richland Township, **Bucks County**. Richard Trimpi, Trimpi Associates, Inc., 1635 Old Plains, Pennsburg, PA 18073, Kyle Rourke, State Farm Insurance, P.O. Box 106169, Atlanta, GA 30348-6169 on behalf of Allen Schultz, 61 East Pumping Station Road, Quakertown, PA 18951 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF779941.

**Interport Philadelphia LP Property**, 7600 Holstein Avenue & 7601 Essington Avenue, City of Philadelphia, **Philadelphia County**. Steve Kirschner, Advance GeoServices Corporation, 1055 Andrew Drive, Suite A, West Chester, PA 19380, Dan Wright, Advance GeoServices Corporation, 1055 Andrew Drive, Suite A, West Chester, PA 19380 on behalf of Clay Kenmore, Interport Philadelphia, LP, 1140 Strange Line Road, Lenexa, Kansas 66215 has submitted a Cleanup Plan and a Remedial Investigation Report concerning remediation of site soil contaminated with lead and arsenic. The report is intended to document remediation of the site to meet the Background Standard/Site Specific Standard and Statewide Health Standard. PF806458.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

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**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).**

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Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property;

and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Future Transport, Inc.**, Interstate 80 @ MM184.8E, Greene Township, **Clinton County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857 on behalf of Future Transport, Inc., 112 Luther Avenue, Rockford, IL 61107 submitted a Final Report concerning the remediation of site soil contaminated with Diesel Fuel. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on April 5, 2016.

**Magee Center, Bloomsburg University**, 700 West Main Street, Town of Bloomsburg, **Columbia County**. Black Rock Environmental, LLC, P.O. Box 288, Nazareth, PA 18064, on behalf of Bloomsburg University, 400 East Second Street, Bloomsburg, PA 17815, submitted a Final Report concerning the remediation of site soil and groundwater contaminated with Heating Oil. The Final Report demonstrated attainment of the Site-Specific Standard, and was approved by the Department on March 10, 2016.

*Northeast Region: Eric Supey, Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

**Mountain View Mobile Home Park**, 133 1/2 West Zimmer Drive, Lehigh Township, **Northampton County**. Light-Heigel & Associates, Inc., 39 Dock Street, Schuylkill Haven, PA 17972, on behalf of MHC Mountain View PA LP, 4 East Zimmer Drive, Walnutport, PA 18088, submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on April 13, 2016.

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**Huntingdon Holdings LLC/Huntingdon Fiberglass**, 1200 Susquehanna Avenue, Huntingdon, PA 16652, Huntingdon Borough, **Huntingdon County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16652, on behalf of Huntingdon Holdings, LLC, 1200 Susquehanna Avenue, Huntingdon, PA 16652, submitted a Remedial Investigation Report concerning site soils and groundwater contaminated with Chlorinated Solvents, VOCs, and Inorganics. The Report did not demonstrate attainment of the Site Specific Standard, and was disapproved by the Department on April 12, 2016.

**Keystone Protein Company**, 568 Chestnut Hill Road, Fredericksburg, PA 17026, Bethel Township, **Lebanon County**. Reliance Environmental, Inc., 235 North Duke Street, PA 17602, on behalf of Farmer's Pride, Inc., 154 West Main Street, Fredericksburg, PA 17026, submitted a Final Report concerning remediation of site soils and groundwater contaminated with No. 6 fuel oil. The Final Report demonstrated attainment of the Non-Residential Statewide Health Standard, and was approved by the Department on April 14, 2016.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**XTO Energy—Ritenour # 8446H Well Site**, 388 Hypocrite Creek Road, Fairfield Township, **Westmoreland County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066 on behalf of XTO Energy, Inc., 395 Airport Road, Indiana, PA 15701 submitted a Remedial Investigation/Final Report concerning site soils contaminated with aluminum, barium, boron, iron, lithium, manganese, strontium, vanadium, zinc, selenium and chloride from a release of brine from a production tank at the well site. The RI/Final report demonstrated attainment of a Residential/Used Aquifer Statewide Health Standard for soil for the Target Analyte List (TAL) metals, a Site Specific Standard for chlorides in soil, and was approved by the Department on April 14, 2016.

**R.E. Uptegraff Manufacturing Company Site**, 120 Uptegraff Drive (formerly 105 Bridge St.), Scottdale Borough, **Westmoreland County**. Woodard & Curran, 300 Penn Center Boulevard, Suite 800, Pittsburgh, PA 15235 on behalf of Endersbe Enterprises, Inc., 839 Main Street, Latrobe, PA 15650 submitted a Final Report concerning the remediation of site soils and groundwater contaminated with volatile and semi-volatile organic compounds (VOC's and SVOC's), polychlorinated biphenyls (PCB's) and metals. The Final report demonstrated demonstrate attainment of the Site-Specific standard for soils and groundwater and was approved by the Department on April 18, 2016.

*Southeast Regional Office: Regional Manager, Environmental Cleanup and Brownfields, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5960.*

**Rite Aid Pharmacy/960 Baltimore Avenue**, 960 East Baltimore Avenue, Upper Darby Township, **Delaware County**. Iain Barton, EMS Environmental, Inc., 4550 Bath Pike, Bethlehem, PA 18017, Ryan Sabol, Speedway LLC, 500 Speedway Drive, Enon, Ohio 45323 on behalf of Robin L. McGill, Longview Management, LP, 1055 Westlake Drive, Suite 170, Berwyn, PA 19312 has submitted a Final Report concerning the remediation of site groundwater contaminated with mtbe and other organics. The Final report demonstrated attainment of the Site Specific Standard/Statewide Health Standard and was approved by the Department on April 11, 2016. PF648004.



**Enterprises Rent-a-Car**, 7001 Essington Avenue, City of Philadelphia, **Philadelphia County**. Gabe Luna, PG, EM, 75 Valley Stream Parkway, Suite 200, Malvern, PA 19355 on behalf of Scott Schkusko, Enterprise Rent-A-Center, 170 North Radnor-Chester Road, Suite 200, Radnor, PA 19087 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with used motor oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 14, 2016. PF719112.

**(Addendum) Sears Department Store**, City of Chester, **Delaware County**. Ken S. Eden, RT Environmental Services Inc., 215 West Church Road, King of Prussia, PA 19013 on behalf of Lisa R. Gaffaney, Chester Redevelopment Authority, 1 Fourth Street, P.O. Box 407, Chester, PA 19013 has submitted a Final Report concerning the remediation of site soil and groundwater metals contaminated with, vocs, and benzo (a) pyrene, dibenz (a, h)-anthracener, benzo (a) anthracene, and benzo (b) fluoro-antheren. The Final report demonstrated attainment of the Site Specific Standard and was approved by the Department on April 14, 2016. PF783799.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170*

##### *Hazardous Waste Transporter License Reissued*

**Sioux Services LLC**, 2912 Filbert Avenue, Reading, PA 19606. License No. PA-AH 0816. Effective Apr 18, 2016.

##### *Renewal Applications Received*

**Sioux Services LLC**, 2912 Filbert Avenue, Reading, PA 19606. License No. PA-AH 0816. Effective Apr 15, 2016.

#### REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

**Actions on applications for Regulated Medical and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act and the act of June 28, 1988 (P.L. 525, No. 93) and regulations to transport regulated medical and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170*

*Regulated Medical and Chemotherapeutic Waste Transporter Reissued*

**Sioux Services LLC**, 2912 Filbert Avenue, Reading, PA 19606. License No. PA-HC 0258. Effective Apr 18, 2016.

##### *Renewal Applications Received*

**Sioux Services LLC**, 2912 Filbert Avenue, Reading, PA 19606. License No. PA-HC 0258. Effective Apr 15, 2016.

#### DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

**Permit Amended Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.**

*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 WMGM044NE002. Monroe County Recycling & Alternative Fuel LLC**, 2213 Shafer Road, Stroudsburg, PA 18360, **Monroe County**. General Permit Number WMGM044 authorizes processing of unpainted and untreated wood waste; gypsum board; brick, block and concrete waste; various organic wastes; non-asbestos containing asphalt shingles; pallets; skids; saw dust; source segregated paper; cardboard and newspaper; plastic waste; scrap metal; unused structural sound building materials; and architectural elements. The processed waste materials are beneficial use as (a) mulch or wood chips for further processing off-site, (b) aggregate material in roadway construction, (c) soil conditioner or soil amendment, (d) alternative fuel, (e) animal bedding, or (f) distributed to wholesale outlets. Monroe County Recycling & Alternative Fuel requested modification of General Permit Number WMGM044 to allow the alternative fuel material to no longer be considered waste when the conditions of the general permit are met. General Permit Number WMGM044 was amended by Central Office on April 12, 2016.

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 AT&T Relay Service, (800) 654-5984.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permit(s) issued Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. 301283. Graymont (PA) Inc**, 194 Match Factory Place, Bellefonte, PA 16823, Benner Township, **Centre County**. Permit modification to clarify conditions for an existing landfill. The permit modification was issued by Northcentral Regional Office on April 15, 2016.

Persons interested in reviewing the permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Permit No. 300668 GenOn Northeast Management Company**, 121 Champion Way Canonsburg, PA 15317. A major permit modification was issued on April 13, 2016 for the A major permit modification was issued on April 14, 2016 for the closure of the Titus Station Beagle Club Ash Disposal Site, a captive residual waste coal ash landfill, located in Cumru Township, **Berks County**. This permit is issued in accordance with Article V of the Solid Waste Management Act, 35 P.S. §§ 6018.101, et seq.

Compliance with the terms and conditions set forth in the permit is mandatory. You have the right to file an appeal as to these terms and conditions.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920*

**GP1-23-0157: Harrah's Chester Downs and Marina LLC** (777 Harrah's Boulevard, Chester, PA 19013-4505) On April 15, 2016 to continue operation of a small-gas & No. 2 oil fired—combustion unit in Chester City, **Delaware County**.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531*

**GP11-35-011: R.S. Services** (119 Falls Rd, Beech Creek, PA 16822) on April 19, 2016, for the construction and operation of (4) Four ICI Engines at their White Stone Quarry facility in Jefferson Township, **Lackawanna County**.

**GP3-35-010: R.S. Services** (119 Falls Rd, Beech Creek, PA 16822) on April 19, 2016, for the construction and operation of (4) Four crushers and (1) One Vibratory Screen at their White Stone Quarry facility in Jefferson Township, **Lackawanna County**.

**GP13-45-001: Blakeslee Asphalt Supply, LLC** (859 Willow Grove Street, Hacketstown, PA 07840) on April 8, 2016 for the installation and operation of a hot mix asphalt plant at the Tarheel Quarry site located in Tobyhanna Twp., **Monroe County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702*

**GP19-36-03202: US Pipe Fabrication, LLC** (596 Trout Run Road, Ephrata, PA 17522) on April 8, 2016, for a new abrasive blasting booth controlled by a cartridge collector, under GP19, at the pipe manufacturing facility located in Denver Borough, **Lancaster County**.

**GP1-01-05033C: Knouse Foods Cooperative, Inc.** (800 Peach Glen-Idaville Road, Peach Glen, PA 17375-0001) on April 8, 2016, for a new 29.05 MMBtu natural gas/#2 oil-fired boiler, under GP1, at the fruit processing facility located in Tyrone Township, **Adams County**.

**GP9-36-03183: Chester Water Authority** (415 Welsh Street, Chester, PA 19016-0467) on April 12, 2016, for two existing 2,937 bhp diesel-fired generators, under GP9, at the water pumping facility located in Little Britain Township, **Lancaster County**. The general permit authorization was renewed.

**GP3-21-03103A: Kinsley Construction, Inc.** (PO Box 2886, York, PA 17405-2886) on April 14, 2016, for portable nonmetallic mineral processing equipment, including 2 jaw crushers, 1 impact crusher, 3 vibratory screens and 2 stackers, under GP3, at the Cumberland County Landfill in North Newton Township, **Cumberland County**.

**GP11-21-03103A: Kinsley Construction, Inc.** (PO Box 2886, York, PA 17405-2886) on April 14, 2016, for eight non-road engines under GP11, to operate mineral processing equipment at the Cumberland County Landfill in North Newton Township, **Cumberland County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Edward Orris, P.E., Environmental Engineer Manager—Telephone: 412-442-4161*

**GP3-63-00903B: K&P Asphalt, Inc.** (79 Skyline Drive, Hickory, PA 15340) on April 12, 2016, to allow the installation and/or operation of a portable nonmetallic mineral processing plant consisting of one two crushers, two vibratory screens, and associated conveyors at the Langeloth Plant, located in Smith Township, **Washington County**.

