

PENNSYLVANIA BULLETIN

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

No. 500, July 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.

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.

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

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Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from 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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THE GOVERNOR

GOVERNOR'S OFFICE

Proclamation

Constitutional Amendment; Article V, Sections 1, 6(c), 10(d), 12(b) and 15(a)

Whereas, Joint Resolution No. 1 of 2013 and Joint Resolution No. 2 of 2015 proposed to amend Article V, Sections 1, 6(c), 10(d), 12(b), and 15(a), of the Constitution of Pennsylvania to read:

§ 1. Unified judicial system.

The judicial power of the Commonwealth shall be vested in a unified judicial system consisting of the Supreme Court, the Superior Court, the Commonwealth Court, courts of common pleas, community courts, municipal courts in the City of Philadelphia, such other courts as may be provided by law and justices of the peace. All courts and justices of the peace and their jurisdiction shall be in this unified judicial system.

§ 6. Community courts; Philadelphia Municipal Court.

* * *

(c) In the City of Philadelphia there shall be a municipal court. The number of judges and the jurisdiction shall be as provided by law. This court shall exist so long as a community court has not been established or in the event one has been discontinued under this section.

§ 10. Judicial administration.

* * *

(d) 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. 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.

* * *

§ 12. Qualifications of justices, judges and justices of the peace.

* * *

(b) Justices of the peace shall be members of the bar of the Supreme Court or shall complete a course of training and instruction in the duties of their respective offices and pass an examination prior to assuming office. Such courses and examinations shall be as provided by law.

§ 15. Tenure of justices, judges and justices of the peace.

(a) The regular term of office of justices and judges shall be ten years and the regular term of office for judges of the municipal court in the City of Philadelphia and of justices of the peace shall be six years. The tenure of any justice or judge shall not be affected by changes in judicial districts or by reduction in the number of judges.

* * *

Whereas, Joint Resolution No. 1 of 2013 was agreed to by a majority of the members elected to each House of the General Assembly and published pursuant to Article XI, Section 1 of the Constitution of Pennsylvania; and

THE GOVERNOR

Whereas, in the General Assembly next afterwards chosen, the aforesaid amendment to Article V, Sections 1, 6(c), 10(d), 12(b), and 15(a), of the Constitution of Pennsylvania was proposed in Joint Resolution No. 2 of 2015, which was agreed to by a majority of the members elected to each House of the General Assembly and published pursuant to Article XI, Section 1 of the Constitution of Pennsylvania; and

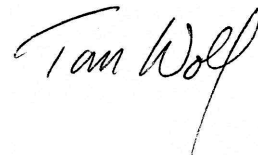
Whereas, the aforesaid proposed amendment to Article V, Sections 1, 6(c), 10(d), 12(b), and 15(a), of the Constitution of Pennsylvania was submitted for approval to the qualified electors of the Commonwealth of Pennsylvania pursuant to Article XI, Section 1 of the Constitution of Pennsylvania at an election held on April 26, 2016; and

Whereas, the Secretary of the Commonwealth, pursuant to law, has certified to me that the aforesaid proposed amendment to Article V, Sections 1, 6(c), 10(d), 12(b), and 15(a), of the Constitution of Pennsylvania was approved by a majority of those voting thereon on the aforesaid day; and

Whereas, Section 903 of Title 1 of the Pennsylvania Consolidated Statutes requires the Governor, upon receiving the aforesaid certification of the Secretary of the Commonwealth, to issue his proclamation indicating whether or not the proposed amendment to Article V, Sections 1, 6(c), 10(d), 12(b), and 15(a), of the Constitution of Pennsylvania has been adopted by a majority of the electors voting thereon.

Now Therefore, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, do hereby proclaim that the aforesaid amendment to Article V, Sections 1, 6(c), 10(d), 12(b), and 15(a), of the Constitution of Pennsylvania was adopted by a majority of the electors voting thereon on April 26, 2016.

Given under my hand and the Great Seal of the Commonwealth, at the City of Harrisburg, this twenty-seventh day of June in the year of our Lord two thousand sixteen and of the Commonwealth the two hundred and fortieth.



Governor

Attest:
 PEDRO A. CORTÉS,
Secretary of the Commonwealth

[Pa.B. Doc. No. 16-1155. Filed for public inspection July 8, 2016, 9:00 a.m.]

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1650]

Proposed Amendment of Pa.R.C.P. Nos. 1653 and 1656

The Civil Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P. Nos. 1653 and 1656 governing actions upon mechanics' liens, for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Karla M. Shultz, Counsel
Civil Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9526
civilrules@pacourts.us

All communications in reference to the proposal should be received by September 2, 2016. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Civil Procedural
Rules Committee*

WILLIAM S. STICKMAN, IV,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1650. ACTIONS IN MECHANICS' LIENS

Rule 1653. Commencement of Action.

An action shall be commenced by filing a **complaint** with the prothonotary.

[(a) a complaint, or

(b) an agreement for an amicable action.]

The complaint shall be filed under the same docket number as the claim for the mechanics' lien.

Official Note: To file a claim for a mechanics' lien, see the Mechanics' Lien Law of 1963, 49 P.S. § 1101-1902.

Rule 1656. The Complaint.

(a) The plaintiff shall set forth in the complaint

(1) the name and address of each party to the action and if the action is commenced by a subcontractor, the name and address of the contractor;

(2) [**the court and number and**] the date of the filing of the claim [**and a copy thereof as an exhibit**]; **and**

(3) a demand for judgment.

(b) The plaintiff shall attach a copy of the claim to the complaint as an exhibit.

Official Note: A claim for a mechanics' lien and the complaint to obtain judgment on the mechanics' lien shall be filed under the same docket number. See Rule 1653.

Explanatory Comment

The Civil Procedural Rules Committee is proposing the amendment of Rules 1653 and 1656 governing actions to obtain judgment on mechanics' liens to clarify and update both rules. Rule 1653 governing commencement of the action, is being amended in two respects. First, the rule currently allows for an action to obtain judgment on a mechanics' lien to be initiated by complaint or agreement for an amicable action. The proposed amendment would limit initiation of an action by complaint only. The agreement for an amicable action was deleted from Rule 1007 governing the commencement of general civil actions in 1991 because it was a device little used in modern practice, and could be achieved through alternate procedures. See Rule 1007, Explanatory Comment—1991. The proposed amendment of Rule 1653 will conform actions to obtain judgment on mechanics' liens to modern practice.

Second, the Rules of Civil Procedure are silent as to whether a claim for a mechanics' lien should be filed under the same or separate docket number as the complaint to obtain judgment on a mechanics' lien. The proposed amendment requires that the claim and the complaint should be filed under the same docket number to clarify procedure. The requirement to use one docket number would apply to all complaints filed after the effective date of the proposed amendment.

A proposed note has been added to Rule 1656 governing the complaint to aid practitioners as to the requirements for filing a mechanics' lien and the subsequent complaint to obtain judgment.

*By the Civil Procedural
Rules Committee*

WILLIAM S. STICKMAN, IV,
Chair

[Pa.B. Doc. No. 16-1156. Filed for public inspection July 8, 2016, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 5]

Proposed Amendments of Pa.R.Crim.P. 590

The Criminal Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Rules 590 (Pleas and Plea Agreements) for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Jeffrey M. Wasileski, Counsel
Supreme Court of Pennsylvania
Criminal Procedural Rules Committee
601 Commonwealth Avenue, Suite 6200
Harrisburg, PA 17106-2635
fax: (717) 231-9521
e-mail: criminalrules@pacourts.us

All communications in reference to the proposal should be received by no later than Friday, September 16, 2016. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Criminal Procedural Rules Committee

JEFFREY A. MANNING,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART H. Plea Procedures

Rule 590. Pleas and Plea Agreements.

* * * * *

(B) PLEA AGREEMENTS.

(1) [**When**] **At any time prior to the verdict, when** counsel for both sides have arrived at a plea agreement, they shall state on the record in open court, in the presence of the defendant, the terms of the agreement, unless the judge orders, for good cause shown and with the consent of the defendant, counsel for the defendant, and the attorney for the Commonwealth, that specific conditions in the agreement be placed on the record in camera and the record sealed.

(2) The judge shall conduct a separate inquiry of the defendant on the record to determine whether the defendant understands and voluntarily accepts the terms of the plea agreement on which the guilty plea or plea of nolo contendere is based.

(3) Any local rule that is inconsistent with the provisions of this rule is prohibited, including any local rule mandating deadline dates for the acceptance of a plea entered pursuant to a plea agreement.

(C) MURDER CASES.

In cases in which the imposition of a sentence of death is not authorized, when a defendant enters a plea of guilty or nolo contendere to a charge of murder generally, the degree of guilt shall be determined by a jury unless the attorney for the Commonwealth elects to have the judge, before whom the plea was entered, alone determine the degree of guilt.

Comment

* * * * *

The 1995 amendment deleting former paragraph (B)(1) eliminates the absolute prohibition against any judicial involvement in plea discussions in order to align the rule with the realities of current practice. For example, the rule now permits a judge to inquire of defense counsel and the attorney for the Commonwealth whether there has been any discussion of a plea agreement, or to give counsel, when requested, a reasonable period of time to conduct such a discussion. Nothing in this rule, however, is intended to permit a judge to suggest to a defendant, defense counsel, or the attorney for the Commonwealth, that a plea agreement should be negotiated or accepted.

Paragraph (B)(1) was amended and paragraph (B)(3) was added in 2016 to clarify that the intent of this rule is that a plea made pursuant to an agreement may be entered any time prior to verdict. Any local rule that places a time limit for the entry of such pleas prior to verdict is in conflict with this rule and therefore invalid.

Under paragraph (B)(1), upon request and with the consent of the parties, a judge may, as permitted by law, order that the specific conditions of a plea agreement be placed on the record in camera and that portion of the record sealed. Such a procedure does not in any way eliminate the obligation of the attorney for the Commonwealth to comply in a timely manner with Rule 573 and the constitutional mandates of *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny. Similarly, the attorney for the Commonwealth is responsible for notifying the cooperating defendant that the specific conditions to which the defendant agreed will be disclosed to third parties within a specified time period, and should afford the cooperating defendant an opportunity to object to the unsealing of the record or to any other form of disclosure.

* * * * *

Official Note: Rule 319(a) adopted June 30, 1964, effective January 1, 1965; amended November 18, 1968, effective February 3, 1969; paragraph (b) adopted and title of rule amended October 3, 1972, effective 30 days hence; specific areas of inquiry in Comment deleted in 1972 amendment, reinstated in revised form March 28, 1973, effective immediately; amended June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1,

1978; paragraph (c) added and Comment revised May 22, 1978, effective July 1, 1978; Comment revised November 9, 1984, effective January 2, 1985; amended December 22, 1995, effective July 1, 1996; amended July 15, 1999, effective January 1, 2000; renumbered Rule 590 and Comment revised March 1, 2000, effective April 1, 2001; amended September 18, 2008, effective November 1, 2008; Comment revised March 9, 2016, effective July 1, 2016; **amended** , 2016, effective , 2016.

Committee Explanatory Reports:

* * * * *

Final Report explaining the March 9, 2016 Comment revision concerning the Rule 705.1 restitution procedures published with the Court's Order at 46 Pa.B. 1540 (March 26, 2016).

Report explaining the proposed amendments concerning plea agreement deadlines published for comment at 46 Pa.B. 3637 (July 9, 2016).

REPORT

Proposed amendment of Pa.R.Crim.P. 590

Plea Bargain Deadline

It has come to the Committee's attention that several counties have local rules that contain a date after which a defendant may not enter a plea pursuant to an agreement.¹ These rules provide that if this date is missed, the defendant is then required to enter an open plea or take a trial.