**GP5-30-00232B: Rice Poseidon Midstream, LLC** (400 Woodcliff Drive, Canonsburg, PA 15317) on April 13, 2016, to authorize the installation and operation of a natural gas compressor station consisting of five lean-burn natural gas-fired compressor engines rated at 2,370 bhp and controlled by oxidation catalysts, two rich-burn natural gas-fired generator engines rated at 380 bhp and controlled by three-way catalysts, one tri ethylene glycol dehydrator (including flash tank and reboiler) rated for 215 MMSCFs/day and controlled by an enclosed flare, and two 16,800 gallons produced water tanks. The facility will be authorized under GP-5 for natural gas compression, named Pettit Compressor Station, and located in Center Township, **Greene County**.

**GP11-63-00903: K&P Asphalt, Inc.** (79 Skyline Drive, Hickory, PA 15340) on April 12, 2016, to allow the installation and operation of one nonroad diesel-fired engine rated at 325 bhp at the Langeloth Plant, located in Smith Township, **Washington County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6940*

**GP5-27-031B: Pennsylvania General Energy Company, LLC—Guitonville Compressor Station** (FR 127 WR 5107, Marienville, PA 16239) on February 24, 2016, for the authority to construct and/or operate a 600 hp Ajax DPC-2803LE compressor engine, 4,200 gallons produced fluids tank, four (4) miscellaneous storage tanks and facility fugitive emissions (BAQ-GPA/GP-5) located in Jenks Township, **Forest 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.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**46-0036K: DIV-AR Property, L.P.** (2750 Morris Rd., Worcester, PA 19446) On April 13, 2016 to increase the combined permitted hours for four (4) existing diesel fuel-fired electric generating engines at their facility in Worcester Township, **Montgomery County**.

**46-0271A: Ratoskey & Trainor, Inc.** (240 Flint Hill Road, King of Prussia, PA 19406) On April 13, 2016 for the installation and operation of a portable nonmetallic mineral crushing plant and associated diesel fuel-fired engine at its existing facility, which is located in Upper Merion Township, **Montgomery County**.

**23-0066D: Pyropure Inc. dba Pyromet,** (5 Commerce Drive, Aston, PA 19014) On April 13, 2016 to remove operating hour limitation from the silver recovery furnace (Source Id 107) at the Aston facility located in Chester Township, **Delaware County**.

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702*

**21-05056A: Fry Communications, Inc.** (101 Fry Drive, Mechanicsburg, PA 17050) on April 8, 2016, for construction of a web offset printing press and afterburner unit at their Building 4 plant in Silver Spring Township, **Cumberland County**.

**36-05001K: Armstrong World Industries, Inc.** (1507 River Road, Marietta, PA 17547) on April 6, 2016, for the installation of new manufacturing areas at their ceiling tile plant in East Donegal Township, **Lancaster County**. One new manufacturing area will consist of (a) finishing operations which will be controlled by two (2) 50,000 cfm dust collectors, (b) three (3) enclosed paint spray booths, each being controlled by four (4) 3,500 cfm cyclones, (c) one (1) 14.0 mmBtus/hr natural gas fired dryer, and (d) a pneumatic dust transfer system controlled by a 7,500 cfm bin vent filter. The other manufacturing area will consist of ceiling tile detailing equipment and will be controlled by a 20,000 cfm dust collector.

**38-03014E: Pennsy Supply Inc.** (PO Box 3331, 1001 Paxton Street, Harrisburg, PA 17105-3331) on April 12, 2016, for the construction of a rock crushing and processing facility at the Millard South Quarry located in North Annville Township, **Lebanon 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 Elmerston Avenue, Harrisburg, PA 17110*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702*

**06-05069Y: East Penn Manufacturing Co., Inc.** (PO Box 147, Lyon Station, PA 19536) on April 7, 2016, for modifying the A-4 Facility production lines at the lead-acid battery manufacturing facility in Richmond Township, **Berks County**. The plan approval was extended.

**05-05014B: WSI Sandy Run Landfill, Inc.** (995 Landfill Road, Hopewell, PA 16650-8653) on April 12, 2016, for the construction of an enclosed ground flare to control landfill gas emissions from the landfill expansion at the Sandy Run Landfill located in Broad Top Township, **Bedford 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*

**17-00021A: West Branch Area School District** (516 Allport Cutoff, Morrisdale, PA 16858) on April 7, 2016, to extend the authorization to operate a biomass boiler at its Junior/Senior High School in Morris Township, **Clearfield County** on a temporary basis to October 14, 2016. The plan approval has been extended.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Edward Orris, P.E., Environmental Engineer Manager—Telephone: 412-442-4161*

**30-00170A: Laurel Mountain Midstream Operating, LLC** (Park Place Corporate Center 2, 2000 Commerce Drive, Pittsburgh, PA 15275) on April 12, 2016, to extend the period of temporary operation of one Caterpillar G3612 lean burn natural gas-fired compressor engines rated at 3,550 bhp at the existing Brown Compressor Station located in Greene Township, **Greene County**. The new expiration date is October 28, 2016.

**PA-63-00549B: Arden Landfill, Inc.** (200 Rangos Lane, Washington, PA 15301) on April 18, 2016, to extend the temporary operation period for the landfill expansion at Arden Landfill located in Chartiers Township, **Washington County**. The new expiration date is October 28, 2016.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6328*

**25-1043A: Barrel O' Fun Snack Foods Company East** (821 Route 97 South, Waterford, PA 16441) on April 12, 2016, effective April 30, 2016, has issued a plan approval extension for the proposed construction of 6 Batch Kettle Fryers (2,700 #/hr of chips), a Corn Puff Line, a Corn Popper, and a hot water boiler in Waterford Township, **Erie County**. This is a State Only facility.

**Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6940*

**33-00055: Glen Gery Hanley Plant** (PO Box 68, Summerville, PA 15864) on April 14, 2016, issued an administrative amendment to the Title V Operating Permit to incorporate the change of responsible official to James VanVolkinburg—Regional Production Manager, for the facility located in Summerville Borough, **Jefferson County**.

**37-00243: INMETCO** (1 Inmetco Drive, Ellwood City, PA 16117-6231) on April 13, 2016, the Department re-

issue a Title V Operating Permit Re-issuance to operate a secondary nonferrous metals recovery facility, located in Ellwood City Borough, **Lawrence County**. The facility is a major facility due to its potential to emit NO<sub>x</sub>, CO, and VOCs.

The average emissions from this facility, based on actual emissions from the years of 2012, 2013, and 2014, are as follows. (All values are in tons/year.) PM<sub>10</sub> = 11.92, SO<sub>x</sub> = 7.72, NO<sub>x</sub> = 70.90, CO = 224.35, VOC = 38.02, and Total HAPs = < 1.00 ton.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702*

**67-03069: H&H Castings, Inc.** (4300 Lincoln Highway, York, PA 17406-8022) on April 8, 2016, for the aluminum foundry facility located in Hellam Township, **York County**. The State-only permit was renewed.

**21-05030: Ahlstrom Filtration LLC** (122 West Butler Street, Mount Holly Springs, PA 17065-1218) on April 14, 2016, for the specialty filter paper manufacturing facility located in Mount Holly Springs Borough, **Cumberland County**. The State-only permit was renewed.

**21-03114: Hoffman Funeral Home & Crematory** (219 North Hanover Street, Carlisle, PA 17013-2424) on April 14, 2016, for the human crematory at the funeral home facility located in North Middleton Township, **Cumberland County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940*

**10-00330: Butler Veterinary Associates, Inc.** (1761 North Main Street, Butler, PA 16001) on April 13, 2016, the Department re-issued the Natural Minor Operating Permit for this facility that performs animal cremations located in Center Township, **Butler County**.

This re-issuance incorporates Plan Approval Number 10-330B which authorizes crematory door opening during cremation cycles.

Emissions from this facility remain below major source levels. Less than one (1) ton per year of each critical pollutant (SO<sub>x</sub>, NO<sub>x</sub>, CO, VOC, PM, and HAP)

**25-00124: Mayer Brothers Construction Company** (1225, West 18th Street, Erie, PA 16502) on April 12, 2016, for renewal of a Synthetic Minor Permit to operate a hot mix asphalt plant located in the City of Erie, **Erie County**. The emitting sources are: Hot mix batch plant, Fugitives from transfer points, and, 3) Two Asphalt Tanks. The facility has taken a restriction on production of 250,000 tons per year to qualify as a Synthetic Minor facility. The potential emissions of the pollutants from the facility before taking the restriction are: Particulate Matters (PM) 2.52 Tons per year (TPY), Oxides of Nitrogen (NO<sub>x</sub>) 15.33 TPY, Oxides of Sulfur (SO<sub>x</sub>) 2.82 TPY, Carbon Monoxide (CO) 245.28 TPY, and Volatile Organic Compound (VOC) 5.03 TPY. The potential emissions of the pollutants from the facility after taking restriction are: Particulate Matters (PM) 0.51 Tons per year (TPY),

Oxides of Nitrogen (NO<sub>x</sub>) 3.13 TPY, Oxides of Sulfur (SO<sub>x</sub>) 0.58 TPY, Carbon Monoxide (CO) 50.01 TPY, and Volatile Organic Compound (VOC) 1.03 TPY.

**33-00133: HRI Inc./Brookville Asphalt Plant** (Interstate 80 Exit 86 & State Route 830, Brookville, PA) The mailing address for HRI Inc. is 1750 W. College Ave, State College, PA 16801-2719. On April 13, 2016, the Department re-issued a Natural Minor Permit to operate a Hot Mix Asphalt Plant located in the Pine Creek Township, **Jefferson County**.

The potential emissions from this facility are as follows. (All values are in tons/year.) PM = 6.2, PM<sub>10</sub> = 2.5, SO<sub>x</sub> = 21.8, NO<sub>x</sub> = 29.8, VOC = 8.9, CO = 99.0, CO<sub>2e</sub> = 9,157.5, and Total HAPs = 1.9.

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**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702*

**21-05040: New Enterprise Stone & Lime Co., Inc.** (PO Box 2009, Chambersburg, PA 17201) on April 6, 2016, for the Shippensburg quarry and asphalt manufacturing facility located in Southampton Township, **Cumberland County**. The state-only permit was administratively amended in order to incorporate the requirements of Plan Approval No. 21-05040E.

**06-05002: Lehigh Cement Company, LLC** (Evansville Cement Plant and Quarry), (537 Evansville Road, Fleetwood, Pennsylvania 19522-8541) on April 6, 2016, for the Portland cement manufacturing facility in Maiden creek Township, **Berks County**. The Title V permit was administratively amended in order to incorporate the requirements of Plan Approval No. 06-05002I, and to remove the requirements of the withdrawn Plan Approval No. 06-05002J.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**14-00029: Con-Stone, Inc.** (PO Box 28, Bellefonte, PA 16823) issued a revised State Only operating permit, Revision No. 1 on April 13, 2016, for their facility in Haines Township, **Centre County**. This operating permit modification allows operation of a VSI crushing operation (Source ID P104) and associated wet dust suppression control system (control ID C001). The operating permit is effective through May 27, 2020. This revised State Only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

**14-00040: Dominion Transmission Inc.** (925 White Oaks Blvd. Bridgeport, WV 26330) issued a revised State Only operating permit on April 18, 2016, for a change in the owner's address, responsible official, and permit contact person for the Centre Station. This facility is located in Spring Township, **Centre County**. This revised State Only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Tom Joseph, Permitting Chief—Telephone: 412-442-4336*

**OP-65-01026: Huttig, Building Products, Inc.** (123 Benbilt Place, Greensburg, PA 15601-7658) Administrative Amendment issued on April 12, 2016, to change the name of the owner on the State Only Operating Permit, the responsible official, and permit contact on the SOOP. The name of the Owner was BenBilt Building Systems LP and is now Huttig Building Products. The name of the Responsible Official is now Bruce McDonald, Vice President Operation. The name of the Permit Contact person is Jeffrey J Bennett. Huttig Building Products is located in Unity Township, **Westmoreland County**.

**TVOP-04-00471: MPLX Terminals LLC** (539 South Main St., Findlay, OH 45840) Administrative Amendment issued on April 8, 2016 to change the name of the Owner on the Title V Operating Permit and Responsible Official on the TVOP. The name of the Owner was Marathon Petroleum Company LP and is now MPLX Terminals LLC. The Midland Terminal is located in Midland Borough, **Beaver County**.

**TVOP-32-00040: Seward Generation, LLC** (11 Lloyd Ave., Latrobe, PA 15650) Administrative Amendment issued on April 8, 2016 to change the name of the Owner on the Title V Operating Permit and Acid Rain Permit

and the Responsible Official and Permit Contact on the TVOP. The name of the Owner was NRG Wholesale Generation LP, and is now Seward Generation, LLC. The name of the Responsible Official is now Jim Panaro, Executive Vice President of Seward Generation, LLC. The name of the Permit Contact is now Steve Yuhas. The Seward Generating Station is located in East Wheatfield Township, **Indiana County**.

**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Dave Balog, New Source Review Chief or Matt Williams, Facilities Permitting Chief—Telephone: 814-332-6340*

**62-00181: Ellwood National Forge—Warren Division** (1045 Fourth Avenue, Warren, PA 16365) for its facility located in Warren City, **Warren County**. The De minimis emission increase is for the proposed modification to coating system for Source 125. In addition, this source is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(8). The Department hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 Pa. Code § 127.449(i). This list includes the De minimis emission increases since the Title V Operating Permit issuance on May 12, 2015.

Date	Source	PM <sub>10</sub> (tons)	SO <sub>x</sub> (tons)	NO <sub>x</sub> (tons)	VOC (tons)	CO (tons)
4-14-16	Coating System				0.48	
Total Reported Increases					0.48	
Allowable		0.6 ton/source 3 tons/facility	1.6 ton/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P.S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1002).**

*Coal Permits Issued*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**Permit No. 56140104 and NPDES No. PA0279636, Fieg Brothers, 3070 Stoystown Road, Stoystown, PA**

15563, commencement, operation and restoration of a bituminous surface & auger mine in Brothersvalley Township, **Somerset County**, affecting 79.5 acres. Receiving streams: unnamed tributaries to/and Buffalo Creek and Buffalo Creek to Casselman River classified for the following uses: cold water fishes and warm water fishes. The first downstream potable water supply intake from the point of discharge is Youghiogheny River. Application received: March 31, 2015. Permit Issued: April 7, 2016.

The permit includes a stream encroachment to construct a haul road crossing on an unnamed tributary to Buffalo Creek designated as unnamed tributary “C”. The encroachment will affect a 0.6 acre section of the above stream, approximately 450 feet in length.

There are three (3) other stream encroachments to construct ponds for Erosion & Sedimentation controls on unnamed tributaries to Buffalo Creek designated as unnamed tributary “A,” unnamed tributary “B” and unnamed tributary “C”. The encroachments will affect a total of 0.72 acre within the 100 foot barrier of the above streams.

In conjunction with this approval, the Department is granting 401 Water Quality Certification certifying that the approved activities will comply with the applicable provision of sections 301—301, 306 and 307 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341) and will not violate applicable Federal and State Water Quality Standards.

**Permit No. 56753119 and NPDES No. PA0606201, Jenners, Inc.**, P.O. Box 171, Shelocta, PA 15774, renewal for the continued operation and restoration of a bituminous surface and auger mine in Jenner Township, **Somerset County**, affecting 485.9 acres. Receiving streams: unnamed tributaries to Quemahoning and Hoffman Creeks, classified for the following use: cold water fishes. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Quemahoning SWI. Application received: December 2, 2014. Permit Issued: April 8, 2016.

**Permit No. 56120102 and NPDES No. PA0263419, Rosebud Mining Company**, 1117 Shaw Mines Road, Meyersdale, PA 15552, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Jenner Township, **Somerset County**, affecting 114.7 acres. Receiving streams: unnamed tributaries to Coal Run and unnamed tributaries to Pickings Run classified for the following uses: cold water fishes and high quality cold water fishes respectively. The first downstream potable water supply intake from the point of discharge is Lincoln Municipal Authority—intake on North Branch of Quemahoning Creek. Application received: December 24, 2015. Permit Issued: April 11, 2016.

**Permit No. 32040202 and NPDES No. PA0249670, Robindale Energy Services, Inc.**, 225 Grange Hall Road, P.O. Box 228, Armagh, PA 15920, permit renewal for the continued operation and restoration of a bituminous surface and coal refuse reprocessing mine in East Wheatfield Township, **Indiana County** affecting 34.5 acres. Receiving streams: Conemaugh River, classified for the following use: warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: July 24, 2015. Permit Issued: April 12, 2016.

**Permit No. 32900108 and NPDES Permit No. PA0599034, Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201, renewal for reclamation only of a bituminous surface and auger mine in South Mahoning Township, **Indiana County**, affecting 74.4 acres. Receiving streams: Ross Run, unnamed tributary to Little Mahoning Creek, classified for the following use: high quality cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: February 26, 2016. Permit Issued: April 13, 2016.

**Permit No. 56890115 and NPDES No. PA0598666, PBS Coals, Inc.**, 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface & auger mine to change the land use from Cropland to Industrial/Commercial in Brothersvalley Township, **Somerset County**, affecting 299.2 acres. Receiving streams: unnamed tributaries to/and Blue Lick Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: July 6, 2015. Permit Issued: April 14, 2016.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**17940107 and NPDES PA0219801. River Hill Coal Company, Inc.** (P.O. Box 141, Kylertown, PA 16847). Permit boundary revision to add 38.5 acres and request to allow other than approximate original contour revision to an existing bituminous surface mine in Karthaus Township, **Clearfield County** affecting 488.3 acres. Receiving

stream(s): Unnamed Tributaries to Saltlick Run and Upper Three Runs classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: November 19, 2015. Permit issued: April 12, 2016.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**Permit No. 54950104R4. City of Philadelphia, Trustee, Acting by the Board of Directors of City Trust For Girard Estate**, (1101 Market Street, Suite 2600, Philadelphia, PA 19107), renewal of an existing anthracite surface mine operation in West Mahanoy Township, **Schuylkill County** affecting 397.3 acres, receiving streams: Shenandoah and Mahanoy Creeks. Application received: August 13, 2015. Renewal issued: April 12, 2016.

**Permit No. 54950104GP104R. City of Philadelphia, Trustee, Acting by the Board of Directors of City Trust For Girard Estate**, (1101 Market Street, Suite 2600, Philadelphia, PA 19107), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54950104 in West Mahanoy Township, **Schuylkill County**, receiving streams: Shenandoah and Mahanoy Creeks. Application received: August 13, 2015. Renewal issued: April 12, 2016.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

##### *Blasting Permits Issued*

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**14164105. Douglas Explosives, Inc.** (P.O. Box 77, Philipsburg, PA 16866). Blasting for construction of Rocky Ridge Phase 2 residential development in Harris Township, **Centre County** with an expiration date of December 30, 2016. Permit issued: April 14, 2016.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**Permit No. 06164104. American Infrastructure, Inc.**, (PO Box 98, Worcester, PA 19490), construction blasting for High Meadow Estates in Amity Township, **Berks County** with an expiration date of April 7, 2017. Permit issued: April 13, 2016.

**Permit No. 35164107. Maine Drilling & Blasting, Inc.**, (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Lackawanna Energy Center in Jessup Borough, **Lackawanna County** with an expiration date of April 7, 2017. Permit issued: April 13, 2016.

**Permit No. 36164123. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Eli Glick manure pit in Manheim Township, **Lancaster County** with an expiration date of August 30, 2016. Permit issued: April 13, 2016.

**Permit No. 40164107. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting at Eagle Rock Resort in Black Creek, Hazle and North Union Townships, **Luzerne and Schuylkill Counties**. April 30, 2017. Permit issued: April 13, 2016.

**Permit No. 67164101. J Roy's, Inc.**, (P.O. Box 125, Bowmansville, PA 17507), construction blasting for Samelson Subdivision in Loganville Borough, **York County** with an expiration date of April 10, 2017. Permit issued: April 13, 2016.

**Permit No. 35164001. Wampum Hardware Company**, (636 Paden Road, New Galilee, PA 16141), blasting for the Carbondale Mine Fire in Carbondale Township, **Lackawanna County** with an expiration date of December 31, 2017. Permit issued: April 18, 2016.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

## WATER OBSTRUCTIONS AND ENCROACHMENTS

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E14-563. Logistic Group, Inc.**, 450 West Broad Street, Falls Church, VA 22046. The Reserve- East, in Patton Township, **Centre County**, ACOE Baltimore District (Julian, PA Quadrangle N: 40.806728°; W: -77.951727°).

To: 1) remove an existing 18-inch diameter CPP culvert under to driveways during the utility line installation, then to construct and maintain: 2) a 4-inch diameter pipe for sanitary sewer force main and a 12-inch diameter pipe for gravity sanitary sewer under an unnamed tributary of Buffalo Run and under, 3) an 18-inch diameter 67.5 foot long HDPEP with associated R-3 riprap outlet apron to carry the stream under two private driveways, 4) a stormwater management basin R-3 Stone riprapped discharge pipe outlet in an unnamed tributary to Buffalo Run. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

*Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E04-352, PennDOT District 11-0**, 45 Thoms Run Road, Bridgeville, PA 15017, Greene Township, **Beaver County**, ACOE Pittsburgh District.

Has been given consent to:

Remove the existing 48.65' total length, 11.15' wide, 7.5' underclearance SR 30 arch culvert; construct and maintain a 70.25' long, 10' wide single span, 7.5' underclearance SR 30 box culvert depressed 1' over an unnamed tributary to Mill Creek (TSF) with a drainage area of 0.8 square mile; place and maintain fill in 122' of a second unnamed tributary to Mill Creek (TSF) with a drainage area less than 100 acres and construct and maintain a 44' long replacement channel; place and maintain fill in a de minimis 0.023 acre of PEM wetland; construct and maintain associated stormwater and approach road changes; temporarily impact 0.094 acre of PEM wetlands and 233' of stream for the construction of these encroachments. Stream mitigation will take place onsite. The project is located on SR 30 (Hookstown, PA Quadrangle; N: 14.25 inches; W: 13.1 inches; Latitude: 40° 34' 44.6"; Longitude: -80° 28' 11.9") in Greene Township, Beaver County.

**E32-510, PennDOT District 10-0**, 2550 Oakland Avenue, P.O. Box 429, Indiana, PA 15701, Rayne Township, **Indiana County**, ACOE Pittsburgh District.

Has been given consent to:

1. Place and maintain fill in 466.7' of an unnamed tributary to Crooked Creek (CWF) with a drainage area of 211.2 acres; construct and maintain a 466.7' long relocated replacement channel;

2. Remove two existing parallel 69' long 42" reinforced concrete pipes carrying the same unnamed tributary to Crooked Creek (CWF); construct and maintain a replacement 112' long 7' by 5' box culvert in the same location under SR 119;

3. Remove an existing 23.85' long 71" by 47" pipe arch culvert carrying the same unnamed tributary to Crooked Creek; construct and maintain a replacement 23.85' long 73" by 55" pipe arch culvert in the same location under a private driveway;

4. In addition, construct and maintain 552' of pipe enclosures on unnamed tributaries to McKee Run (CWF) and Crooked Creek (CWF) with drainage areas less than 100 acres; place and maintain fill in 0.17 acre of PEM/PSS wetland; construct and maintain roadway associated stormwater outfalls; and temporarily impact 0.02 acre of PEM wetland and 771.8' of stream for the construction of these encroachments. Stream mitigation will take place onsite. Wetland mitigation will take place offsite at the Indiana County Cindric Wetland Bank.

This work is associated with the SR 119 Improvement Project, beginning approximately 400' south of the intersection of SR 119 and Township Road T-487 (Park Road) and extending north 1.6 mile along SR 119 (Clymer Quadrangle, beginning N 15.5 inches, W 14 inches, Latitude: 40° 41' 48", Longitude: -79° 6' 8"; ending N 11.5 inches, W 13.74 inches, Latitude: 40° 42' 43", Longitude: -79° 6' 5") in Rayne Township, Indiana County.