The Committee has concluded that these provisions are in conflict with statewide Rule 590(B) that provides the procedures for the entry of pleas made pursuant to a plea agreement. Rule 590(B) provides:

- (1) When counsel for both sides have arrived at a plea agreement, they shall state on the record in open court, in the presence of the defendant, the terms of the agreement, unless the judge orders, for good cause shown and with the consent of the defendant, counsel for the defendant, and the attorney for the Commonwealth, that specific conditions in the agreement be placed on the record in camera and the record sealed.
- (2) The judge shall conduct a separate inquiry of the defendant on the record to determine whether the defendant understands and voluntarily accepts the terms of the plea agreement on which the guilty plea or plea of *nolo contendere* is based.

Statewide Rule 590(B) does not contain a temporal limit for the entry of a negotiated plea. The creation of such a deadline in a local rule constitutes an additional local requirement not contemplated by the statewide rule and creates an inconsistency with practice elsewhere in the Unified Judicial System.

The Committee recognizes that there is no right to a plea bargain and a trial judge has a great amount of discretion in whether to accept a plea bargain. The Committee also appreciates that the main rationale of these local deadlines is to more effectively administer a court's trial case load. However, from a practical standpoint, there are a number of circumstances in which a negotiated plea may be entered late in a case, even during trial. For example, the way in which the evidence develops may significantly alter the parties' positions on a

negotiated plea. An absolute bar on the acceptance of post-deadline agreements is counter-productive. While some "down-time" may result when a scheduled trial is resolved by a plea, it seems far less inefficient than forcing the parties into a trial that they are willing to forego for a negotiated plea. The Committee members believe that a trial judge should exercise individualized consideration on the merits of a negotiated plea in determining whether to accept or reject it rather than reliance on a set deadline. Therefore, the Committee has concluded that the prerogative of the parties to freely enter into a negotiated disposition of a case should not be summarily refused solely because of the timing of the presentation of the agreement to the court.

Although the Committee has concluded that such local rules are already in conflict with statewide Rule 590, it was believed that some clarification of this point would be beneficial. Therefore, Rule 590(B)(1) would be amended by the addition of a prefatory statement that a plea pursuant to an agreement may be entered any time prior to the verdict. The prohibition against plea entry deadlines would be further elaborated in the Comment.

[Pa.B. Doc. No. 16-1157. Filed for public inspection July 8, 2016, 9:00 a.m.]

[234 PA. CODE CH. 7]

Proposed New Pa.R.Crim.P. 791

The Criminal Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the adoption of new Rule 791 (Procedure for Obtaining Order for Limited Access in Court Cases; Order for Limited Access.) for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

Jeffrey M. Wasileski, Counsel
Supreme Court of Pennsylvania
Criminal Procedural Rules Committee
601 Commonwealth Avenue, Suite 6200
Harrisburg, PA 17106-2635
fax: (717) 231-9521
e-mail: criminalrules@pacourts.us

All communications in reference to the proposal should be received by no later than Friday, September 16, 2016. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Criminal Procedural
Rules Committee*

JEFFREY A. MANNING,
Chair

¹ It appears that most of these rules were in place prior to 2009 when Rule 105 was amended to require approval from the Committee prior to a local rule being adopted.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE
CHAPTER 7. POST-TRIAL PROCEDURES IN
COURT CASES

PART C. Court Case Expungement Procedures

Rule 791. Procedure for Obtaining Order for Limited Access in Court Cases; Order for Limited Access.

(A) PETITION FOR ORDER FOR LIMITED ACCESS

(1) Pursuant to 18 Pa.C.S. § 9122.1, an individual who satisfies the statutory requirements for obtaining an order for limited access may request an order that limits the dissemination of his or her criminal history record information by filing a petition with the clerk of the courts of the judicial district in which the charges were disposed.

(2) The petition shall set forth:

(a) the petitioner's name and any aliases that the petitioner has used, address, date of birth, and social security number;

(b) the name and address of the judge of the court of common pleas, magisterial district judge, or Philadelphia Municipal Court judge who accepted the guilty plea or heard the case;

(c) the name and mailing address of the affiant as shown on the complaint, if available;

(d) the court of common pleas docket number, magisterial district court docket number; or the Philadelphia Municipal Court docket number, whichever applies;

(e) the offense tracking number (OTN);

(f) the date on the complaint, or the date of arrest, and, if available, the criminal justice agency that made the arrest;

(g) the specific charges, as they appear on the charging document, to be subject to limited access;

(h) the disposition and, if the sentence includes a fine, costs, or restitution, whether the amount due has been paid;

(i) the reason(s) for the order for limited access;

(j) a statement that the case qualifies for a limited access order and none of the exceptions under 18 Pa.C.S. § 9122.1(b) are applicable; and

(k) a verification by the petitioner that facts set forth in the petition are true and correct to the best of the petitioner's personal knowledge or information and belief. The verification may be by a sworn affidavit or by an unsworn written statement that the facts are verified subject to the penalties for unsworn falsification to authorities under the Crimes Code § 4904, 18 Pa.C.S. § 4904.

Additional information shall not be required by local rule or practice.

(3) Unless the attorney for the Commonwealth agrees in writing to waive this requirement, a current copy of the petitioner's Pennsylvania State Police criminal history report shall be attached to the petition. The copy shall be obtained from the Pennsylvania State Police within 60 days before filing the petition.

(4) A copy of the petition shall be served on the attorney for the Commonwealth concurrently with filing.

(B) OBJECTIONS; HEARING

(1) Within 60 days after service of the petition, the attorney for the Commonwealth shall file a consent or objection to the petition or take no action. The attorney for the Commonwealth's consent or objection shall be filed with the clerk of courts, and copies shall be served on the petitioner's attorney, or the petitioner if unrepresented.

(2) Upon receipt of the attorney for the Commonwealth's response, or no later than 14 days after the expiration of the 60-day period in paragraph (B)(1), the judge of the court of common pleas shall grant or deny the petition or shall schedule a hearing.

(3) At the hearing, if any, the parties shall be afforded an opportunity to be heard. Following the hearing, the judge promptly shall enter an order granting or denying the petition.

(4) If the judge grants the petition for limited access, the judge shall enter an order directing that the defendant's criminal record history information that is subject to the limited access order shall not be disseminated to an individual, a noncriminal justice agency or an internet website and that dissemination of the defendant's criminal record history be limited only to a criminal justice agency or government agency as provided in 18 Pa.C.S. § 9122.1.

(a) The order shall contain the information required in paragraph (C).

(b) Except when the attorney for the Commonwealth has filed a consent to the petition pursuant to paragraph (B)(1), the order shall be stayed for 30 days pending an appeal. If a timely notice of appeal is filed, the order for limited access is stayed pending the disposition of the appeal and further order of court.

(5) If the judge denies the petition for an order of limited access, the judge shall enter an order denying the petition and stating the reasons for the denial.

(6) If the judge grants the petition for an order of limited access, the petition and order are subject to limited access.

(C) ORDER

(1) Every order for limited access shall include:

(a) the petitioner's name and any aliases that the petitioner has used, address, date of birth, and social security number;

(b) the name and address of the judge of the court of common pleas, magisterial district judge, or Philadelphia Municipal Court judge who accepted the guilty plea or heard the case;

(c) the name and mailing address of the affiant as shown on the complaint, if available;

(d) the Philadelphia Municipal Court docket number or the court of common pleas docket number, whichever applies;

(e) the offense tracking number (OTN);

(f) the date on the complaint, or the date of arrest, and, if available, the criminal justice agency that made the arrest;

(g) the specific charges, as they appear on the charging document, to be expunged;

(h) the disposition and, if the sentence includes a fine, costs, or restitution, whether the amount due has been paid;

- (i) the reason(s) for the order for limited access;
- (j) a statement that the case qualifies for a limited access order and none of the exceptions under 18 Pa.C.S. § 9122.1(b) are applicable; and
- (k) the criminal justice agencies upon which certified copies of the order shall be served.

Additional information shall not be required by local rule or practice.

(2) The clerk of courts shall serve a certified copy of the Order to each criminal justice agency identified in the court's Order.

Comment

Section 9122.1 of the Criminal Code, provides for an order limiting dissemination of a record of a criminal conviction for a misdemeanor of the second degree, a misdemeanor of the third degree, or an ungraded misdemeanor which carries a maximum penalty of no more than two years only to a criminal justice agency or government agency. This rule, adopted in 2016, provides the procedures for requesting and ordering an order for limited access as provided in the statute.

This rule sets forth the only information that must be included in every petition and order for limited access.

The petition must be filed with the clerk of courts of the judicial district in which the charges that are the subject of the petition were disposed. The petition must be decided by a judge of the court of common pleas, even if the charges that are the subject of the petition were disposed by a magisterial district judge or Philadelphia Municipal Court judge.

Paragraph (A)(3) requires the petitioner to attach a copy of his or her criminal record to the petition. The attorney for the Commonwealth may waive the requirement that the criminal record be attached to the petition. The rule anticipates that, in such a case, the petitioner and the attorney for the Commonwealth will reach an agreement prior to the submission of the petition to the court that the petitioners' criminal history has been confirmed by means other than the Pennsylvania State Police criminal history report. The copy of the written waiver signed by the attorney for the Commonwealth must be attached to the petition in lieu of the Pennsylvania State Police criminal history report.

A form petition and form order for limited access has been created by the Administrative Office of Pennsylvania Courts, in consultation with the Committee, and is available at the following website: <http://www.pacourts.us/forms/for-the-public>.

"Petition" as used in this rule is a "motion" for purposes of Rules 575, 576, and 577.

The "reason for the order for limited access" in paragraph (A)(2)(i) and (C)(1)(i) means, for example, the defendant's freedom from arrest or prosecution for 10 years.

For the procedures for filing and service of petitions, see Rule 576.

For the procedures for filing and service of orders, see Rule 114.

When a summons instead of an arrest warrant is issued pursuant to Rule 519, the date of the summons constitutes the "date of arrest" for purposes of paragraph (A)(2)(f).

For purposes of this rule, "criminal justice agency" includes police departments, county detectives, and other law enforcement agencies. *See also* 18 Pa.C.S. § 9102. For the definition of "government agency," see 18 Pa.C.S. § 9121 (b.1) and (b.2).

Nothing in this rule is intended to alter procedures regarding expungement. *See* Rule 320 for the procedures for expungement following the successful completion of an ARD program in a court case, Rule 490 for summary case expungement procedures, Rule 790 for court case expungement, and 35 P.S. § 780-119 for expungement procedures under the Controlled Substance, Drug, Device, and Cosmetic Act.

Concerning standing, see *In Re Administrative Order No. 1-MD-2003*, 936 A.2d 1 (Pa. 2007); *Commonwealth v. J.H.*, 759 A.2d 1269 (Pa. 2000).

Official Note: Adopted , 2016, effective , 2016

Committee Explanatory Reports:

Report explaining proposed new Rule 791 providing the procedures for orders for limited access in court cases published for comment at 46 Pa.B. 3639 (July 9, 2016).

REPORT

Proposed new Pa.R.Crim.P. 791

Orders for Limited Access

Background

On February 16, 2016, the Governor signed into law Act 5 of 2016 (originally SB 166 of 2016). The Act originated from a proposal for an expansion of the current expungement statute to cover second and third degree misdemeanors but was subsequently modified to introduce a new concept, a petition for limited access. The Act added new Section 9122.1 to the Crimes Code, 18 Pa.C.S. § 9122.1, that provides that a qualified defendant may petition for an order that would allow only certain entities access to criminal history record information, primarily criminal justice or other government agencies. The offenses in question are, with certain exceptions, misdemeanors of the second and third degree and ungraded offenses carrying a maximum penalty of no more than two years. The Act also includes an amendment to Section 9122 of the Crimes Code, 18 Pa.C.S. § 9122, that provides that a court or the Administrative Office of Pennsylvania Courts may not disseminate criminal case information that is subject to "a court order for limited access as provided in Section 9122.1 (relating to order for limited access)." Act 5 will become effective on November 14, 2016.

Proposed New Rule 791

Because the Act requires a petition to be filed with the court and subsequent order to be produced, there is a need for procedural rules implementing the Act. Given the history of the Act, the Committee believes that the concept of limiting access to a conviction record is closely related to expungement. Therefore, the Committee concluded that the procedures should be similar. The procedures for obtaining a limited access order contained in proposed new Rule 791 are derived from the existing court case expungement procedures in Rule 790. These new procedures would be placed in a separate rule rather than an addition to the expungement rule since the nature and purpose of this procedure is different from expungement and placing it in the same rule as expunge-

ment procedures might lead to confusion. The new rule would immediately follow the court case expungement procedures.

In terms of information required in the petition and order, the same concern, that of correctly identifying the criminal record, would be applicable to limited access procedures as it is for expungement. Therefore, the required contents of the petition, contained in paragraph (A), and the contents of the order, contained in paragraph (C), are virtually identical to those required in Rule 790 for expungement petitions and orders.

Proposed paragraph (A)(3) contains the requirement that the Pennsylvania State Police criminal history report shall be attached to the petition. This is currently required by Rule 790 for expungement petitions and the Committee believes that this is the best means of verifying the defendant's criminal history. However, the Committee is also aware that, in several jurisdictions, the prosecution has a practice of agreeing to a waiver of this requirement and verifying the defendant's criminal history by other means. The Committee intends to recommend an amendment to the expungement rules to recognize this practice and also incorporates this provision in proposed Rule 791(A)(3). *See* 45 Pa.B. 5913 (October 3, 2015).

Paragraph (B) describes the procedures to be followed once the petition is filed. Section 9122.1(c) provides that the court notify the district attorney of the petition within 10 days of filing and the district attorney then has 30 days to respond. The current procedure for court case expungement in Rule 790 requires that the petition be served on the prosecution concurrent with filing. The Committee believes that simultaneous service is a more efficient procedure and one that would help in the prosecution reaching a quicker decision on whether to oppose the petition or not. The Committee intends that this is an additional procedural step being added to make the process more efficient and ensure proper and timely notice to the prosecution.

The Act allows 30 days for the prosecution to respond to a petition for limited access. Several members expressed concern that this period is an inadequate amount of time in which the prosecution has to evaluate whether to oppose the petition. It is anticipated that the number of limited access petitions will be substantial, particularly in the larger counties. The district attorneys' offices may be hard-pressed to properly evaluate the defendant's record in that time, resulting in opposition to petitions as a matter of course. It was noted that Rule 790 gives the prosecution 60 days to respond to a court case expungement petition. The Committee concluded that a 60-day period for response is more reasonable and will likely result in more unopposed petitions. Even though the Act provides the 30-day time limit for response, the Committee concluded that this is a purely procedural provision, falling within the Court's exclusive rule-making authority. Therefore, paragraph (B)(1) requires the prosecution's response within 60 days following service of the petition.

The Act requires a petition to be filed requesting the issuance of the order, similar to expungement procedures. Section 9122.1 describes the effect of the order as permitting the criminal record to be disseminated "only to a criminal justice agency or a governmental agency. . ." However, the language that is added to Section 9121, which directly states the applicability of the statute to the courts and AOPC, uses the terminology that they "may not disseminate to an individual, a noncriminal justice

agency or an internet website any information" relating to information that is subject to a limited access order. In the proposed paragraph (B)(4), the terminology in both selections is used to describe the order granting the petition so that there is no confusion concerning the order's effects.

Rule 790 provides for a 30-day stay on any granted petition to provide time for the prosecution to appeal. A similar provision is included in Rule 791(B)(4)(b) when the petition for limited access is granted. However, this stay is waived when the prosecution agrees to the petition. This is similar to a provision that the Committee is intending to recommend as an amendment to Rule 790. *See* 45 Pa.B. 3978 (July 25, 2015).

The Committee also considered several other suggestions for this proposal but ultimately declined to add them. This included a suggestion for specific procedures for cases where some charges will be able to be subject to limited access and others will be able to be expunged. The Committee concluded that these are two separate procedures with separate eligibility requirements. Since Rule 790 already provides expungement procedures while proposed Rule 791 would provide limited access order procedures, the Committee concluded that no additional rule changes would be necessary.

The Committee discussed a suggestion to incorporate procedures for obtaining *in forma pauperis* status. However, the procedures for an *in forma pauperis* request are well known and a regular part of expungement practice. Therefore, the Committee concluded that including specific provisions in the limited access order procedures was unnecessary.

The Committee also considered suggestions regarding the manner in which the exclusory provision of the Act and the statutory fees for the petitions should be defined. The Committee concluded that these provisions were substantive in nature and should not be defined in a procedural rule.

[Pa.B. Doc. No. 16-1158. Filed for public inspection July 8, 2016, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BUCKS COUNTY

Order Promulgating Rule of Civil Procedure 205.4(f)(3)—Electronic Filing and Service of Legal Papers—Signature

Order

And Now, this 17th day of June, 2016, pursuant to Pa.R.C.P. No. 239.8, Bucks County Rule of Civil Procedure 205.4(f)(3)—Electronic Filing and Service of Legal Papers—Signature, is promulgated as follows:

Bucks County Rule 205.4(f)(3). Signature.

(a) The electronic filing of legal papers by a filing attorney or party ("the filing party") utilizing the user name and password associated with the filing party by the Electronic Filing System shall be deemed the filing party's signature on the legal papers submitted and shall constitute a certification by the filing party:

(i) that the original hard copy of the legal paper was properly signed, and where applicable, verified pursuant to Pa.R.C.P. No. 205.4(b)(3)(i), subject to the sanctions provided by Pa.R.C.P. No. 205.4(b)(5);

(ii) that the original hard copy of the legal paper is being maintained as provided by Pa.R.C.P. No. 205.4(b)(4), subject to the sanctions provided by Pa.R.C.P. No. 205.4(b)(5);

(iii) as provided by Pa.R.C.P. No. 1023.1(c) governing Signing of Documents, violation of which shall be subject, pursuant to Pa.R.C.P. No. 1023.1(d), to the sanctions provided by Pa.R.C.P. No. 1023.4; and

(iv) if the filing party is an attorney, of the filing party's right to practice in the Commonwealth and of authorization to file the legal paper, as provided in Pa.R.C.P. No. 205.1.

(b) All legal papers submitted for filing using the Electronic Filing System must identify the filing party by name in a signature block placed at the conclusion of the legal paper. Legal papers which identify the filing party as a person other than the registered filer under whose user name the legal paper is submitted will not be accepted for filing by the Prothonotary.

(c) Verifications, affidavits and any other documents included in an electronically filed legal paper that are signed by a person other than the filing party shall be manually signed, scanned in .pdf format, and attached to or included as part of the electronically filed legal paper.

(d) Documents requiring the signatures of more than one party, including documents signed by more than one party in counterparts (e.g., stipulations) shall be manually signed, scanned in .pdf format, and attached to or included as part of the electronically filed legal paper.

Note: For signature requirements for legal papers submitted for filing via mail or hand delivery, see B.C.R.C.P. No. 1023.1(b)(1).

This Rule shall take effect upon publication on the Pennsylvania Judiciary's Web Application Portal (<http://ujportal.pacourts.us>).

By the Court

JEFFREY L. FINLEY,
President Judge

[Pa.B. Doc. No. 16-1159. Filed for public inspection July 8, 2016, 9:00 a.m.]

BUCKS COUNTY

Order Promulgating Rule of Civil Procedure 1023.1(b)(1)—Signing of Documents

Order

And Now, this 17th day of June, 2016, pursuant to Pa.R.C.P. No. 239, Bucks County Rule of Civil Procedure 1023.1(b)(1), Signing of Documents, is promulgated as follows:

B.C.R.C.P. No. 1023.1(b)(1). Signing of Documents.

(a) Except as permitted by subsection (b) below, all legal papers submitted to the Prothonotary for filing via mail or hand delivery shall bear the original handwritten signature of the filing attorney or party ("the filing party").

(b) Photocopies of legal papers bearing the original handwritten signature of the filing party will be accepted for filing as permitted by Pa.R.C.P. No. 205.3(a).

(c) Documents submitted to the Prothonotary for filing via mail or hand delivery that contain an electronically stored and inserted image of, or a digitally reproduced or created copy of, the signature of the filing party, will not be accepted for filing or acted upon by the Court.

Note: For signature requirements for legal papers submitted for filing using the Electronic Filing System, see B.C.R.C.P. No. 205.4(f)(3).

This Rule shall take effect thirty days from the date of publication in the *Pennsylvania Bulletin*.

By the Court

JEFFREY L. FINLEY,
President Judge

[Pa.B. Doc. No. 16-1160. Filed for public inspection July 8, 2016, 9:00 a.m.]

DELAWARE COUNTY

Local Rule 1012; Doc. No. MD-12-540

And Now, this 21st day of June, 2016, It is hereby Ordered and Decreed that the existing Rule 1012 is amended and shall be entirely replaced by New Rule 1012 in accordance with the following language effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule *1012. Limited Entry of Appearance. Withdrawal of Appearance. Notice.

(a)(1) An attorney whose representation is pro bono and through Legal Aid of Southeastern Pennsylvania shall be permitted to enter a written limited entry of appearance which shall state an address at which pleadings and other legal papers may be served in the manner provided by Rule Pa.R.C.P. 440(a)(1), a telephone number and clearly express the limitation of the attorney's representation. This written notice of limited entry of appearance shall be given forthwith to all parties. This limited entry of appearance shall also be accompanied by a Praeceptum to proceed In Forma Pauperis including an appropriate certification under rule Pa.R.C.P. 240(d)(1) and any fee for the limited entry of appearance or any filing made at the same time as the limited entry of appearance shall be waived.

(a)(2) The limited entry of appearance under subsection (a)(1) shall be substantially in the following form:

CAPTION

PRAECEPTUM FOR ENTRY OF LIMITED APPEARANCE

To the Office of Judicial Support:

Kindly enter my appearance on behalf of _____, in the above-captioned matter. I hereby certify that I have accepted the representation of _____ through Legal Aid of Southeastern Pennsylvania, I am accepting no fee for my services and my appearance is limited to the performance of the following responsibilities:

_____ Representation through _____ custody Master's conferences.

_____ Representation through all custody Master's conferences in the _____ months following the filing of this entry of limited appearance.

_____ Representation through one custody trial before a judge in the court of Common Pleas.

_____ Other: _____

Upon completion of the above delineated duties and consistent with rule 1012(a)(3), I may withdraw my appearance without further petition or order of this court.

Signature

(a)(3) An attorney may withdraw his or her appearance without leave of court if the attorney has previously entered his or her appearance under subscription (a)(1) and has completed all of his or her responsibilities as enumerated in the form completed under subsection (a)(2). This written notice of withdrawal of appearance shall be given forthwith to all parties and the court (assigned Judge) and any fee for the withdrawal of the limited entry of appearance shall be waived.

(a)(4) The withdrawal of appearance under subsection (a)(3) shall be substantially in the following form:

CAPTION

PRAECIPE FOR THE WITHDRAWAL OF LIMITED APPEARANCE

To the Office of Judicial Support:

Kindly withdraw my appearance on behalf of _____, in the above-captioned matter. I hereby certify that I have completed all duties as delineated in my limited entry of appearance filed on _____.

I further certify that I notified the Plaintiff/Defendant and the court (assigned judge) on _____ of my withdrawal.

(Date)

Consistent with local rule 1012(a)(3), I am authorized to withdraw my appearance without further petition or order of this Court.