**EROSION AND SEDIMENT CONTROL**

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor,

Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>ESCGP-2 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESG0012516003	Columbia Gibraltar Gathering, LLC 5151 San Felipe Suite 2400 Houston, TX 77056	Washington County	Mount Pleasant Township, Blaine Township, Hopewell Township, and Donegal Township	UNT to Buffalo Creek (HQ-WWF), Buffalo Creek (HQ-WWF), Brush Run (HQ-WWF), UNT to Brush Run (HQ-WWF), and Cross Creek (HQ-WWF).

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335*

ESCGP-2 #ESX15-073-0011, Wolf/Sturgeon to Hufnagel Pipeline  
Applicant MarkWest Liberty Bluestone, LLC  
Contact Mr. Rick Lowry  
Address 4600 J. Barry Court Ste. 500  
City Canonsburg State PA Zip Code 15317  
County Lawrence Township(s) Perry  
Receiving Stream(s) and Classification(s) Slippery Rock Creek Watershed UNT to Camp Run (WWF) and UNT to Slippery rock Creek (CWF)

ESCGP-2 #ESG15-019-0062—Fleeger 2 Permanent Waterline  
Applicant R.E. Gas Development, LLC  
Contact Mr. Michael Endler  
Address 600 Cranberry Woods Drive  
City Cranberry Township State PA Zip Code 16066  
County Butler Township(s) Center and Clay  
Receiving Stream(s) and Classification(s) Muddy Creek (HQ-WWF), Tributaries to Muddy Creek (HQ-WWF), Tributaries to Stony Run (WWF), Connoquenessing Creek Watershed

ESCGP-2 #ESG14-019-0031C—Constellation Pipeline Project Major Modification  
Applicant EM Energy Pipeline Pennsylvania, LLC

Contact Travis Gross  
Address 7000 Stonewood Drive, Suite 351  
City Wexford State PA Zip Code 15090  
County Butler Township(s) Jackson, Forward, Connoquenessing, Butler, Center, Oakland and Concord  
Receiving Stream(s) and Classification(s) Connoquenessing Creek, UNTs to Connoquenessing Creek, Little Connoquenessing Creek, Crooked Run, UNT to Crooked Run, Stony Run, UNT to Stony Run, Sullivan Run, Pine Run, UNT to Pine Run

ESCGP-2 #ESX13-019-0007B—Burgh to Wack Pipeline Major Modification  
Applicant MarkWest Liberty Bluestone, LLC  
Contact Mr. Rick Lowry  
Address 4600 J. Barry Court, Ste. 500  
City Canonsburg State PA Zip Code 15317  
Applicant Poly-Cor Enterprises  
Contact Mr. Ben Trapuzzano  
Address 4150 Washington Road, Suite 101  
City McMurray State PA Zip Code 15317  
County Butler Township(s) Lancaster  
Receiving Stream(s) and Classification(s) Scholars Run WWF, UNTs to Scholars Run WWF, Little Yellow Creek CWF



ESCGP-2 #ESX15-019-0035—Pyxis Well PAD  
 Applicant EM Energy Pennsylvania LLC  
 Contact Mr. Hugh Caperton  
 Address 1800 Main Street, Suite 220  
 City Canonsburg State PA Zip Code 15317  
 County Butler Township(s) Allegheny  
 Receiving Stream(s) and Classification(s) Trib 49221 to  
 Allegheny River/Trib 49220 to Allegheny River/Trib  
 51126 to Fowler Run

*Eastern Region: Oil & Gas Management Program  
 Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-2 # ESG29-117-16-0009  
 Applicant Name SWEPI LP  
 Contact Person Jason Shoemaker  
 Address 2100 Georgetown Dr, Suite 400  
 City, State, Zip Sewickley, PA 15143  
 County Tioga  
 Township(s) Union  
 Receiving Stream(s) and Classification(s) Mill Ck (HQ-  
 CWF), Sugar Work Run (HQ-CWF)

ESCGP-2 # ESX11-117-0132(01)  
 Applicant Name SWEPI LP  
 Contact Person Jason Shoemaker  
 Address 2100 Georgetown Dr, Suite 400  
 City, State, Zip Sewickley, PA 15143  
 County Tioga  
 Township(s) Liberty  
 Receiving Stream(s) and Classification(s) Brion Ck (EV)

ESCGP-2 # ESX11-035-0002  
 Applicant Name XTO Energy Inc  
 Contact Person Stacey Vehovic  
 Address 395 Airport Rd  
 City, State, Zip Indiana, PA 15701  
 County Clinton  
 Township(s) Chapman  
 Receiving Stream(s) and Classification(s) UNT to W  
 Branch Susquehanna River (HQ-CWF)  
 Secondary—W Branch Susquehanna River (WWF)

ESCGP-2 # ESG29-113-16-0002  
 Applicant Name Appalachia Midstream Svcs LLC  
 Contact Person Michael Tucker  
 Address 400 IST Center, Suite 404  
 City, State, Zip Horseheads, NY 14845  
 County Sullivan  
 Township(s) Forks  
 Receiving Stream(s) and Classification(s) Big Bottom Run  
 (EV), Streby Run (EV)

ESCGP-2 # ESG29-015-16-0003  
 Applicant Name Appalachia Midstream Svcs LLC  
 Contact Person Michael Tucker  
 Address 400 IST Center, Suite 404  
 City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) Overton  
 Receiving Stream(s) and Classification(s) UNT to  
 Millstone Ck (HQ, MF), UNT to Shrader Ck (HQ, MF)  
 Secondary—Millstone Ck and Shrader Ck

ESCGP-2 # ESX29-117-16-0019  
 Applicant Name SWEPI LP  
 Contact Person Jason Shoemaker  
 Address 2100 Georgetown Dr, Suite 400  
 City, State, Zip Sewickley, PA 15143  
 County Tioga  
 Township(s) Deerfield  
 Receiving Stream(s) and Classification(s) Bulkley Ck  
 (WWF), Yarnell Brook (WWF)

ESCGP-2 # ESG29-113-16-0003  
 Applicant Name Appalachia Midstream Services LLC  
 Contact Person Michael Tucker  
 Address 400 IST Center, Suite 404  
 City, State, Zip Horseheads, NY 14845  
 County Sullivan  
 Township(s) Forks  
 Receiving Stream(s) and Classification(s) Black Creek  
 (EV), Streby Run (EV)

*Southwest Region: Oil & Gas Program Mgr., 400  
 Waterfront Dr., Pittsburgh, PA*

ESCGP-2 No: ESX15-059-0003  
 Applicant Name: Appalachia Midstream SVS LLC  
 Contact Person Toby Lattea  
 Address: 190 Midstream Way  
 City: Jane Lew State: WV Zip Code: 26378  
 County: Greene Township: Richhill  
 Receiving Stream(s) and Classifications: UNT to Kent  
 Run (TSF); Kent Run (TSF); UNT to Polen Run (TSF);  
 Polen Run (TSF); Wheeling-Buffalo Creeks Watershed;  
 Other TSF

ESCGP-2 No.: ESX15-129-0006  
 Applicant Name: Apex Energy LLC  
 Contact Person: Ed Long  
 Address: 6041 Wallace Road Suite 100  
 City: Wexford State: PA Zip Code: 15090  
 County: Westmoreland Township(s): Hempfield  
 Receiving Stream(s) and Classifications: UNTs to Brush  
 Creek (TSF); Turtle Creek Watershed; Other TSF

ESCGP-2 No.: ESG15-129-0005  
 Applicant Name: Apex Energy LLC  
 Contact Person: Chris Hess  
 Address: 6041 Wallace Road Suite 100  
 City: Wexford State: PA Zip Code: 15090  
 County: Westmoreland Township(s): Salem  
 Receiving Stream(s) and Classifications: UNTs to Porters  
 Run (HQ); Kiskiminetas River Watershed; HQ; Other  
 CWF (Cold Water Fisheries); Siltation-Impaired

ESCGP-2 No.: ESX15-059-0057  
 Applicant Name: PA Land Resources  
 Contact Person: Scott Sweder  
 Address: 158 Portal Road Building #2 PO Box 247  
 City: Waynesburg State: PA Zip Code: 15370  
 County: Greene Township(s): Whiteley & Franklin  
 Receiving Stream(s) and Classifications: Smith Run—  
 WWF; Patterson Run—TSF; Dyers Fork—TSF; Other  
 WWF, TSF

ESCGP-2 No.: ESX13-059-0017 Major Revision  
 Applicant Name: EQT Production Company  
 Contact Person: Todd Klaner  
 Address: 2400 Zenith Ridge Road Suite 200  
 City: Washington State: PA Zip Code: 15317  
 County Greene Township(s): Washington  
 Receiving Stream(s) and Classifications: UNTs to Craynes  
 Run—WWF; Ten Mile Creek Watershed

ESCGP-2 No.: ESX14-059-0095 Major Revision  
 Applicant Name: CONE Midstream Partners LP  
 Contact Person: Carol Phillips  
 Address: 200 Evergreene Drive  
 City: Waynesburg State: PA Zip Code: 15370  
 County: Greene Township(s): Richhill and Morris  
 Receiving Stream(s) and Classifications: Tributary 40699  
 to Grays Fork, Trib 32753 to Enlow Fork, UNT 1 to  
 Trib 32753, Trib 32758 to Enlow Fork, Trib 32759 to  
 Enlow Fork, UNT 1 to Trib 32759 to Enlow Fork, Trib  
 32761 to Enlow Fork/Ohio River Watershed; HQ; Other  
 Warm Water Fishes (WWF)

ESCGP-2 No.: ESX15-059-0011  
 Applicant Name: Rice Drilling B LLC  
 Contact Person: Joe C Mallow  
 Address: 400 Woodcliff Drive  
 City: Canonsburg State: PA Zip Code 15317  
 County: Greene Township(s): Aleppo  
 Receiving Stream(s) and Classifications: UNT to South  
 Fork of Dunkard Fork-Wheeling Watershed; Other  
 Trout Stock Fishes (TSF)

ESCGP-2 No.: ESX15-125-0035  
 Applicant Name: EQT Gathering LLC  
 Contact Person: Brint Goettel  
 Address: 555 Southpointe Boulevard Suite 200  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Somerset  
 Receiving Stream(s) and Classifications: UNT to North  
 Pigeon Creek (North Branch Pigeon Creek Watershed)  
 North Branch Pigeon Creek (North Branch Pigeon  
 Creek Watershed) Other Warm Water Fishes (WWF)

ESCGP-2 No.: ESG16-059-0004  
 Applicant Name: Vantage Energy Appalachia II LLC  
 Contact Person:  
 Address: 116 Inverness Drive East, Suite 107  
 City: Englewood State: CO Zip Code: 80112-5125  
 County: Greene Township(s): Center  
 Receiving Stream(s) and Classifications: UNTs to  
 McCourtney Run (WWF), to Hargus Creek, to South  
 Fork Ten Mile Creek to Ten Mile Creek to Monongahela  
 River; HQ; Exceptional Value

[Pa.B. Doc. No. 16-743. Filed for public inspection April 29, 2016, 9:00 a.m.]

### **Oil and Gas Technical Advisory Board and Conventional Oil and Gas Advisory Committee Joint Meeting**

The May 19, 2016, and August 25, 2016, meetings of the Oil and Gas Technical Advisory Board and the May 18, 2016, and August 24, 2016, meetings of the Conventional Oil and Gas Advisory Committee have been rescheduled to a joint meeting on Thursday, June 23, 2016. The meeting will begin at 10 a.m. in the Conference Room, Department of Environmental Protection, Moshannon District Office, 186 Enterprise Drive, Philipsburg, PA 16866.

For additional information contact Todd M. Wallace at (717) 783-9438 or [twallace@pa.gov](mailto:twallace@pa.gov). The meeting agenda and materials for the June 23, 2016, meeting will be available through the Public Participation tab on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov).

Persons in need of accommodations as provided for in the American with Disabilities Act of 1990 should contact Todd M. Wallace at (717) 783-9438 or through the

Pennsylvania AT&T Relay Service at (800) 645-5984 (TDD) or (800) 645-5988 (voice users) to discuss how the Department may accommodate their needs.

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 16-744. Filed for public inspection April 29, 2016, 9:00 a.m.]

### **Water Resources Advisory Committee Meeting Cancellation**

The May 11, 2016, meeting of the Water Resources Advisory Committee (Committee) has been canceled. The next Committee meeting will be rescheduled in June 2016. Details on future meetings will be published in the *Pennsylvania Bulletin*.

Questions concerning the Committee can be directed to Lee McDonnell, (717) 787-5017 or [lmcdonnell@pa.gov](mailto:lmcdonnell@pa.gov). The agenda and meeting materials for the next meeting will be available through the Public Participation tab on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov).

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 787-3720 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 16-745. Filed for public inspection April 29, 2016, 9:00 a.m.]

## **DEPARTMENT OF GENERAL SERVICES**

### **Lease Retail Space to the Commonwealth Berks County**

Those interested are invited to provide a proposal to the Department of General Services for 5,000 to 6,000 net usable square feet of retail space for the Liquor Control Board in Shillington, Berks County, due on or before 3 p.m. on May 20, 2016. For more information on SFP No. 94805, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact the Bureau of Real Estate at (717) 787-4394.

CURTIS M. TOPPER,  
*Secretary*

[Pa.B. Doc. No. 16-746. Filed for public inspection April 29, 2016, 9:00 a.m.]

# DEPARTMENT OF HEALTH

## Health Policy Board Rescheduled Meeting

The Health Policy Board meeting originally scheduled for April 13, 2016, was cancelled and is rescheduled for Wednesday, May 11, 2016, at 10 a.m. in Room 812, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120-0701.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope,

Braille) should contact Lawrence Clark, Director of Policy at (717) 705-6925 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 16-747. Filed for public inspection April 29, 2016, 9:00 a.m.]

## Hospitals; Requests for Exceptions

The following hospital has filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following request for exception relates to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals).

### Facility Name

### Regulation

Ohio Valley General Hospital

28 Pa. Code § 143.5 (relating to medical supervision of podiatric patients)

The request previously listed is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 16-748. Filed for public inspection April 29, 2016, 9:00 a.m.]

## Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Edinboro Manor  
419 Waterford Street  
Edinboro, PA 16412  
FAC ID # 053002

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommoda-

tion 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).

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 16-749. Filed for public inspection April 29, 2016, 9:00 a.m.]

## Statewide Advisory Committee for Preparedness Meeting

The Statewide Advisory Committee for Preparedness will hold a public meeting on Wednesday, June 8, 2016, from 11:30 a.m. to 3 p.m. The purpose of this meeting is to provide updates on funding and current emergency preparedness and emergency management activities occurring across this Commonwealth. The meeting will be held at the Conference Center, Central Penn College, 600 Valley Road, Summerdale, PA 17093.

For additional information or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Jacqueline Turk, Workforce Training Coordinator, Bureau of Public Health Preparedness, 130A Kline Plaza, Harrisburg, PA 17104, (717) 736-7300.

Speech and/or hearing impaired persons use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

Meetings are subject to cancellation without notice.

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 16-750. Filed for public inspection April 29, 2016, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Establishing Employment First Policy and Increasing Competitive Integrated Employment for Pennsylvanians with a Disability Implementation Plan

The purpose of this notice is to seek public comment on the development of the Commonwealth's implementation plan as directed in Governor Tom Wolf's Executive Order 2016-03, entitled "Establishing 'Employment First' Policy and Increasing Competitive Integrated Employment for Pennsylvanians with a Disability."

The Executive Order establishes Employment First as the policy of all Commonwealth executive branch agencies under the jurisdiction of the Governor and reflects the goal of making the Commonwealth a model state when it comes to creating a climate hospitable to workers with a disability. The Executive Order defines "Employment First" as "competitive integrated employment is the first consideration and preferred outcome of publicly-funded education, training, employment and related services, and long-term supports and services for working-age residents of this Commonwealth with a disability. . . ."

The definition of "competitive integrated employment" under the Executive Order is the definition contained in the Workforce Innovation and Opportunity Act (Pub.L. No. 113-128) which is work performed on a full or part-time basis (including self-employment) for which a person is:

- (1) Compensated at not less than Federal minimum wage requirements or State or local minimum wage law (whichever is higher) and not less than the customary rate paid by the employer for the same or similar work performed by people without a disability;
- (2) At a location where the employee interacts with people without a disability (not including supervisory personnel or people who are providing services to such employee); and
- (3) Presented, as appropriate, opportunities for similar benefits and advancement like those for other employees without a disability and who have similar positions.

The Executive Order directs the Office of Administration to explore the means to reduce barriers to Commonwealth employment for residents of this Commonwealth with a disability, and directs the Secretaries of the Departments of Education, Human Services, and Labor and Industry, working with other Commonwealth agencies or executive office officials as appropriate, to develop a written plan to imple-

ment the Executive Order. The Executive Order is available at [https://www.governor.pa.gov/executive\\_orders/executive-order-2016-03-establishing-employment-first-policy-and-increasing-competitive-integrated-employment-for-pennsylvanians-with-a-disability/](https://www.governor.pa.gov/executive_orders/executive-order-2016-03-establishing-employment-first-policy-and-increasing-competitive-integrated-employment-for-pennsylvanians-with-a-disability/).

#### Public Comment

The Executive Order requires broad stakeholder input to be sought to inform the development of the plan. The plan is to be submitted to the Governor's Office for review and approval within 120 days of the effective date of the Executive Order.

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Steve Surovec, Special Advisor to the Secretary, 625 Forster Street, Health and Welfare Building, Room 330-C, Harrisburg, PA 17120. Comments will also be accepted by e-mail at RA-PWEmploymentFirst@pa.gov. Comments received within 30 days will be reviewed and considered for development of the plan.

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).

THEODORE DALLAS,  
*Secretary*

**Fiscal Note:** 14-NOT-1015. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 16-751. Filed for public inspection April 29, 2016, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Millionaire Raffle XXIV Raffle Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 874.4 (relating to notice of raffle lottery game rules), the Secretary of Revenue hereby provides public notice of the rules for the following raffle lottery game:

1. *Name:* The name of the raffle game is Pennsylvania Millionaire Raffle XXIV.
2. *Price:* The price of one Pennsylvania Millionaire Raffle XXIV lottery game ticket is \$20.
3. *Ticket Sales and Drawing Date:* Pennsylvania Millionaire Raffle XXIV lottery game ticket sales will commence on or after May 3, 2016, and will continue until all 500,000 tickets have been sold, or 8:00 p.m. on July 9, 2016, whichever occurs earlier.
4. *Ticket Characteristics:* Each Pennsylvania Millionaire Raffle XXIV lottery game ticket will contain one chance consisting of one unique computer-generated eight-digit number between 00000001 and 00500000, the drawing date, amount bet, and validation data.
5. *Prizes:* The prizes that can be won in this game are \$100, \$1,000, \$100,000 and \$1,000,000. A player may only win one time on each ticket or chance.
6. *Maximum Number of Tickets Printed and Sold for the Game:* There will be no more than 500,000 tickets printed and sold for the Pennsylvania Millionaire Raffle

XXIV lottery game. The chances will be sequentially issued on a statewide basis from the range of individual unique numbers representing the chances available for the game.

7. *Conduct of Drawing:* The results of the Pennsylvania Millionaire Raffle XXIV lottery game will be posted to the Lottery's publicly accessible website on July 9, 2016, at or after 10:00 p.m. A computer-generated randomizer will be used to conduct the drawing. Six-thousand (6,000) unique eight-digit numbers will be drawn from the range of numbers representing the chances sold. The first four unique eight-digit numbers drawn will be the first-prize-tier winning numbers. The fifth through eighth unique eight-digit numbers drawn will be the second-prize-tier winning numbers. The ninth through 108th unique eight-digit numbers drawn will be the third-prize-tier winning numbers. The 109th through 6,000th unique eight-digit numbers drawn will be the fourth-prize-tier winning numbers.

8. *Determination of Prize Winners:*

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*Ticket Matching Exactly the Unique Eight-digit Number Drawn:*

	<i>Win Prize Of:</i>
First-Prize-Tier	\$1,000,000
Second-Prize-Tier	\$100,000
Third-Prize-Tier	\$1,000
Fourth-Prize-Tier	\$100

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*Maximum Odds Of Winning Are 1 In:*

	<i>Number Of Winners</i>
125,000	4
125,000	4
5,000	100
84.86	5,892

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The odds of winning are based on selling all 500,000 tickets. If all 500,000 tickets are not sold, the odds of winning will depend on the total number of tickets sold. All Pennsylvania Millionaire Raffle XXIV lottery game prize payments, including first-prize-tier prizes, will be made as one-time, lump-sum cash payments. Federal income tax withholding will be automatically deducted from the lump-sum cash payment for all first-prize-tier and second-prize-tier prizes.

10. *Consumer Promotional Programs:* The Lottery may conduct promotional activities to promote the sale of Pennsylvania Millionaire Raffle XXIV lottery game tickets, including offering tickets at a discounted price. Details of any such offering will be disseminated through media used to advertise or promote the Pennsylvania Millionaire Raffle XXIV lottery game or through normal communications methods.

11. *Retailer Bonus:* The Lottery in its sole discretion may offer a retailer bonus in connection with the sale of Pennsylvania Millionaire Raffle XXIV lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the winning ticket is claimed and validated or approximately 30 days after the date of the drawing in which the winning ticket was entered, provided that Lottery security can and has verified the sales transaction as valid. A bonus will not be awarded to a Lottery

(a) Holders of tickets upon which the unique eight-digit number exactly matches one of the first-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$1,000,000.

(b) Holders of tickets upon which the unique eight-digit number exactly matches one of the second-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which the unique eight-digit number exactly matches one of the third-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which the unique eight-digit number exactly matches one of the fourth-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$100.

9. *Number and Description of Prizes and Approximate Odds:* The Pennsylvania Millionaire Raffle XXIV lottery game prizes and determination of winners are as follows:

retailer that sells a Pennsylvania Lottery Millionaire Raffle XXIV ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize in that second-chance drawing or promotion.

12. *Promotional Drawings:* The Pennsylvania Lottery may conduct promotional drawings associated with the Pennsylvania Millionaire Raffle XXIV lottery game. If the Lottery does conduct such a promotional drawing, Pennsylvania Millionaire Raffle XXIV lottery game tickets will be imprinted with a unique code to be used by players to enter the promotional drawings. The promotional drawings may be held independently of or in conjunction with the regular Pennsylvania Millionaire Raffle XXIV drawings. The Secretary will announce the existence of the promotional drawings. Winners of promotional drawings will be randomly selected from the group of qualified entries. A description of the available prize(s) and the specific rules and other information necessary for the conduct of the promotional drawings will be posted to the Lottery's publicly accessible website. A copy of the same will also be kept on file with the Lottery and will be available upon request.

13. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Millionaire Raffle XXIV lottery game tickets. The conduct of the Program will be governed by 61 Pa. Code § 811.41 (relating to promotional prizes).

14. *Unclaimed Prize Money:* Unclaimed prize money on winning Pennsylvania Millionaire Raffle XXIV lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the announced close of the Pennsylvania Millionaire Raffle XXIV lottery game. If no claim is made within 1 year of the announced close of the Pennsylvania Millionaire Raffle XXIV lottery game conducted by the State Lottery, the right of a ticket holder to claim the prize represented

by that ticket, if any, expires and the prize money will be paid into the State Lottery Fund and used for purposes otherwise provided for by statute.

15. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

EILEEN H. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 16-752. Filed for public inspection April 29, 2016, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Application for Lease of Right-of-Way

Under 67 Pa. Code § 495.4(d) (relating to application procedure), an application to lease highway right-of-way

#### Bureau of Maintenance and Operations; Access Route Approval

Under the provisions of 75 Pa.C.S. § 4908 (relating to operation of certain combinations on interstate and certain other highways), the Department of Transportation approved on March 31, 2016, the following access route for use by the types of truck combinations as indicated:

1. (X) 96" wide twin trailers (28 1/2' maximum length of each trailer).
2. (X) 102" wide 53' long trailer.
3. (X) 102" wide 48' long trailer.
4. (X) 102" wide twin trailers (28 1/2' feet maximum length—each).
5. (X) 102" wide maxi-cube.

<i>Route Identification</i>	<i>Route Description</i>	<i>County</i>	<i>Length Miles</i>
SR 3001	From SR 100 to Congdon Hill Drive	Lehigh	1.1

The Municipality of Lower Macungie Township approved the access route within their respective jurisdiction.

Questions should be directed to George Harpster at (717) 783-6473.

LESLIE S. RICHARDS,  
*Secretary*

[Pa.B. Doc. No. 16-754. Filed for public inspection April 29, 2016, 9:00 a.m.]