All further notices or communications shall be sent directly to the Plaintiff/Defendant at the following address.

Name: _____

Address: _____

Phone: _____

Respectfully submitted:

_____, Esquire
Former Counsel for (Plaintiff/Defendant)

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 16-1161. Filed for public inspection July 8, 2016, 9:00 a.m.]

DELAWARE COUNTY

Local Rule 1915.3; Doc. No. MD-12-540

And Now, this 21st day of June, 2016, It is hereby Ordered and Decreed that the existing Rule 1915.3 is amended and shall be entirely replaced by New Rule 1915.3 in accordance with the following language effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule *1915.3. Custody Proceedings, Appointment of Conciliator.

(d) A Custody Conciliator shall be appointed by the Board of Judges. All custody proceedings shall be listed for a conference before the Conciliator prior to being assigned to a judge. The parties to the case and if represented, their counsel, shall attend

(e) Agreements reached as a result of the conference shall be submitted in form of stipulation and proposed order to the Custody Conciliator, who will present the stipulation and order to the court with a recommendation.

(f) Cases not resolved at the initial conciliation conference may be continued and relisted by the Custody Conciliator for further conferencing, or may be forwarded to the court for hearing on the merits. When cases are forwarded for court hearing the Conciliator will submit a brief synopsis of the case as part of a letter of transmittal.

(g) If, after proper service and/or notification, a party fails to appear at a conciliation conference, the Conciliator will report to the court and may recommend that the court impose appropriate sanctions.

(h) A party may offer into evidence without further proof the following items:

(1) Reports and correspondence and records from physical health providers, educators, law enforcement departments and related officials if said documents are provided to opposing counsel or pro se party at least twenty (20) days before the scheduled hearing. If the moving party receives no written objection thereto not less than ten (10) days prior to the trial date, this evidence shall be admitted without the necessity of testimony from the scrivener. If objection is made, the party requesting the admission of said evidence may submit a specific written request for an evidentiary ruling to the Court Administrator for referral to the appropriate Judge. In no event shall the scheduled hearing be delayed as a result of the application of this rule.

(2) Reports and correspondence from mental health providers and custody evaluators if said documents are provided to opposing counsel or pro se party at least twenty (20) days before the scheduled hearing. If the moving party receives no written objection thereto, not less than ten (10) days prior to the trial date, this evidence shall be admitted without the necessity of testimony from the scrivener. If objection is made, the party requesting the admission of said evidence must be prepared to present the person whose testimony is waived by this Rule. In no event shall the scheduled hearing be delayed as a result of the application of this Rule.

(i) No child shall attend any custody proceeding unless:

(1) Ordered to attend by the Court, or;

(2) Required to attend by the Custody Conciliator, or;

(3) The party wishing to bring a child or children to the hearing or conference provides at least seven (7) days written notice to all involved parties, or, if represented, their counsel.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 16-1162. Filed for public inspection July 8, 2016, 9:00 a.m.]

DELAWARE COUNTY

Local Rule 1930.4(d); Doc. No. MD-12-540

And Now, this 21st day of June, 2016, It is hereby Ordered and Decreed that Rule 1930.4(d) is hereby adopted in accordance with the following language effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 1930.4. Service of Original Process in Domestic Relations Matters.

(d) *Acceptance of Service.* In lieu of service pursuant to this rule, the defendant or the defendant's authorized agent may accept service of original process by filing with the prothonotary a separate notarized document which shall be in substantially the following form:

Case Caption

ACCEPTANCE OF SERVICE

I _____ (Defendant or Authorized agent) accept service of the Divorce complaint or _____ (Name of the document). I certify that I am authorized to accept service on behalf of the defendant.

Date

Defendant or Authorized Agent

Mailing Address

On this _____ day of _____, before me a notary public personally appeared _____, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledge that he/she executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal. _____

Notary Public

Note: If the defendant accepts service personally, the second sentence of the affidavit should be deleted.

In all Divorce actions in which Defendant is a Self-Represented Party, and in which the only proof of service/method of service of the complaint is the Defendant's acceptance of service, the Defendant's (or Authorized Agent's) acceptance of service of the complaint shall be notarized (or) Counsel for Plaintiff may file a certification of service of the complaint noting Defendant's/Authorized Agent's acceptance of service (or) the plaintiff, if represented by counsel, may file an Affidavit/Verification of Signature attesting to the Defendant's signature on the Acceptance of Service of the Divorce Complaint.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 16-1163. Filed for public inspection July 8, 2016, 9:00 a.m.]

LANCASTER COUNTY

Adoption of Local Rule; AD 14-2016

Order Pursuant to Pa.R.J.A. No. 103(c), 42 Pa.C.S.A.

And Now, this 13th day of June, 2016, it is Ordered that the following Local Rule of Judicial Administration No. 1907.2, of the Court of Common Pleas of the 2nd

Judicial District of Pennsylvania, Lancaster County, be adopted as indicated, to be effective thirty (30) days after the publication in the *Pennsylvania Bulletin*.

It is further Ordered that the District Court Administrator shall:

1. File one certified copy of the rule with the Administrative Office of the Pennsylvania Courts (AOPC).

2. Distribute two certified paper copies of the rule and a copy of the rule on a computer diskette or CD-ROM that complies with the requirements of 1 Pa. Code § 13.11(b) to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Keep such local rule continuously available for public inspection and copying in the office of the Prothonotary and Clerk of Courts. Upon request and payment of reasonable costs and reproduction and mailing, the Prothonotary and Clerk of Courts shall furnish to any person a copy of any rule.

4. Arrange to have the local rule published on the Lancaster County Court website at <http://www.court.co.lancaster.pa.us/135/Local-Rules-of-Court>.

By the Court

HONORABLE DENNIS E. REINAKER,
President Judge

Rule 1907.2. Constables—Service of Warrants.

1. All bench warrants and warrants of arrest shall be processed through a centralized warrant control located and operated by the Lancaster County Sheriff's Office as follows:

a. All Criminal Warrants shall be issued to the Police Department of origin with a copy of the warrant being sent to the Sheriff's Office.

b. Any warrant issued in a Summary Case shall be issued to the Sheriff's Office.

c. Any warrant not previously issued to the Sheriff's Office shall be provided immediately to the Lancaster County Sheriff's Office upon request.

2. The Lancaster County Sheriff's Office has exclusive authority to forward for service a copy of any bench warrant or warrant of arrest to any Constable.

3. The Constable shall be in possession of the hard copy of the warrant to initiate contact with the subject of the warrant.

4. The Lancaster County Sheriff's Office shall be designated as the sole authority to approve payments to any Constable for any warrant served.

5. If a Constable contacts any Magisterial District Court or appears in any Magisterial District Court with a defendant in custody, without a warrant "in hand" and who has not been authorized by the Sheriff's Office to serve warrants, the Lancaster County Sheriff's Office must be contacted immediately.

6. In the event that a defendant has been arrested on more than one warrant issued by different Magisterial District Judges, the Constable may take the defendant before any Magisterial District Judge who issued a warrant. That Magisterial District Judge is authorized to conduct a hearing on all of the warrants on which the defendant was arrested. The Constable shall first contact the Magisterial District Court with the most issued warrants to process all the warrants for the defendant. If that Magisterial District Judge cannot process the warrants within one hour from the time he/she was con-

tacted, the Constable shall contact the Magisterial District Judge with the next most issued warrants for the defendant. In the event that no Magisterial District Judge who issued a warrant is available, the on call duty Magisterial District Judge for the sector of the Magisterial District Judge with the most issued warrants shall process all outstanding warrants against the defendant.

[Pa.B. Doc. No. 16-1164. Filed for public inspection July 8, 2016, 9:00 a.m.]

MONTGOMERY COUNTY

**Mortgage Foreclosure Conciliation Program—
Masters; Administrative Order 2016-00004**

Memorandum and Order

The Montgomery County Mortgage Foreclosure Conciliation Program (the “Program”) was initiated to promote discussion and facilitate resolution between lenders and owners of certain residential properties subject to foreclosure proceedings. Since the inception of the Program, it has been administered and presided over by Judges of the Court. The Court has determined that it is necessary and appropriate to delegate certain aspects of the Program to

the authority of court appointed Masters. This will permit the Court to continue to address the large number of cases and to better serve the interests of the parties involved.

The Masters will be granted the authority to preside over all Program proceedings, as well as to act as facilitators in the exchange of documentation, the modification of terms, or, some other resolution of the litigation. The Masters may authorize the continuance of matters to allow for additional time for appropriate reasons. When appropriate, the Masters may prepare recommendations on the form of proposed Orders for review by the Judge or Judges assigned to preside over the Program.

And Now, this 20th day of June, 2016, following a review of qualifications, it is *Ordered* that the following individuals are appointed as Masters to act in accordance with the provisions set forth previously and to serve until resignation or further Order of this Court: Alfred M. Abel, Esq., Edward J. DiDonato, Esq., Samantha A. Fagnan, Esq., Mark S. Harris, Esq.

By the Court

WILLIAM J. FURBER, Jr.,
President Judge

[Pa.B. Doc. No. 16-1165. Filed for public inspection July 8, 2016, 9:00 a.m.]

RULES AND REGULATIONS

Title 31—INSURANCE

INSURANCE DEPARTMENT

[31 PA. CODE CH. 84]

Tables Approved for Use in Determining Minimum Nonforfeiture Standards and Minimum Standards for Valuation

The Insurance Department (Department) amends Chapter 84 (relating to tables approved for use in determining minimum nonforfeiture standards and minimum standards for valuation). This final-form rulemaking is adopted under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P.S. §§ 66, 186, 411 and 412), regarding the general rule-making authority of the Department, sections 301 and 303 of The Insurance Department Act of 1921 (40 P.S. §§ 71 and 73), regarding computation of reserve liability and minimum reserve requirements of companies charging less than net premiums computed on mortality tables, and section 410A of The Insurance Company Law of 1921 (40 P.S. § 510.1), regarding standard nonforfeiture law for life insurance.

Purpose

The purpose of this final-form rulemaking is to adopt new mortality tables for use in determining the minimum reserves that insurers must maintain for annuities. These new minimum standards apply to annuities issued on or after August 8, 2016, the effective date of this final-form rulemaking. The amendments are based upon changes to National Association of Insurance Commissioners (NAIC) Model Regulation 821, which was adopted by the NAIC in 2012. The 2012 Individual Annuity Mortality Table was developed by the Society of Actuaries and the American Academy of Actuaries in cooperation with the Life Actuarial (A) Task Force and reflects improved mortality experience resulting from increased life expectancies. The new table is a generational table that incorporates projections for future mortality improvements. In other words, because people are living longer, mortality tables must be updated so that insurers can maintain accurate reserves. Increased reserving will strengthen insurer solvency and thereby protect consumers by ensuring reliable payment of benefits when due.

The Department's adoption of the mortality tables will help to assure the solvency of insurance companies by requiring adequate and accurate reserves based on the most recent mortality tables. Additionally, this final-form rulemaking promotes consistency with other states.

Comments and Responses

Notice of proposed rulemaking was published at 46 Pa.B. 460 (January 23, 2016) with a 30-day public comment period. A comment was received from the Insurance Federation of Pennsylvania in support of the proposed rulemaking and recommending an immediate effective date.

The Independent Regulatory Review Commission (IRRC) did not have objections, comments or recommendations regarding the proposed rulemaking.

Affected Parties

The final-form rulemaking applies to life insurance companies and fraternal benefit societies issuing annuity and pure endowment contracts in this Commonwealth.

Fiscal Impact

State government

There will not be an increase in cost to the Department due to the adoption of new annuity tables since this final-form rulemaking does not impose additional requirements on the insurance industry.