### Medical Advisory Board Meeting

The Medical Advisory Board (Board) will meet on Friday, May 13, 2016. The meeting will begin at 10 a.m. at the Riverfront Office Center, Transportation University, 1101 South Front Street, Harrisburg, PA. Chairperson Kara N. Templeton will preside. This meeting is open to the public.

Members of the public interested in addressing the Board with a concern relating to medical regulations must contact John Zimmerman at (717) 783-4534 by Friday, May 6, 2016. These concerns will be discussed

has been submitted to the Department of Transportation by Five Springs Farm, LLC, 2300 Rice Road, Lancaster, PA 17603 seeking to lease highway right-of-way located at a parcel adjoining the Lancaster County Club, Lancaster County, adjacent to SR 6023, Section 000, approximately 35.5541 acres for the purpose of growing crops.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions or objections regarding the approval of this application to Michael Keiser, PE, District Executive, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699.

Questions regarding this application or the proposed use may be directed to Jon P. Murdoch, Real Estate Specialist, 2140 Herr Street, Harrisburg, PA 17103-1699, (717) 783-3125.

LESLIE S. RICHARDS,  
*Secretary*

[Pa.B. Doc. No. 16-753. Filed for public inspection April 29, 2016, 9:00 a.m.]

during "Items from the Floor" on the agenda, which will open at 12 p.m.

The meeting location is accessible to persons with disabilities. Persons with special needs or requiring special aids are also requested to contact John Zimmerman at (717) 783-4534 prior to the meeting so that disability needs may be accommodated.

LESLIE S. RICHARDS,  
*Secretary*

[Pa.B. Doc. No. 16-755. Filed for public inspection April 29, 2016, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Sierra Club v. DEP and Lackawanna Energy Center, LLC, Permittee; EHB Doc. No. 2016-047-L

Sierra Club has appealed the issuance by the Department of Environmental Protection of an NPDES permit (PA0275727) to Lackawanna Energy Center, LLC located in Jessup Borough, 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. 16-756. Filed for public inspection April 29, 2016, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### 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>
16A-6711	State Board of Occupational Therapy Education and Licensure General Revisions 46 Pa.B. 888 (February 20, 2016)	3/21/16	4/20/16

#### State Board of Occupational Therapy Education and Licensure Regulation # 16A-6711 (IRRC # 3134)

##### General Revisions

April 20, 2016

We submit for your consideration the following comments on the proposed rulemaking published in the February 20, 2016 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the State Board of Occupational Therapy Education and Licensure (Board) to respond to all comments received from us or any other source.

#### 1. Section 42.13. Application for licensure. Section 42.14. Foreign-educated applicants. Section 42.15. Application for temporary license.—Clarity.

Sections 42.13(b)(3), 42.14(c)(3) and 42.15(d)(3) all provide a means of proof of insurance that an applicant can include their own certification that they will be covered under an employer's professional liability policy upon commencement of employment. The Occupational Therapy Practice Act (Act) includes the following proviso:

“the applicant certifies that the applicant will be covered by an employer against professional liability in required amounts upon the commencement of employment as an occupational therapist, *provided that the applicant does not practice occupational*

*therapy prior to the commencement of such employment.”* 63 P.S. 1508(5)(iv)(B) (Emphasis added.)

This statutory language makes clear a licensee's legal obligation to obtain and maintain professional liability insurance. The Board should include this important phrase in the final regulation. The Board should also explain its rationale to issue a regular license to an applicant rather than issue a provisional license that is conditioned upon submission of appropriate proof of insurance.

#### 2. Section 42.16. Biennial renewal; inactive status; failure to renew.—Implementation procedures; Reasonableness.

Subsection (c) states that in order for licensees to retain the right to engage in practice, they must renew their license biennially. Under Paragraph (1) of this subsection, an occupational therapist must certify maintenance of the required professional liability insurance coverage. The Act requires that within 30 days after the issuance of a license or within 30 days after the commencement of employment, the occupational therapist must submit to the Board the certificate of insurance or a copy of the policy declaration page. See 63 P.S. 1508(5)(v). Since the Board is not requiring proof of insurance, it should at least require that some basic information be included in the renewal application (i.e., insurance company name, policy number etc.).

**3. Section 42.53. Continued competency requirements.—Implementation procedures; Reasonableness.**

Act 138 of 2012 amended the Occupational Therapy Practice Act (63 P.S. 1501—1519) to require continued competency for occupational therapy assistants. See 63 P.S. 1515(a). The Board is implementing this statutory requirement by imposing existing continued competency regulations that it established via regulation for occupational therapists on occupational therapy assistants. Occupational therapists and occupational therapy assistants have different educational and training requirements and different scopes of practice. How did the Board determine that it is reasonable to apply the same standards for continued competency to both licensees? The House Professional Licensure Committee expresses a similar concern given occupational therapy assistants may only practice under the supervision of an occupational therapist. We ask the Board to explain their rationale for this regulatory requirement in the Preamble to the final-form rulemaking.

Under Subsection (a), occupational therapy assistants will be required to complete a minimum of 24 contact hours in each biennial period, beginning with the July 1,

2015—June 30, 2017 period. Since this rulemaking will not be finalized until later this year or sometime after that, we question how this provision will be implemented. A review of the Board's website and the various notices and forms posted to it do not indicate that completion of continued competency will be required for renewal of an occupational therapy assistant license. Has the Board notified occupational therapy assistants of the new continued competency requirements? Will occupational therapy assistants be able to complete the 24 contact hours of continued competency in a timely fashion? In the Preamble to the final-form rulemaking, we ask the Board to explain how this provision will be implemented.

**4. General.**

*Time frame*

We ask the Board to provide a detailed response explaining what issues led to the delay in promulgating the regulation and what alternatives were considered to resolve those issues.

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 16-757. Filed for public inspection April 29, 2016, 9:00 a.m.]

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or it can be viewed on the Commission's web site at [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Resubmitted</i>	<i>Public Meeting</i>
14-539	Department of Human Services Intellectual Disability Terminology Update	4/14/16	5/19/16

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 16-758. Filed for public inspection April 29, 2016, 9:00 a.m.]

**INSURANCE DEPARTMENT**

**Alleged Violation of Insurance Laws; Victoria Ann Cyr; Doc. No. SC16-04-008**

Notice is hereby given of the Order to Show Cause issued on April 14, 2016, by the Deputy Insurance Commissioner in the previously-referenced matter. Violation of the following is alleged: sections 611-A(20), 612-A(a) and 678-A(b) of The Insurance Department Act of 1921 (40 P.S. §§ 310.11(20), 310.12(a) and 310.78(b)).

Respondent shall file a written answer to the Order to Show Cause within 20 days of the date of issue. If respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings

Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

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 Fleischauer, Agency ADA Coordinator at (717) 705-4194.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 16-759. Filed for public inspection April 29, 2016, 9:00 a.m.]

**Alleged Violation of Insurance Laws; Donald W. Morgan; Doc. No. SC16-04-011**

Notice is hereby given of the Order to Show Cause issued on April 19, 2016, by the Deputy Insurance Commissioner in the previously-referenced matter. Violation of the following is alleged: section 611-A(2), (4), (7), (8), (17) and (20) of The Insurance Department Act of 1921 (40 P.S. § 310.11(2), (4), (7), (8), (17) and (20)).



Respondent shall file a written answer to the Order to Show Cause within 20 days of the date of issue. If respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

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, contact Donna Fleischauer, Agency ADA Coordinator at (717) 705-4194.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 16-760. Filed for public inspection April 29, 2016, 9:00 a.m.]

### **Arson and Insurance Fraud Reporting; Notice 2016-04**

This notice is issued to advise and remind insurers of their obligations under Commonwealth law in the reporting of suspected arson and insurance fraud, as well as to advise licensees that they are permitted to file reports of suspected arson or insurance fraud electronically with the National Insurance Crime Bureau.

Arson and insurance fraud are recognized in this Commonwealth as serious crimes. Commonwealth law explicitly requires insurer reporting of suspected arson (section 3(b)(1) of the Arson Reporting Immunity Act (40 P.S. § 1610.3(b)(1))) and suspected insurance fraud (75 Pa.C.S. § 1817 and 18 Pa.C.S. § 4117 (relating to reporting of insurance fraud; and insurance fraud)) to a law enforcement agency for consideration of criminal investigation and prosecution. Commonwealth law provides immunity to encourage and protect persons in that reporting. Accordingly, the Insurance Department (Department) releases the following guidance to insurers seeking to meet their statutory obligation for reporting of suspected arson and insurance fraud:

1. Each insurer has the burden of determining through investigation when the probable cause of a fire loss is arson or when a reasonable basis exists to believe that insurance fraud has occurred, is occurring or is to occur.

2. Upon reaching a determination, insurers will, within 30 days, make a written report of the suspected arson or insurance fraud to a Federal, State or local criminal law enforcement agency. Instead of making a written report, insurers are authorized to file reports electronically directly to the National Insurance Crime Bureau to satisfy their obligations under the law.

3. An insurer's entry of the suspected arson or suspected insurance fraud matter to a claims database or other information system serving the insurance industry will not in and of itself be viewed by the Department as

satisfying that insurer's statutory obligation to report suspected arson or insurance fraud to a criminal law enforcement agency.

4. Examination of insurer fraud control programs will include a review of insurer determination of suspected arson and insurance fraud, and a confirmation of the insurer's written reporting to a criminal law enforcement agency.

Questions regarding this notice may be addressed to the Chief, Anti-fraud Compliance Division, Bureau of Enforcement, Insurance Department, 12th Floor, Strawberry Square, Harrisburg, PA 17120, ra-in-fraud@state.pa.us.

This notice supersedes the notice published at 37 Pa.B. 6364 (December 1, 2007).

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 16-761. Filed for public inspection April 29, 2016, 9:00 a.m.]

### **Notice Regarding Nondiscrimination; Notice 2016-05**

Questions have been raised regarding the Insurance Department's (Department) expectations concerning health insurance policy form language relating to nondiscrimination. Both State and Federal law prohibit discrimination against individuals in the terms, conditions and benefits covered by a policy. Section 626 of The Insurance Company Law of 1921 (40 P.S. § 761) and section 5(a)(7)(i) of the Unfair Insurance Practices Act (40 P.S. § 1171.5(a)(7)(ii)) prohibit discrimination generally among individuals "of the same class." Section 1557 of the Affordable Care Act, as explained by the proposed rule promulgated by the Department of Health and Human Services, Office of Civil Rights (OCR Proposed Rule) published at 80 FR 54172 (September 8, 2015), more specifically prohibits discrimination on the basis of "race, color, national origin, sex, age or disability," where "on the basis of sex" includes "sex stereotyping" and "gender identity," and may also include "sexual orientation." The OCR Proposed Rule proposes to add regulatory language in 45 CFR Part 92 (relating to nondiscrimination on the basis of race, color, national origin, sex, age, or disability in health programs or activities receiving Federal financial assistance and health programs or activities administered by the Department of Health and Human Services or entities established under Title I of the Patient Protection and Affordable Care Act), including 45 CFR 92.206—92.303.

As recently announced by Governor Tom Wolf, it is the policy of the Commonwealth to treat all residents of this Commonwealth with dignity and respect, regardless of race, gender, creed, color, sexual orientation or gender identity or expression, and discrimination on any grounds should be prohibited. Accordingly, and consistent with that announcement, the Department by this notice informs its regulated entities that it expects that all health insurance policy forms under its jurisdiction will not contain any discriminatory terms, conditions or benefit provisions contrary to these State and Federal laws, including the OCR Proposed Rule, and further, that all health insurance policy forms affirmatively will include nondiscriminatory terms, conditions and benefit provisions consistent with these State and Federal laws,

including the OCR Proposed Rule. Thus, it is anticipated that a policy will not exclude services based on gender identity and will not contain a categorical exclusion of coverage for all health services related to gender transition, as described in the OCR Proposed Rule, and also will affirmatively provide that medically necessary covered services will be available to a policyholder regardless of their gender identity.

The Department provides the following guidance to insurance entities seeking to demonstrate compliance with these State and Federal laws, including the OCR Proposed Rule, relative to policies within the Department's jurisdiction offered, issued or renewed in this Commonwealth. The Department will accept as evidence demonstrating compliance a notice, as proposed in the OCR Proposed in Rule in 45 CFR 92.8 (relating to notice requirement), in each individual policy and outline of coverage (for individual policies), and in each group master policy and certificate of coverage (for group policies), that is "sufficiently conspicuous and visible to beneficiaries, enrollees, applicants or members of the public that they are able to become aware of the content of the notice." The Department views a notice containing the language provided in the text and Appendix A of the OCR Proposed Rule as constituting a suitable notice, such as, by way of illustration:

"[Insert Insurer's name] complies with applicable federal civil rights laws and does not discriminate on the basis of race, color, national origin, age, disability, or sex, including sex stereotypes and gender identity. Coverage for medically necessary health services is made available on the same terms for all individuals, regardless of sex assigned at birth, gender identity, or recorded gender. [Insert Insurer's name] will not deny or limit coverage to any health service based on the fact that an individual's sex assigned at birth, gender identity, or recorded gender is different from the one to which such health service is ordinarily available. [Insert Insurer's name] will not deny or limit coverage for a specific health service related to gender transition if such denial or limitation results in discriminating against a transgender individual."

Questions concerning this notice may be directed to Bureau of Life, Accident and Health, Office of Insurance Product Regulation, 1326 Strawberry Square, Harrisburg, PA 17120, ra-rateform@pa.gov.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 16-762. Filed for public inspection April 29, 2016, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

**Petition of UGI Central Penn Gas, Inc. for a Waiver of the Distribution System Improvement Charge Cap of 5% of Billed Distribution Revenues and Approval to Increase the Maximum Allowable Distribution System Improvement Charge to 10% of Billed Distribution Revenues**

**P-2016-2537609. UGI Central Penn Gas, Inc.** Petition of UGI Central Penn Gas, Inc. requesting: 1) waiver of the Distribution System Improvement Charge (DSIC)

cap of 5% of billed revenues; and 2) approval to increase the maximum allowable DSIC from 5% to 10% of billed revenue for service rendered on or after July 1, 2016. The act of February 14, 2012 (P.L. 72, No. 11) authorized public utilities to use a DSIC mechanism to facilitate the recovery of reasonable and prudent capital costs incurred to repair, improve or replace certain eligible distribution property that is part of the gas distribution companies' distribution systems. UGI Central Penn Gas, Inc.'s DSIC recovery at P-2013-2398835 is currently capped at 5% of billed distribution revenues between rate cases. UGI Central Penn Gas, Inc. proposes to increase the maximum DSIC rate by 5%.

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, 400 North Street, Harrisburg, PA 17120 by 4:30 p.m. on May 9, 2016. The documents filed in support of the petition are available for inspection in the Secretary's Bureau from 8 a.m. to 4:30 p.m., Monday through Friday, and at the Pennsylvania Public Utility Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

*Applicant:* UGI Central Penn Gas, Inc.

*Through and By Counsel:* David B. MacGregor and Jessica R. Rogers, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 16-763. Filed for public inspection April 29, 2016, 9:00 a.m.]

**Petition of UGI Penn Natural Gas, Inc. for a Waiver of the Distribution System Improvement Charge Cap of 5% of Billed Distribution Revenues and Approval to Increase the Maximum Allowable Distribution System Improvement Charge to 10% of Billed Distribution Revenues**

**P-2016-2537594. UGI Penn Natural Gas, Inc.** Petition of UGI Penn Natural Gas, Inc. requesting: 1) waiver of the Distribution System Improvement Charge (DSIC) cap of 5% of billed revenues; and 2) approval to increase the maximum allowable DSIC from 5% to 10% of billed revenue for service rendered on or after July 1, 2016. The act of February 14, 2012 (P.L. 72, No. 11) authorized public utilities to use a DSIC mechanism to facilitate the recovery of reasonable and prudent capital costs incurred to repair, improve or replace certain eligible distribution property that is part of the gas distribution companies' distribution systems. UGI Penn Natural Gas, Inc.'s DSIC recovery at P-2013-2397056 is currently capped at 5% of billed distribution revenues between rate cases. UGI Penn Natural Gas, Inc. proposes to increase the maximum DSIC rate by 5%.

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, 400 North Street, Harrisburg, PA 17120 by 4:30 p.m. on May 9, 2016. The documents filed in support of the petition are available for inspection in the Secretary's Bureau from 8 a.m. to 4:30 p.m., Monday through Friday, and at the Pennsylvania Public Utility Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

*Applicant:* UGI Penn Natural Gas, Inc.

*Through and By Counsel:* David B. MacGregor and Jessica R. Rogers, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 16-764. Filed for public inspection April 29, 2016, 9:00 a.m.]

**Petition of UGI Utilities, Inc.—Gas Division for a Waiver of the Distribution System Improvement Charge Cap of 5% of Billed Distribution Revenues and Approval to Increase the Maximum Allowable Distribution System Improvement Charge to 10% of Billed Distribution Revenues**

**P-2016-2537586. UGI Utilities, Inc.—Gas Division.** Petition of UGI Utilities, Inc.—Gas Division requesting: 1) waiver of the Distribution System Improvement Charge (DSIC) cap of 5% of billed revenues; and 2) approval to increase the maximum allowable DSIC from 5% to 10% of billed revenue. The act of February 14, 2012 (P.L. 72, No. 11) authorized public utilities to use a DSIC mechanism to facilitate the recovery of reasonable and prudent capital costs incurred to repair, improve or replace certain eligible distribution property that is part of the gas distribution companies' distribution systems. UGI Utilities, Inc.—Gas Division is seeking a DSIC in a separate proceeding docketed at P-2016-2537501. Recovery at P-2016-2537501 will be capped at 5% of billed distribution revenues between rate cases. UGI Utilities, Inc.—Gas Division proposes to increase the maximum DSIC rate by 5%.

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, 400 North Street, Harrisburg, PA 17120 by 4:30 p.m. on May 9, 2016. The documents filed in support of the petition are available for inspection in the Secretary's Bureau from 8 a.m. to 4:30 p.m., Monday through Friday, and at the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

*Applicant:* UGI Utilities, Inc.—Gas Division

*Through and By Counsel:* David B. MacGregor and Jessica R. Rogers, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 16-765. Filed for public inspection April 29, 2016, 9:00 a.m.]

**Pro Forma Intra-Company Changes**

**A-2016-2540409. Sprint Communications Company, LP.** Application of Sprint Communications Company, LP for approval under 66 Pa.C.S. (relating to Public Utility Code) of pro forma intra-company changes.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities)

on or before May 16, 2016. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

*Applicant:* Sprint Communications Company, LP

*Through and By Counsel:* Michelle Painter, Esquire, Sprint, 12502 Sunrise Valley Drive, Reston, VA 20196

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 16-766. Filed for public inspection April 29, 2016, 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 May 16, 2016. 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-2016-2534534. Quick Lift Cab, LLC** (364 North 1st Street, Lehigh, Carbon County, PA 18235) persons in call or demand service, in the Counties of Carbon, Monroe, Luzerne, Schuylkill, Lehigh, Northampton, Lancaster, Lackawanna, Berks, Montgomery and Bucks.

**A-2016-2538182. Keystone Transportation, LLC** (2304 Walnut Street, Harrisburg, Dauphin County, PA 17103) for the right to transport as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Adams, Bedford, Berks, Blair, Bradford, Carbon, Centre, Clinton, Columbia, Cumberland, Dauphin, Franklin, Fulton, Huntington, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montour, Northampton, Northumberland, Perry, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming and York, to points in Pennsylvania, and return. *Attorney:* John W. Sweet, Esquire, 620 South 13th Street, Harrisburg, PA 17104.

**Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as contract carrier for the transportation of household goods as described under the application.***

**A-2016-2537226. K & A Logistics, LLC t/a K & A** (464 Deep Run Road, Perkaskie, Bucks County, PA 18944)

for the right to transport, as a contract carrier, by motor vehicle, household goods in use, for XPO Last Mile, between points in Pennsylvania.

**Application of the following for the approval of the right and privilege to *discontinuel/abandon* operating as *common carriers* by motor vehicle and for cancellation of the certificate of public convenience as described under the application.**

**A-2016-2538511. Garden Spot Equipment Auction, Inc., t/a Landis Luxury Coaches** (P.O. Box 501, Ephrata, Lancaster County, PA 17522) discontinuance of service and cancellation of its certificate—persons in limousine service, between points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 16-767. Filed for public inspection April 29, 2016, 9:00 a.m.]

**Service of Notice of Motor Carrier Formal Complaints**

Formal Complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due May 16, 2016, and must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Safder Zaman & Haidri Waheed, t/a American Cab Co.;  
Docket No. C-2015-2494783**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Safder Zaman & Haidri Waheed, t/a American Cab Co., (respondent) is under suspension effective June 23, 2015 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 105 Paoli Pike, Paoli, PA 19301-1832.
3. That respondent was issued a Certificate of Public Convenience by this Commission on May 21, 2004, at A-00120192.
4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The

Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00120192 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 7/28/2015

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and  
Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Acord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility  
 Services  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau of  
 Investigation and Enforcement v. D N Safety  
 Transit, LLC; Docket No. C-2016-2533492**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth

of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to D N Safety Transit, LLC, (respondent) is under suspension effective January 6, 2016 for failure to maintain evidence of Bodily Injury Property Damage Liability insurance on file with this Commission.

2. That respondent maintains a principal place of business at 2943 Elbridge St, Philadelphia, PA 19149.

3. That respondent was issued a Certificate of Public Convenience by this Commission on June 2, 2015, at A-2014-2404166.

4. That respondent has failed to maintain evidence Of Bodily Injury Property Damage Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-2014-2404166 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
 David W. Loucks, Chief  
 Motor Carrier Enforcement  
 Bureau of Investigation and Enforcement  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 3/15/2016

David W. Loucks, Chief  
 Motor Carrier Enforcement  
 Bureau of Investigation and  
 Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound

by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

ROSEMARY CHIAVETTA,  
 Secretary

[Pa.B. Doc. No. 16-768. Filed for public inspection April 29, 2016, 9:00 a.m.]

**Transfer of Certain Facilities**

**A-2016-2540640. UGI Utilities, Inc.—Gas Division.** Application of UGI Utilities, Inc.—Gas Division for approval of the transfer of certain facilities used for gas control activities to UGI Central Gas Control, LLC.

Formal tests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before May 16, 2016. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

*Applicant:* UGI Utilities, Inc.—Gas Division

*Through and By Counsel:* Mark C. Morrow, Esquire, UGI Utilities, Inc., 460 North Gulph Road, King of Prussia, PA 19406-2807

ROSEMARY CHIAVETTA,  
 Secretary

[Pa.B. Doc. No. 16-769. Filed for public inspection April 29, 2016, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

**Request for Proposals**

The Philadelphia Regional Port Authority will accept sealed proposals for Project No. 16-044.S, RFP for On-Call Legal Services, until 2 p.m. on Wednesday, June 8, 2016. Information (including mandatory preproposal information) can be obtained from the web site [www.philaport.com](http://www.philaport.com) under "Our Port" then "Procurement" or call (215) 426-2600.

JACK DEMPSEY,  
 Deputy Executive Director

[Pa.B. Doc. No. 16-770. Filed for public inspection April 29, 2016, 9:00 a.m.]

# STATE BOARD OF NURSING

## Bureau of Professional and Occupational Affairs v. Mark Stanley Lewen, LPN; File No. 13-51-09025; Doc. No. 1489-51-2014

On March 10, 2016, Mark Stanley Lewen, LPN, license no. PN266693, of Stoneboro, Mercer County, was revoked based on multiple disciplinary actions being taken by another state and failing to report same to the State Board of Nursing (Board).

Individuals may obtain a copy of the adjudication by writing to Bridget K. Guilfoyle, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

KRISTIN MALADY, BSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 16-771. Filed for public inspection April 29, 2016, 9:00 a.m.]

## Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs v. Kathleen Connor Bridge, RN, Respondent; File No. 13-51-08405; Doc. No. 1928-51-14

*Notice to Kathleen Connor Bridge, RN:*

On November 5, 2014, the Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs, instituted a formal administrative action against you by filing an Order to Show Cause, before the State Board of Nursing, alleging that you have violated certain provisions of the Pennsylvania Professional Nursing Law, Act of May 22, 1951, P.L. 317, ("Act"). Pursuant to 1 Pa. Code § 33.31 and Rule 430 of the Pennsylvania Rules of Civil Procedure, 231 Pa. Code Rule 430, the State Board of Nursing has issued an Order authorizing service of process upon you by publication.