General public

It is unlikely that there will be adverse fiscal impact on the consumers who purchase annuity contracts. The general public will be purchasing annuity contracts from more financially stable insurers.

Political subdivisions

The final-form rulemaking will not impose additional costs on political subdivisions.

Private sector

The final-form rulemaking may have some fiscal impact on insurance companies marketing annuity contracts. Insurers will be required to expend the time necessary to determine if their current annuity reserve standards meet the new requirements. To the extent that the standards do not comply with the new requirements, an insurance company must increase the reserves for contracts issued on or after August 8, 2016. However, negative fiscal impact would be minimized by requiring the new tables be used only for contracts issued after August 8, 2016.

Paperwork

The final-form rulemaking will not impose additional paperwork on the Department. The final-form rulemaking will not change an insurer's existing reporting, recordkeeping or other paperwork requirements.

Effectiveness Date and Sunset Date

The final-form rulemaking will become effective August 8, 2016, 30 days after final adoption and publication in the *Pennsylvania Bulletin*. The Department continues to monitor the effectiveness of regulations on a triennial basis. Therefore, a sunset date has not been assigned.

Contact Person

Questions or comments concerning this final-form rulemaking may be addressed in writing to Bridget E. Burke, Regulatory Coordinator, 1341 Strawberry Square, Harrisburg, PA 17120, fax (717) 772-1969, briburke@pa.gov.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on January 11, 2016, the Department submitted a copy of the notice of proposed rulemaking, published at 46 Pa.B. 460, to IRRC and the Chairpersons of the House Insurance Committee and the Senate Banking and Insurance Committee for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on June 8, 2016, the final-form rulemaking was deemed approved by the House and Senate

Committees. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC effective June 8, 2016.

Findings

The Commissioner finds that:

(1) Public notice of intention to adopt this final-form rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of this final-form rulemaking in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

The Commissioner, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 31 Pa. Code Chapter 84, are amended by adding § 84.3a and Appendices I—IV and amending § 84.2 to read as set forth at 46 Pa.B. 460 and amending § 84.3 to read as set forth in Annex A.

(b) The Department shall submit this order, 46 Pa.B. 460 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall take effect on August 8, 2016.

TERESA D. MILLER,
Insurance Commissioner

(Editor's Note: See 46 Pa.B. 3161 (June 18, 2016) for IRRC's approval order.)

Fiscal Note: Fiscal Note 11-255 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 31. INSURANCE

PART IV. LIFE INSURANCE

CHAPTER 84. TABLES APPROVED FOR USE IN DETERMINING MINIMUM NONFORFEITURE STANDARDS AND MINIMUM STANDARDS FOR VALUATION

§ 84.3. 1983 Table "a," Annuity 2000 Mortality Table, 1983 GAM Table, 1994 GAR Table and 2012 IAR Mortality Table.

(a) The 1983 Table "a," the Annuity 2000 Mortality Table excluding mortality rates independent of sex, the 1983 GAM Table, the 1994 GAR Table and the 2012 IAR Mortality Table are approved by the Commissioner as annuity mortality tables for valuation.

(b) At the option of the company, the 1983 Table "a" may be used in determining the minimum standard of valuation for an individual annuity or pure endowment contract issued prior to January 1, 1986, and for an annuity or pure endowment purchased prior to January 1, 1986, under a group annuity or pure endowment contract.

(c) The 1983 Table "a," or the Annuity 2000 Mortality Table excluding mortality rates independent of sex shall be used in determining the minimum standard of valuation for an individual annuity or pure endowment contract issued on or after January 1, 1986, and prior to June 26, 1999.

(d) The Annuity 2000 Mortality Table excluding mortality rates independent of sex shall be used, except as provided by subsections (e) and (f), in determining the minimum standard of valuation for an individual annuity or pure endowment contract issued on or after June 26, 1999.

(e) Except as provided in subsection (f), the 2012 IAR Mortality Table shall be used for determining the minimum standard of valuation for any individual annuity or pure endowment contract issued on or after August 8, 2016.

(f) The 1983 Table "a" shall be used in determining the minimum standard of valuation for an individual annuity or pure endowment contract issued on or after June 26, 1999, when the contract is based on life contingencies and is issued to fund periodic benefits arising from:

(1) Settlements of claims pertaining to court settlements or out of court settlements from tort actions.

(2) Settlements of claims, such as worker's compensation claims.

(3) Settlements of long term disability claims when a temporary or life annuity has been used instead of continuing disability payments.

(g) At the option of the company, the 1983 GAM Table or the 1994 GAR Table may be used in determining the minimum standard of valuation for an annuity or pure endowment purchased prior to January 1, 1986, under a group annuity or pure endowment contract.

(h) The 1983 GAM Table or the 1994 GAR Table shall be used in determining the minimum standard of valuation for an annuity or pure endowment purchased on or after January 1, 1986, and prior to June 26, 1999, under a group annuity or pure endowment contract.

(i) 1994 GAR Table.

(1) The 1994 GAR Table shall be used in determining the minimum standard of valuation for an annuity or pure endowment purchased on or after June 26, 1999, under a group annuity or pure endowment contract.

(2) In using the 1994 GAR Table, the mortality rate for a person age x in year $(1994 + n)$ shall be calculated as follows:

$q_x^{1994+n} = q_x^{1994} (1-AA_x)^n$ where the values of q_x^{1994} and AA_x are as specified in the 1994 GAR Table.

[Pa.B. Doc. No. 16-1166. Filed for public inspection July 8, 2016, 9:00 a.m.]

Title 61—REVENUE

BOARD OF FINANCE AND REVENUE

[61 PA. CODE CHS. 701, 702 AND 703]

General Provisions; Tax and Other Appeal Proceedings

The Board of Finance and Revenue (Board), under the general authority in section 2703.1(m) of the Tax Reform Code of 1971 (72 P.S. § 9703.1(m)), rescinds Chapter 701 and adopts Chapters 702 and 703 (relating to general provisions; and tax and other appeal proceedings) to read as set forth in Annex A.

Purpose of this Final-Form Rulemaking

The purpose of this final-form rulemaking is to adopt regulations consistent with the act of July 9, 2013 (P.L. 270, No. 52), which reorganized the Board and instituted new procedures for practicing before the Board. The regulations include: an extensive definition section; filing procedures and deadlines; processes for representation by third parties before the Board, *ex parte* communications and petitioning the Board; compromise settlement procedures; procedures for the hearing process; and requests for reconsideration. Chapters 702 and 703 shall be liberally construed.

Chapters 702 and 703 supersede 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) (GRAPP) as referenced in the regulations. The Board expressly cites the supersession in each regulation because Commonwealth Court ruled in *Eugene F. Ciavarra v. Commonwealth of Pennsylvania*, 970 A.2d 500 (2009), in footnote 5 that:

The GRAPP governs the practice and procedure before agencies of the Commonwealth, except where a statute or regulation sets forth inconsistent rules on the same subject. 1 Pa. Code § 31.1. If an agency intends that its own regulation supersede the GRAPP, the superseded provision must be expressly cited, along with a statement that the cited provision is not applicable to proceedings before the agency. 1 Pa. Code § 13.38. There is no other statute or regulation governing a request for reconsideration before the Board; thus, we conclude that the GRAPP governs such requests.

Chapter 702. General Provisions

Subchapter A (relating to overview) states the scope of Chapters 702 and 703 and for the liberal construction of the regulations so long as it does not affect the substantive rights of the parties. This subchapter also provides an extensive definition section. Additionally, the subchapter sets forth the following: the procedure on filing generally; the Board's office hours; administration of oaths; formal rules of evidence do not apply to Board matters; and the Board does not have subpoena or deposition power.

Subchapter B (relating to time) sets forth the procedures for the date of filing a party's submission as well as how the Board will compute time for a submission.

Subchapter C (relating to representation before the Board) contains the requirements for what forms shall be completed for a petitioner to identify an individual that may be representing them before the Board. Nonattorneys have always been permitted to represent petitioners before the Board so long as that representation does not constitute the unauthorized practice of law as defined by the Pennsylvania Supreme Court. The Board has not experienced problems regarding nonattorney representatives. The Board also establishes notification procedures regarding changing a representative, an address or a withdrawal representation.

Subchapter D (relating to *ex parte* communications) contains a definition section and the general rules for *ex parte* communication between a Board member or staff and a party.

Chapter 703. Tax and Other Appeal Proceedings

Subchapter A (relating to submissions) states the minimum general requirements for what information a Petition for Relief must contain. Additionally, under this subchapter the Board will acknowledge the receipt of the

petition. This subchapter also contains regulations regarding the following: the Department of Revenue filing a submission in response to a petition; Board-requested additional submissions from petitioners; service requirements; consolidation of petitions; timeliness of submissions; and withdrawal or termination of appeals.

Subchapter B (relating to compromise procedures) sets forth the rules for compromise settlements before the Board. More specifically, the subchapter contains the rules for compromise settlements generally between the parties including time deadlines and waivers. Compromises are voluntary and negotiations only take place between the parties.

Subchapter C (relating to prehearing conferences) sets forth the procedure for requesting a prehearing conference, scheduling prehearing conferences and nonparticipation of one party.

Subchapter D (relating to hearings) sets forth the following: deadlines; how to request a hearing; notice of proceedings will be in accordance with 65 Pa.C.S. Chapter 7 (relating to Sunshine Act); scheduling of hearings; hearing procedures; and a party's failure to appear.

Subchapter E (relating to request for reconsideration) sets forth the procedures for a party requesting reconsideration to object to a Board order including: the basis of the request for reconsideration; time period for filing a request for reconsideration and extension; and the contents of the request. This subchapter also details how the Board will respond to requests for reconsideration and provides the party's appeal rights.

Subchapter F (relating to publication of orders) sets forth that the Board will publish on the Board's web site each final order, along with dissenting opinions, that grants or denies in whole or in part of the petition. This subchapter also sets forth the timing of the publication. Additionally, the subchapter sets forth what constitutes confidential information the Board will automatically redact and procedures for a petitioner to request additional redactions under the definition of "trade secret" or "confidential proprietary information" in section 102 of the Right-to-Know Law (65 P.S. § 67.102).

Contact Person

The contact person for this final-form rulemaking is Jennifer Langan, Deputy Chief Counsel, Treasury Department, (717) 787-9738.

Affected Parties

Taxpayers and representatives of taxpayers seeking relief in the administrative appeal process may be affected by this final-form rulemaking.

Fiscal Impact

The Board has determined that this final-form rulemaking will not have fiscal impact on the Commonwealth.

Effectiveness

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 10, 2015, the Board submitted a copy of the notice of proposed rulemaking, published at 45 Pa.B. 2362 (May 16, 2015), to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Finance and the Senate Committee on Finance for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on March 9, 2016, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on March 10, 2016, and approved the final-form rulemaking.

Findings

The Board finds that:

(1) Public notice of the proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.

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

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 45 Pa.B. 2362.

(4) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Board, acting under the authorizing statute, orders that:

(a) The regulations of the Board, 61 Pa. Code, are amended deleting §§ 701.1—701.7 and adding §§ 702.1—702.6, 702.11, 702.12, 702.21, 702.22, 702.31, 702.32, 703.1—703.9, 703.11, 703.21, 703.31—703.35, 703.41—703.45, 703.51 and 703.52 to read as set forth in Annex A.

(Editor's Note: Proposed §§ 702.5 and 702.8 included in the proposed rulemaking published at 45 Pa.B. 2362 have been withdrawn by the Board.)

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

(c) The Chairperson of the Board shall submit this order and Annex A to IRRC and the Senate and House Committees as required under the Regulatory Review Act (71 P.S. §§ 745.1—745.14).

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

(e) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

JACQUELINE COOK,
Chairperson

(Editor's Note: See 46 Pa.B. 1623 (March 26, 2016) for IRRC's approval order.)