### Notice

Formal disciplinary action has been filed against you. You may lose your license, certificate, registration or permit to practice your profession or occupation. You may be subject to civil penalties of up to \$10,000 for each violation, and the imposition of costs of investigation.

If you wish to defend against the charges in the attached Order to Show Cause or to present evidence to mitigate any penalty that may be imposed, the procedures for doing so are explained in the Order to Show Cause. You may obtain a copy of the Order to Show Cause from the Prothonotary for the Department of State, 2601 North Third Street, P.O. Box 2649, Harrisburg, PA 17105, telephone number, (717) 772-2686.

You have the right to retain an attorney. Although you may represent yourself without an attorney, you are advised to seek the help of an attorney. You also have the right to have an interpreter provided should you request one.

All proceedings are conducted under the Administrative Agency Law and the General Rules of Administrative Practice and Procedures.

You are directed to respond to the charges by filing a written answer within thirty (30) days of this NOTICE. IF YOU DO NOT FILE AN ANSWER, DISCIPLINARY ACTION MAY BE TAKEN AGAINST YOU WITHOUT A HEARING. To file your answer, you must bring or send an original and three (3) copies of your answer and any pleadings or other documents related to this matter to the following address:

Prothonotary  
Department of State  
2601 North Third Street  
P.O. Box 2649  
Harrisburg, PA 17105

You must also send a separate copy of your answer and any other pleadings or documents related to this case to the prosecuting attorney named in the Order to Show Cause.

KRISTIN MALADY, BSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 16-772. Filed for public inspection April 29, 2016, 9:00 a.m.]

## Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs v. Thomas M. Donahue, RN, Respondent; File No. 0992-51-15; Doc. No. 14-51-13558

*Notice to Thomas M. Donahue, RN:*

On June 9, 2015, the Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs, instituted a formal administrative action against you by filing an Order to Show Cause, before the State Board of Nursing, alleging that you have violated certain provisions of the Pennsylvania Professional Nursing Law, Act of May 22, 1951, P.L. 317, ("Act"). Pursuant to 1 Pa. Code § 33.31 and Rule 430 of the Pennsylvania Rules of Civil Procedure, 231 Pa. Code Rule 430, the State Board of Nursing has issued an Order authorizing service of process upon you by publication.

### Notice

Formal disciplinary action has been filed against you. You may lose your license, certificate, registration or permit to practice your profession or occupation. You may be subject to civil penalties of up to \$10,000 for each violation, and the imposition of costs of investigation.

If you wish to defend against the charges in the attached Order to Show Cause or to present evidence to mitigate any penalty that may be imposed, the procedures for doing so are explained in the Order to Show Cause. You may obtain a copy of the Order to Show Cause from the Prothonotary for the Department of State, 2601 North Third Street, P.O. Box 2649, Harrisburg, PA 17105, telephone number, (717) 772-2686.

You have the right to retain an attorney. Although you may represent yourself without an attorney, you are

advised to seek the help of an attorney. You also have the right to have an interpreter provided should you request one.

All proceedings are conducted under the Administrative Agency Law and the General Rules of Administrative Practice and Procedures.

You are directed to respond to the charges by filing a written answer within thirty (30) days of this NOTICE. IF YOU DO NOT FILE AN ANSWER, DISCIPLINARY ACTION MAY BE TAKEN AGAINST YOU WITHOUT A HEARING. To file your answer, you must bring or send an original and three (3) copies of your answer and any pleadings or other documents related to this matter to the following address:

Prothonotary  
 Department of State  
 2601 North Third Street  
 P.O. Box 2649  
 Harrisburg, PA 17105

You must also send a separate copy of your answer and any other pleadings or documents related to this case to the prosecuting attorney named in the Order to Show Cause.

KRISTIN MALADY, BSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 16-773. Filed for public inspection April 29, 2016, 9:00 a.m.]

advised to seek the help of an attorney. You also have the right to have an interpreter provided should you request one.

All proceedings are conducted under the Administrative Agency Law and the General Rules of Administrative Practice and Procedures.

You are directed to respond to the charges by filing a written answer within thirty (30) days of this NOTICE. IF YOU DO NOT FILE AN ANSWER, DISCIPLINARY ACTION MAY BE TAKEN AGAINST YOU WITHOUT A HEARING. To file your answer, you must bring or send an original and three (3) copies of your answer and any pleadings or other documents related to this matter to the following address:

Prothonotary  
 Department of State  
 2601 North Third Street  
 P.O. Box 2649  
 Harrisburg, PA 17105

You must also send a separate copy of your answer and any other pleadings or documents related to this case to the prosecuting attorney named in the Order to Show Cause.

KRISTIN MALADY, BSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 16-774. Filed for public inspection April 29, 2016, 9:00 a.m.]

**Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs v. Donna Jo Pirtle, LPN, Respondent; File No. 12-51-05161; Doc. No. 1677-51-13**

*Notice to Donna Jo Pirtle, LPN:*

On November 13, 2013, the Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs, instituted a formal administrative action against you by filing an Order to Show Cause, before the State Board of Nursing, alleging that you have violated certain provisions of the Practical Nurse Law, Act of March 2, 1956, P.L. (1955) 1211, ("Act"). Pursuant to 1 Pa. Code § 33.31 and Rule 430 of the Pennsylvania Rules of Civil Procedure, 231 Pa. Code Rule 430, the State Board of Nursing has issued an Order authorizing service of process upon you by publication.

**Notice**

Formal disciplinary action has been filed against you. You may lose your license, certificate, registration or permit to practice your profession or occupation. You may be subject to civil penalties of up to \$10,000 for each violation, and the imposition of costs of investigation.

If you wish to defend against the charges in the attached Order to Show Cause or to present evidence to mitigate any penalty that may be imposed, the procedures for doing so are explained in the Order to Show Cause. You may obtain a copy of the Order to Show Cause from the Prothonotary for the Department of State, 2601 North Third Street, P.O. Box 2649, Harrisburg, PA 17105, telephone number, (717) 772-2686.

You have the right to retain an attorney. Although you may represent yourself without an attorney, you are

**STATE CHARTER SCHOOL APPEAL BOARD**

**Schedule of Meetings**

The State Charter School Appeal Board will meet as follows:

July 12, 2016	1 p.m.	Heritage A Suite
September 13, 2016	1 p.m.	Heritage A Suite
October 18, 2016	1 p.m.	Honors Suite
December 6, 2016	1 p.m.	Heritage A Suite
January 17, 2017	1 p.m.	Honors Suite
February 21, 2017	1 p.m.	Honors Suite
April 11, 2017	1 p.m.	Honors Suite
May 16, 2017	1 p.m.	Honors Suite
June 13, 2017	1 p.m.	Honors Suite

Unless due and timely notice to the contrary is given, these meetings will be held as previously stated. The Honors Suite is on the First Floor, Department of Education Building, 333 Market Street, Harrisburg, PA. Heritage A is off the lobby right past the security gates.

Persons with disabilities needing special accommodations to attend the meetings may contact Ernest Helling, Counsel to the Board, 9th Floor, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-5500 or the Pennsylvania AT&T Relay Service (800) 654-5984 at least 24 hours in advance so that arrangements can be made.

ERNEST N. HELLING,  
*Board Counsel*

[Pa.B. Doc. No. 16-775. Filed for public inspection April 29, 2016, 9:00 a.m.]



# SUSQUEHANNA RIVER BASIN COMMISSION

## Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) approved by rule the following list of projects from March 1, 2016, through March 31, 2016.

For further information contact Jason E. Oyler, General Counsel, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

### *Supplementary Information*

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(f) (relating to standards for consumptive uses of water) for the time period previously specified:

### *Approvals By Rule Issued Under 18 CFR 806.22(f):*

1. Seneca Resources Corporation, Pad ID: Gamble Pad A, ABR-201110103.R1, Gamble Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 4, 2016.

2. XTO Energy Incorporated, Pad ID: PA Tract Unit I, ABR-201108040.R1, Chapman Township, Clinton County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 4, 2016.

3. XTO Energy Incorporated, Pad ID: PA Tract Unit E, ABR-201108041.R1, Chapman Township, Clinton County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 4, 2016.

4. XTO Energy Incorporated, Pad ID: PA Tract Unit G, ABR-201109018.R1, Chapman Township, Clinton County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 7, 2016.

5. SWN Production Company, LLC, Pad ID: Knapik Well Pad, ABR-201102033.R1, Liberty Township, Susquehanna County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 8, 2016.

6. SWN Production Company, LLC, Pad ID: Hayes Well Pad, ABR-201102034.R1, Silver Lake Township, Susquehanna County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 9, 2016.

7. SWEPI, LP, Pad ID: Cole 495, ABR-201102016.R1, Richmond Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 9, 2016.

8. SWEPI, LP, Pad ID: Boroch 477, ABR-201102018.R1, Charleston Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 9, 2016.

9. WPX Energy Appalachia, LLC, Pad ID: M. Martin 1V, ABR-201007081.R1, Sugarloaf Township, Columbia County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 9, 2016.

10. Seneca Resources Corporation, Pad ID: Gamble Pad M, ABR-201603001, Eldred Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 11, 2016.

11. Seneca Resources Corporation, Pad ID: DCNR 100 PAD E, ABR-201105009.R1, McIntyre Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 11, 2016.

12. Anadarko E&P Onshore, LLC, Pad ID: Larrys Creek F&G Pad C, ABR-201105014.R1, Cummings Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 11, 2016.

13. Talisman Energy USA, Inc., Pad ID: 05 100 Dewing R, ABR-201102020.R1, Warren Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: March 11, 2016.

14. Chesapeake Appalachia, LLC, Pad ID: ACW, ABR-201107004.R1, Leroy Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 11, 2016.

15. Chesapeake Appalachia, LLC, Pad ID: Belawske, ABR-201107002.R1, Burlington Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 11, 2016.

16. Chesapeake Appalachia, LLC, Pad ID: SJW, ABR-201107003.R1, Wilmot Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 11, 2016.

17. Chesapeake Appalachia, LLC, Pad ID: Fisher, ABR-201107047.R1, Wysox Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 11, 2016.

18. Chesapeake Appalachia, LLC, Pad ID: Layton, ABR-201107036.R1, Litchfield Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 11, 2016.

19. SWEPI, LP, Pad ID: Kuhl 529, ABR-201102014.R1, Richmond Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 11, 2016.

20. SWEPI, LP, Pad ID: Stanley 1106, ABR-201102015.R1, Osceola Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 11, 2016.

21. SWEPI, LP, Pad ID: MY TB INV LLC 891, ABR-201102010.R1, Deerfield Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 11, 2016.

22. EXCO Resources (PA), LLC, Pad ID: DCNR Tract 323 Pad-2, ABR-201012003.R1, Pine Township, Clearfield County, PA; Consumptive Use of Up to 8.0000 mgd; Approval Date: March 21, 2016.

23. EQT Production Company, Pad ID: Turkey, ABR-201107040.R1, Huston Township, Clearfield County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: March 21, 2016.

24. Frontier Natural Resources, Inc., Pad ID: Winner 1, ABR-201101027.R1, West Keating Township, Clinton County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 21, 2016.

25. Pennsylvania General Energy Company, LLC, Pad ID: COP Tract 729 Pad E, ABR-201107046.R1, Cummings Township, Lycoming County, PA; Consumptive Use of Up to 3.5000 mgd; Approval Date: March 25, 2016.

26. SWN Production Company, LLC, Pad ID: Sadecki Well Pad, ABR-201105020.R1, Liberty Township, Susquehanna County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 25, 2016.

27. SWN Production Company, LLC, Pad ID: Mitchell Well Pad, ABR-201105026.R1, Franklin Township, Susquehanna County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 25, 2016.

28. Anadarko E&P Onshore, LLC, Pad ID: COP Tract 728 Pad H, ABR-201105006.R1, Watson Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 28, 2016.

29. Anadarko E&P Onshore, LLC, Pad ID: COP Tract 728 Pad G, ABR-201105007.R1, Watson Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: March 28, 2016.

30. Chesapeake Appalachia, LLC, Pad ID: Alexander, ABR-201108031.R1, Terry Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 28, 2016.

31. Chesapeake Appalachia, LLC, Pad ID: Merryall, ABR-201108047.R1, Wyalusing Township, Bradford

County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 28, 2016.

32. Chesapeake Appalachia, LLC, Pad ID: Albertson, ABR-201108048.R1, Athens Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: March 28, 2016.

*Authority:* Pub.L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

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ANDREW D. DEHOFF,  
*Executive Director*

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