Fiscal Note: Fiscal Note 64-5 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 61. REVENUE

PART IV. BOARD OF FINANCE AND REVENUE

CHAPTER 701. (Reserved)

§§ 701.1—701.7. (Reserved).

CHAPTER 702. GENERAL PROVISIONS

Subchap.

- A. OVERVIEW
- B. TIME
- C. REPRESENTATION BEFORE THE BOARD
- D. EX PARTE COMMUNICATIONS

Subchapter A. OVERVIEW

Sec.

- 702.1. Scope.
- 702.2. Liberal construction.
- 702.3. Definitions.
- 702.4. Filing generally.
- 702.5. Oaths.
- 702.6. Formal rules of evidence.

§ 702.1. Scope.

(a) This part establishes the practice and procedure before the Board.

(b) This part supersedes 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) to the extent 1 Pa. Code Part II is applicable to the practice and procedure before the Board.

(c) Subsections (a) and (b) supersede 1 Pa. Code §§ 31.1 and 31.6 (relating to scope of part; and amendments to rules).

§ 702.2. Liberal construction.

(a) This part shall be liberally construed to secure the just, speedy and inexpensive determination of every proceeding before the Board. The Board, at any stage of a proceeding, may disregard an error or defect of procedure that does not affect the substantive rights of the parties.

(b) The Board, at any stage of a proceeding, may waive a requirement of this part, including a deadline, when necessary or appropriate, if the waiver does not adversely affect a substantive right of either party.

(c) Subsections (a) and (b) supersede 1 Pa. Code § 31.2 (relating to liberal construction).

§ 702.3. Definitions.

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

Board—The Board of Finance and Revenue.

Board's web site—www.patresury.gov.

Business day—A day on which the Board's office is open excluding Saturdays, Sundays or legal holidays.

Chairperson—The State Treasurer or the State Treasurer's designee.

Confidential proprietary information—The term as defined in section 102 of the Right-to-Know Law (65 P.S. § 67.102).

Department—The Department of Revenue of the Commonwealth.

Electronic delivery—A method of dispatching or receiving a submittal by electronic means such as e-mail, facsimile or the Board's electronic filing system.

Order—A decision by the Board that becomes final unless a timely request for reconsideration is filed by a party and is timely granted by the Board.

Party—A petitioner seeking relief or a remedy before the Board and the Commonwealth agency against whom the petitioner seeks relief or a remedy.

Personal financial information—The term as defined in section 102 of the Right-to-Know Law.

Petition—An application to the Board in which petitioner seeks relief or remedy.

Petitioner—A taxpayer or other claimant.

Proceeding—Any matter before the Board, including a petition, hearing or claim.

Right-to-Know Law—65 P.S. §§ 67.101—67.3104.

Secretary—The secretary of the Board of Finance and Revenue, who is the Board officer with whom submissions are filed and by whom official records are kept.

Staff—The attorneys, nonattorney tax petition reviewers and administrative personnel employed to support the Board in the performance of its duties and responsibilities.

Submission—A document or evidence submitted to the Board by a party to support its claim.

Trade secret—The term as defined in section 102 of the Right-to-Know Law.

(b) Subsection (a) supersedes 1 Pa. Code § 31.3 (relating to definitions).

§ 702.4. Filing generally.

(a) Submissions filed with the Board shall be submitted in one of the following manners:

- (1) In person or by mail to the following address:

Secretary of the Board
 Pennsylvania Board of Finance and Revenue
 1101 South Front Street, Suite 400
 Harrisburg, Pennsylvania 17104-2539

- (2) Electronically to bfr@patreasury.gov.
- (3) By facsimile at (717) 783-4499

(b) When a submission for filing does not sufficiently set forth required material or is otherwise insufficient, the Board may accept it for filing and advise the person submitting it of the deficiency and require that the deficiency be corrected.

(c) The parties bear the burden of proving timely submission of an electronic petition or submission for which there was a delay due to transmittal issues.

(d) Submissions served on the Department shall be submitted in either of the following manners:

- (1) In person or by mail to the following address:

Pennsylvania Department of Revenue
 Attn: BFR Matter
 Office of Chief Counsel
 327 Walnut Street
 10th Floor, PO Box 281061
 Harrisburg, Pennsylvania 17128-1061

- (2) Electronically to RA-RVOCBFRNOTIF@pa.gov.

(e) Submissions served on the petitioner shall be submitted in either of the following manners:

- (1) In person or by mail to the address on the petition.
- (2) Electronically to petitioner’s e-mail address provided on the petition.

(f) Subsections (a)—(e) supersede 1 Pa. Code §§ 31.4, 31.5 and 33.61 (relating to information and special instructions; communications and filings generally; and applications for waiver of formal requirements).

§ 702.5. Oaths.

(a) A Board member or the secretary will have the power to administer oaths or affirmations with respect to any proceeding.

(b) Subsection (a) supersedes 1 Pa. Code § 35.148 (relating to officer before whom deposition is taken).

§ 702.6. Formal rules of evidence.

(a) The Board may consider the rules of evidence as it deems appropriate.

(b) Subsection (a) supersedes 1 Pa. Code §§ 35.161—35.169 and 35.173 (relating to evidence; and official notice of facts).

Subchapter B. TIME

Sec.	
702.11.	Date of filing.
702.12.	Computation of time.

§ 702.11. Date of filing.

(a) Whenever a party’s submission is required or permitted to be filed, it will be deemed to be filed on the earliest of the following dates:

- (1) On the date actually received by the Board.
- (2) On the date deposited with an IRS-designated private delivery service, as shown on the delivery receipt attached to or included within the envelope containing the submission.
- (3) On the date deposited in the United States mail as shown by the United States Postal Service stamp on the envelope or noted on a United States Postal Service Form 3817 certificate of mailing. A mailing envelope stamped by an in-house postage meter is insufficient proof of the date of mailing.

(4) When a submission is submitted by means of electronic delivery on a day other than a business day, the submission will be deemed to be filed on the next business day.

(b) Subsection (a) supersedes 1 Pa. Code § 31.11 (relating to timely filing required).

§ 702.12. Computation of time.

(a) Except as otherwise provided by statute, in computing a period of time prescribed by law, the day of the act, event or default after which the designated period of time begins to run is not included. The last day of the period is included, unless it is not a business day, in which event the period runs until the end of the next business day.

(b) Subsection (a) supersedes 1 Pa. Code § 31.12 (relating to computation of time).

Subchapter C. REPRESENTATION BEFORE THE BOARD

Sec.	
702.21.	Representation.
702.22.	Limited practice before the Board.

§ 702.21. Representation.

(a) *Representative*. Appearances in proceedings before the Board may be by the petitioner or by an attorney, accountant or other representative provided the representation does not constitute the unauthorized practice of law as administered by the Pennsylvania Supreme Court.

(b) *Power of attorney.* The Board may require in any proceeding that a power of attorney, signed and executed by the petitioner, be filed with the Board before recognizing any person as representing the petitioner.

(c) *Notice of petitioner's representative.* A petitioner shall identify his representative on a petition form as required under § 703.2(a)(2) (relating to petition content).

(d) *Designated representative after petition filed.* If a petitioner authorizes a representative after the petition is filed, the petitioner shall file with the secretary a form prescribed by the Board or a letter on the petitioner's letterhead naming the representative.

(e) *Change in representative.* A change in representative that occurs during the course of a proceeding shall be reported promptly to the secretary by a method in § 702.4 (relating to filing generally).

(f) *Change in address.* A change in address that occurs during the course of a proceeding shall be reported promptly to the secretary by a method in § 702.4.

(g) *Withdrawal of representative.* Representation before the Board continues until a petitioner or petitioner's representative notifies the secretary in writing by a method in § 702.4 that the designation of representation is rescinded or until final disposition of the petition by the Board.

(h) *Supersession.* Subsections (a)—(g) supersede 1 Pa. Code §§ 31.21—31.26.

§ 702.22. Limited practice before the Board.

(a) The Board may deny, temporarily or permanently, the privilege of representing a party before it in any way to a person who is found by the Board, after notice and opportunity for hearing in the matter, to have done one or more of the following:

- (1) Lacked the competency to represent others.
- (2) Engaged in unethical, contemptuous or improper conduct with respect to any matter before the Board.
- (3) Repeatedly failed to follow Board directives.

(b) Subsection (a) supersedes 1 Pa. Code §§ 31.27 and 31.28 (relating to contemptuous conduct; and suspension and disbarment).

Subchapter D. EX PARTE COMMUNICATIONS

Sec.	
702.31.	Definitions.
702.32.	General rules.

§ 702.31. Definitions.

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

Communication—A verbal, written or electronic correspondence.

Ex parte communication—A communication regarding the substantive merits of a petition, outside of a public hearing and without notice and opportunity for the other party to participate.

Waiver—An acknowledgement to the staff by a party or its representative that the party chooses not to participate in a communication between the staff and the other party and agrees not to thereafter object to the communication.

§ 702.32. General rules.

(a) *Communication with Board members and staff.* Neither Board members nor staff may participate in an ex parte communication.

(b) *Written and electronic submission.* A written or electronic submission provided to the Board or staff by a party shall be promptly provided to the other party, consistent with § 703.6 (relating to service).

(c) *Notification.* The Board and staff will make every reasonable effort to avoid an ex parte communication. Upon discovery of an ex parte communication, the Board or staff will promptly notify the other party in writing by way of electronic transmittal, when available, and if not, in writing by mail as set forth in § 702.4 (relating to filing generally). The Board may take any reasonable measures deemed necessary to remedy an ex parte communication.

CHAPTER 703. TAX AND OTHER APPEAL PROCEEDINGS

Subchap.

A.	SUBMISSIONS
B.	COMPROMISE PROCEDURES
C.	PREHEARING CONFERENCES
D.	HEARINGS
E.	REQUEST FOR RECONSIDERATION
F.	PUBLICATION OF ORDERS

Subchapter A. SUBMISSIONS

Sec.	
703.1.	Petitions generally.
703.2.	Petition content.
703.3.	Board acknowledgment.
703.4.	Department submissions.
703.5.	Other submissions.
703.6.	Service.
703.7.	Consolidation.
703.8.	Timeliness of submissions.
703.9.	Withdrawal or termination of appeal.

§ 703.1. Petitions generally.

(a) *General requirements.* Petitions must be in writing, state clearly and concisely the interest of the petitioner in the subject matter, the facts and the basis for the relief sought.

(b) *Petition form.* A petition shall be filed using the Board's designated petition form or otherwise conform to the format of the Board's designated form on the Board's web site.

(c) *Supersession.* Subsections (a) and (b) supersede 1 Pa. Code § 35.17 (relating to petitions generally).

§ 703.2. Petition content.

(a) *General.* To constitute a properly filed petition, a petition must include, at a minimum, the following, as applicable:

- (1) The petitioner's name, address, telephone number and e-mail address.
- (2) The name, address, telephone number and e-mail address of the petitioner's representative.
- (3) The Board of Appeals docket number.
- (4) The petitioner's appropriate identifying designation, such as license number, Social Security number, claim number, file number or corporate box number.
- (5) The appeal type and relevant periods for review.

(6) The amount of tax or other amounts petitioner claims to have been erroneously assessed or to have been overpaid.

(7) The basis upon which the petitioner claims that an assessment is erroneous or a refund is due.

(8) A statement of the relevant facts.

(9) A statement indicating whether a hearing before the Board is requested.

(10) A statement indicating whether the petitioner will submit a compromise offer to the Department within 30 days of filing the petition.

(11) An affidavit of the petitioner or the petitioner's authorized representative that the petition is not made for the purpose of delay and that the facts in the petition are true.

(b) *Accuracy of address for Board correspondence.* The Board is permitted to rely upon the accuracy of the physical or e-mail address provided by the petitioner. It is the duty of the petitioner to notify the Board by a method prescribed in § 702.4 (relating to filing generally) when there is a change in an address provided to the Board.

(c) *Signature.* The petitioner or the petitioner's authorized representative shall sign a petition. The Board may require evidence that the signatory has authority to sign on behalf of petitioner.

(d) *Petitions not properly filed.* The Board will provide petitioners an opportunity to correct a petition that does not comply with § 703.1 (relating to petitions generally) or this section. The Board may dismiss petitions which are not properly filed.

(e) *Supersession.* Subsections (a)—(d) supersede 1 Pa. Code §§ 31.11—31.15, 33.1—33.4, 35.18—35.20, 35.23, 35.24, 35.27—35.32, 35.35—35.41, 35.45, 35.48—35.51, 35.54 and 35.55.

§ 703.3. Board acknowledgment.

The Board will acknowledge receipt of petitions. The acknowledgement will set forth deadlines for subsequent submissions.

§ 703.4. Department submissions.

The Department may file a submission in a manner set forth in § 702.4 (relating to filing generally) in response to the petition.

§ 703.5. Other submissions.

(a) *Submission requests.* The Board may request a party to provide additional submissions in a format designated by the Board.

(b) *Requirements.* Submissions filed subsequent to the petition must include the petitioner's name and the docket number.

(c) *Legibility.* Submissions made with the Board must be legible.

(d) *Copies.* Parties are required to file with the Board one copy of a submission either in hard copy or electronically at the time of filing. In its sole discretion, the Board may require additional copies of submissions.

(e) *Electronic submissions.*

(1) An electronic submission made with the Board must be:

(i) In a format so that the submission and, when feasible, its attachments, are capable of being printed and copied without restriction. If the Board is unable to

access an electronic submission due to a security restriction of the party, the submission will not be considered.

(ii) Filed in accordance with the instructions regarding electronic submissions, if any, made available on the Board's web site.

(2) Parties may file one electronic copy at the e-mail address provided. Paper copies are not required unless the submission is too large to transmit by means of electronic delivery.

(f) *Submissions will not be returned.* Submissions submitted to the Board will not be returned.

(g) *Supersession.* Subsections (a)—(f) supersede 1 Pa. Code §§ 33.1—33.4, 33.11, 33.12, 33.15, 33.21—33.23, 33.31—33.37, 33.41, 35.1, 35.2, 35.5—35.7, 35.9—35.11, 35.14, 35.191—35.193, 35.201—35.207, 35.211—35.214 and 35.221.

§ 703.6. Service.

(a) A party shall serve the other party with each submission.

(b) Subsection (a) does not apply to the petition form and the first 20 pages of a submission filed with the petition which the Board will docket onto the Department's appeal system.

(c) The Department will be deemed to be served electronically when the Board docketed the petition onto the Department's appeal system.

(d) The preferred method of service is electronic. If electronic service is not available, service shall be by mail or in person using a method prescribed in § 702.4 (relating to filing generally).

(e) Subsection (a)—(d) supersedes 1 Pa. Code §§ 33.31—33.37 (relating to service of documents).

§ 703.7. Consolidation.

(a) *Same petitioners.* The Board, in its own discretion, may consolidate petitions, issues or proceedings involving a common question of law or fact for the same petitioner.

(b) *Different petitioners.* The Board may consolidate proceedings of different petitioners for the limited purpose of hearings with the consent of the parties.

(c) *Supersession.* Subsections (a) and (b) supersede 1 Pa. Code §§ 35.45 and 35.122 (relating to consolidation; and consolidation of formal proceedings).

§ 703.8. Timeliness of submissions.

(a) *Time.* Unless a different time is prescribed by the Board or staff, a party shall file submissions no later than 60 days after the filing date of the petition. The Board shall provide the opposing party 30 days to respond to the submission. Submissions filed after the prescribed deadlines may be reviewed by the Board upon good cause shown.

(b) *Supersession.* Subsection (a) supersedes 1 Pa. Code § 35.35 (relating to answers to complaints and petitions).

§ 703.9. Withdrawal or termination of appeal.

(a) A petitioner that wishes to terminate an appeal before final decision by the Board shall submit to the Board a written notice to withdraw the appeal by a method prescribed in § 702.4 (relating to filing generally).

(b) Subsection (a) supersedes 1 Pa. Code §§ 33.42 and 35.51 (relating to withdrawal or termination; and withdrawal of pleadings).

Subchapter B. COMPROMISE PROCEDURES

Sec.

703.11. Compromise generally.

§ 703.11. Compromise generally.

(a) A compromise settlement will be ordered by the Board only with the agreement of the parties.

(b) A party offering a compromise shall submit to the Board and to the other party a completed Board of Finance and Revenue Request for Compromise Form within 30 days from the petition filing date. The submission of a request for compromise will extend the time under section 2704(f)(1) of the Tax Reform Code of 1971 (72 P.S. § 9704(f)(1)). A blank compromise form may be obtained from the Board and will be posted on the Board's web site.

(c) The submission of a completed Board of Finance and Revenue Request for Compromise Form is required for the Board to grant a continuance for the purpose of pursuing a potential compromise.

(d) Negotiations of a compromise are voluntary and will take place between the petitioner and the Department.

(e) If the parties fail to agree to a compromise within 90 days from the petition filing date, the Board will schedule the petition for a hearing, if requested, and for a decision on the merits.

(f) If the Board issues a compromise order, the parties agree, as a condition of the compromise, to waive any right to:

- (1) Appeal the compromise order.
- (2) Claim a refund of money paid pursuant to the compromise order.
- (3) File a petition or appeal that raises the same issues of the tax period and liability addressed in the compromise order.

(g) Subsections (a)—(f) supersede 1 Pa. Code § 35.115 (relating to offers of settlement).

Subchapter C. PREHEARING CONFERENCES

Sec.

703.21. Prehearing conference.

§ 703.21. Prehearing conference.

(a) *Request for a prehearing conference.* A party may request a prehearing conference with the staff by a method prescribed in § 702.4 (relating to filing generally). The staff may conduct a prehearing conference in response to a request or when the Board or staff deem necessary.

(b) *Scheduling prehearing conferences.* Staff will notify the parties, by a method prescribed in § 702.4, of a prehearing conference date and time, which may be in the Board's office, by telephone or by another agreed-upon electronic method.

(c) *Nonparticipation of one party.* A party may choose not to participate in the prehearing conference upon the submission of a waiver consistent with Chapter 702, Subchapter D (relating to ex parte communications) or by failing to participate in the prehearing conference after being provided notice and an opportunity to attend.

(d) *Supersession.* Subsections (a)—(c) supersede 1 Pa. Code §§ 35.111—35.116 (relating to prehearing conferences).

Subchapter D. HEARINGS

Sec.

703.31. Disposition of petitions.

703.32. Notice of proceeding.

703.33. Scheduling of hearing.

703.34. Hearing procedure.

703.35. Failure to appear at hearing.

§ 703.31. Disposition of petitions.

(a) Petitions filed with the Board will be resolved within 6 months after the receipt of the petition unless the deadline has been extended consistent with section 7204(1), (2) or (3) of the Tax Reform Code of 1971 (72 P.S. § 9704(1), (2) and (3)), by a written order of the majority of the Board based on the submissions and information available to the Board. Failure of the Board to dispose of a petition within the time period results in a deemed denial and the starting of the appellate period.

(b) If at the time of the filing of a petition proceedings are pending in a court of competent jurisdiction in which any claim made in the petition may be established, the Board, upon the written request of the petitioner, may defer consideration of the petition until the final judgment determining the question involved in the petition has been decided. If consideration of the petition is deferred, the Board will issue a decision and order disposing of the petition within 6 months after final judgment.

(c) If a matter pending before the Board would be materially affected by an audit or other proceeding before the Internal Revenue Service or by an audit or other proceeding conducted by another state, the Board, upon the written request of the petitioner, may defer consideration of the petition until the other audit or proceeding is complete. If consideration of the petition is deferred, the Board will issue a decision and order disposing of the petition within 6 months after the audit or other proceeding is final.

(d) The parties shall notify the Board, as part of the petition or subsequently in writing, utilizing a method set forth in § 702.4 (relating to filing generally) as to whether a petition shall be disposed of with or without a public hearing. A public hearing will be scheduled if any party requests one or if it is deemed necessary by the Board.

(e) The Board will notify the parties of the date of the scheduled hearing. The petitioner shall notify the Board as to whether it intends to attend the hearing by filing a Hearing Reply Form with the Board at least 10 days prior to the scheduled hearing.

(f) If a party fails to file a hearing reply at least 10 days prior to the scheduled hearing, the party may only present an oral argument with the consent of the Board.

(g) Subsections (a)—(e) supersede 1 Pa. Code §§ 31.13, 31.15, 35.101 and 35.121—35.128.

§ 703.32. Notice of proceeding.

(a) When notice of hearings is required, publication will be in accordance with 65 Pa.C.S. Chapter 7 (relating to Sunshine Act).

(b) Subsection (a) supersedes 1 Pa. Code §§ 33.51 and 35.103—35.106 (relating to docket; and notice of hearing).

§ 703.33. Scheduling of hearing.

(a) The secretary will schedule public hearings and maintain a hearing calendar of all petitions scheduled for hearing.

(b) Public hearings of the Board ordinarily will be held in the hearing room in the Riverfront Office Center, 1101 South Front Street, Suite 400, Harrisburg, Pennsylvania 17104-2539.

(c) The Board will consider requests for remote access to hearings and, if feasible, will grant these requests.

(d) The secretary or the Board in the exercise of discretion, or upon application for good cause, may reschedule a hearing. Requests to reschedule a hearing shall be filed 10 days prior to the scheduled hearing.

(e) The submission of a request to reschedule a hearing will extend the time under 2704(f)(1) of the Tax Reform Code of 1971 (72 P.S. § 9704(f)(1)).

(f) Subsections (a)—(e) supersede 1 Pa. Code §§ 35.102—35.106 and 35.121.

§ 703.34. Hearing procedure.

(a) At the hearing, the petitioner shall present its case first. If the Department responds, the petitioner will be provided an opportunity to respond.

(b) The order of presentation in subsection (a) may be varied by the Board.

(c) Subsections (a) and (b) supersede 1 Pa. Code §§ 35.123, 35.125, 35.127, 35.128, 35.131—35.133, 35.137—35.139, 35.173, 35.177—35.180, 35.185—35.190 and 35.201.

§ 703.35. Failure to appear at hearing.

(a) If a party requests a hearing and thereafter fails to appear at the scheduled hearing, the opposing party may present its case to the Board at the scheduled hearing, after which the Board will render its decision.

(b) Subsection (a) supersedes 1 Pa. Code §§ 35.124 and 35.126 (relating to appearances; and presentation by the parties).

Subchapter E. REQUEST FOR RECONSIDERATION

Sec.	
703.41.	Request for reconsideration.
703.42.	Time for filing request for reconsideration and extension.
703.43.	Filing a request for reconsideration.
703.44.	Board's response to request for reconsideration.
703.45.	Appeal rights.

§ 703.41. Request for reconsideration.

(a) *Basis of request for reconsideration.* A request for reconsideration may be filed by a party to object to a Board order due to the Board's alleged failure to address an issue raised in the appeal, error of law or fact, or computational error. A request for reconsideration will not be granted to review issues or arguments not raised before the Board or to review a submission that was not previously submitted. Neither the sufficiency of the submission nor a determination as to whether a party satisfied its burden of proof is a basis for a reconsideration.

(b) *Supersession.* Subsection (a) supersedes 1 Pa. Code §§ 35.231—35.233 and 35.241 (relating to reopening and rehearing).

§ 703.42. Time for filing request for reconsideration and extension.

(a) A request for reconsideration shall be filed by a party and provided to the other party within 15 days from the mailing date indicated on the order. When necessary, a request for reconsideration will serve as an

automatic request for an extension of time under section 2704(f)(1) of the Tax Reform Code of 1971 (72 P.S. § 9704(f)(1)).

(b) Subsection (a) supersedes 1 Pa. Code § 35.241 (relating to application for rehearing or reconsideration).

§ 703.43. Filing a request for reconsideration.

(a) *Request for reconsideration.* A request for reconsideration must be concise and identify the alleged error.

(b) *Manner of filing.* A request for reconsideration shall be submitted to the Board and the opposing party utilizing a method in § 702.4 (relating to filing generally).

(c) *Supersession.* Subsections (a) and (b) supersede 1 Pa. Code § 35.241 (relating to application for rehearing or reconsideration).

§ 703.44. Board's response to request for reconsideration.

The Board will respond to all requests for reconsideration either granting or denying the request. If the Board grants a request for reconsideration the Board will issue a letter to both parties setting forth any future applicable deadlines. In all cases for which a reconsideration request is granted, the Board will subsequently issue a reconsidered order.

§ 703.45. Appeal rights.

(a) *Appeal rights.* A request for reconsideration is not a substitute for a court appeal. When the Board denies the request for reconsideration the Board's original order is a "final order" for purposes of appeal to Commonwealth Court within the time specified by Pennsylvania Rule of Appellate Procedure 1571(b) (relating to determinations of the Board of Finance and Revenue). When the Board grants a request for reconsideration the time period for filing an appeal is stayed until the Board issues a reconsidered order. The reconsidered order will replace the original order and will be a "final order" appealable to Commonwealth Court within the time specified by Pennsylvania Rule of Appellate Procedure 1571(b).

(b) *Supersession.* Subsection (a) supersedes 1 Pa. Code §§ 31.14, 35.190, 35.225, 35.226 and 35.251.

Subchapter F. PUBLICATION OF ORDERS

Sec.	
703.51.	Publication of orders.
703.52.	Redaction.

§ 703.51. Publication of orders.

(a) *General rule.* The Board will publish a redacted version of each final order, along with any dissenting opinion, that grants or denies in whole or in part a petition.

(b) *Location of order publication.* Published orders will be indexed and published on a publicly accessible web site maintained by the Board and accessible through the Board's web site.

(c) *Timing of publication.* The Board will not publish an order for at least 30 days after the order's mailing date to enable petitioner time to identify any trade secret or confidential proprietary information that needs to be redacted from the order.

§ 703.52. Redaction.

(a) *Redaction of confidential information.* Prior to publication of an order the Board will edit the order to redact the following:

- (1) An individual's Social Security number, home address, driver's license number, personal financial informa-

tion, home, cellular and personal telephone numbers, personal e-mail addresses, employee number or other confidential personal identification number and a record identifying the name, home address or date of birth of a child 17 years of age or younger.

(2) Specific dollar amounts of tax.

(3) Information identified by petitioner that meets the definition of a "trade secret" or "confidential proprietary information." The petitioner is responsible for notifying the Board within 30 days of the mailing date of the order of any trade secret or confidential proprietary information that petitioner does not want to be published. The notification must clearly identify the language in the

order that should be redacted, and the reason for the requested redaction.

(4) Other information determined by the Board to be confidential under State or Federal law.

(b) *Confidential information in a published order.* If, after an order is published, it is discovered that the published order contains confidential information that should not have been published, the Board should be notified as soon as possible and the Board will make every reasonable effort to redact the confidential information promptly.

[Pa.B. Doc. No. 16-1167. Filed for public inspection July 8, 2016, 9:00 a.m.]

PROPOSED RULEMAKING

MILK MARKETING BOARD

[7 PA. CODE CH. 149]
Uniform System of Accounts

The Milk Marketing Board (Board) proposes to amend § 149.43 (relating to cost centers and operating accounts) and add § 149.46 (relating to cooperative cost centers) to read as set forth in Annex A.

1. *Purpose and Statutory Authority*

The Board sets milk prices in this Commonwealth at each level—producers (farmers and cooperatives), wholesale (milk dealers) and retail (stores). Cost reporting by the various parties is an important component of setting the prices. Section 704 of the Milk Marketing Law (act) (31 P.S. § 700j-704) requires the Board to promulgate a uniform system of accounts for the cost reporting. Section 301 of the act (31 P.S. § 700j-301) gives the Board the authority to adopt and enforce regulations necessary or appropriate to carry out the act.

The proposed amendments to § 149.43 delete milk dealer cost categories that have become outdated, add new categories and clarify category descriptions. Proposed § 149.46 provides a framework for cooperatives to report costs they are not currently reporting, provides more detailed data relevant to the Board's responsibility and broad authority to regulate the dairy industry in this Commonwealth.

2. *Summary*

Section 149.43 provides for the reporting of milk dealer costs and has two parts: a listing of the general cost centers in subsection (a); and a listing of the more specific operating ledger accounts in subsection (b). Two cost centers (processing services and bottle washer) are proposed to be deleted because they are seldom used. Several of the operating ledgers are proposed to be deleted for the same reason, and several are proposed to be added because they are used more frequently than they were previously. The proposed deletion of some categories does not mean that those costs are no longer reported, but rather that separate categories for those costs were no longer justified; the costs will be reported in other categories.

The Board's regulations already have an extensive accounting system for milk dealers. Most cooperatives are licensed as milk dealers, and the cooperatives do some limited financial reporting, but processing dealers and cooperatives have significant operational differences. Co-ops market a majority of the milk produced in this Commonwealth. The Board determined that new regulations and a reporting mechanism are appropriate for the Board to accurately determine relevant co-op costs.

3. *Affected Persons and Parties*

The proposed amendments to § 149.43 essentially bring the regulations up to date to correspond to how the dealers currently report, and therefore are not expected to significantly affect the dealers.

Proposed § 149.46 will affect licensed cooperatives which will be reporting these costs. Only a cross-section of about six cooperatives will likely be required to submit

the detailed cost reports. Some processing dealers will be invited to voluntarily submit reports like the co-op report for comparison purposes.

4. *Public Hearing*

The Board held a public hearing about this proposed rulemaking on March 23, 2016. The draft proposed rulemaking was available on the Board's web site at www.mmb.pa.gov and e-mailed to interested parties in advance. The notice regarding the public hearing was published at 46 Pa.B. 1103 (February 27, 2016). Testimony was given by Board staff, a Pennsylvania Association of Milk Dealers (PAMD) accountant, a Pennsylvania Association of Dairy Cooperatives (PADC) representative and a PADC accountant. Others in attendance included a PAMD attorney and the Executive Vice President, a Deputy Secretary and an attorney from the Department of Agriculture, a Pennsylvania Food Merchants Association attorney, a PADC attorney and accountant, a milk dealer, a Pennsylvania Farm Bureau attorney, a newspaper reporter, the Board Secretary and chief counsel, staff counsel and the three members of the Board (one member participated by phone). A representative of the United States Department of Agriculture received the draft regulations but did not attend the meeting.

5. *Fiscal and Administrative Impact*

The proposed amendments to § 149.43 are not expected to have significant fiscal or administrative impact on milk dealers or any other parties. Proposed § 149.46 will have a limited fiscal and administrative impact on the cooperatives in the cross-section, estimated by them to be a total of about \$15,000 the first year, and about \$9,200 each subsequent year.

6. *Effective Date*

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*. There is no sunset provision for these regulations.

7. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 28, 2016, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees on Agriculture and Rural Affairs. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review prior to final publication of the rulemaking by the Board, the General Assembly and the Governor.

8. *Public Comments*

Interested persons are invited to submit written comments, suggestions or objections about this proposed rulemaking to Douglas Eberly, Chief Counsel, Milk Marketing Board, 2301 North Cameron Street, Harrisburg PA

17110, ra-pmmb@pa.gov within 30 days after publication in the *Pennsylvania Bulletin*. Individuals who require this information in a different format may call the Pennsylvania AT&T Relay Service for TDD users (717) 787-4194 or (800) 654-5984.

TIM MOYER,
Secretary

Fiscal Note: 47-17. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 7. AGRICULTURE

PART VI. MILK MARKETING BOARD

CHAPTER 149. UNIFORM SYSTEM OF ACCOUNTS

CHART OF ACCOUNTS

§ 149.43. Cost [**center**] **centers** and operating accounts.

(a) Cost centers shall be as follows:

(1) *Receiving, laboratory, and field work.*

(2) *Standardization and pasteurization.* Productive cost center, which includes accountable costs associated with standardizing, pasteurizing and homogenizing milk.

(3) *Bottling.* Productive cost center, which includes accountable costs [**association**] **associated** with the bottling and packaging of fluid milk and cream items.

(4) *Manufacturing other than ice cream.* Productive cost center, which includes all accountable costs associated with the manufacture of **sour cream**, cottage cheese, dips, and so on.

(5) *Ice cream manufacturing.* Productive cost center, which includes accountable costs associated with the manufacture of ice cream and **other** frozen [**dessert**] products.

(6) *Ice cream hardening room.* Productive cost center, which includes accountable costs associated with operating the ice cream and frozen [**desserts**] **products** hardening room.

(7) *Cold room, shipping and loading.* Productive cost center, which includes accountable costs associated with storing finished fluid milk products and other perishable products handled by the licensee, including shipping and loading and unloading of transportation units.

(8) *Delivery.* Productive cost center, which includes accountable costs associated with the delivery of milk, **cream and other products (excluding ice cream and other frozen products)** on routes.

[(9) (Reserved).

(10)] (9) *Delivery, ice cream.* Productive cost center, which includes accountable costs associated with the delivery of ice cream and **other** frozen [**dessert**] products to customers.

[(11)] (10) *Selling.* Productive cost center, which includes accountable costs associated with selling of the products handled[.], **and shall be separated into the following categories:**

(i) **Ice cream, which includes ice cream and other frozen products.**

(ii) **Packaged milk and cream, which includes packaged fluid milk, cream, sour cream and any**

other products for which the Board sets minimum prices (whether the transaction is controlled or noncontrolled).

(iii) **Other products, which include items such as drinks, juices, ice cream mix, dips, bulk sales of fluid milk and cream, and any other items not included in subparagraph (i) or (ii).**

[(12)] (11) *Administrative.* Productive cost center, which includes the total accountable costs associated with administering the overall business of the licensee.

[(13)] (12) *Processing service.* **Includes the cost of services rendered by a processing dealer to a nonprocessing dealer. This is to be used only by a nonprocessing dealer. On its report, processing dealer shall include the cost of such services in the applicable cost centers.**

(14)] (12) *Garage.* Service cost center from which all expenditures shall be distributed to the productive and service cost centers in proportion to the benefit that the garage renders to other cost centers.

[(15)] (13) *Transportation.* Service cost center, which includes accountable costs associated with transporting milk of the licensee from the plant where processed to the distribution point or center of licensee. [**Such costs**] **Costs** accumulated in this center shall be distributed to the respective productive cost centers in proportion to the benefit that this cost center renders to the productive cost centers.

[(16)] (14) *Power plant and refrigeration.* Service cost center from which expenditures shall be distributed to the productive and service cost centers in proportion to the benefit that the power plant and refrigeration renders to other cost centers.

[(17)] (15) *Warehouse.* Service cost center from which all warehouse expenditures shall be distributed to the productive and service cost centers in proportion to the benefit that the warehouse renders to other cost centers.

[(18)] (16) *General plant maintenance.* Service cost center from which all general plant maintenance expenditures shall be distributed to the productive and service cost centers in proportion to the benefit that the general plant maintenance renders to other cost centers.

[(19)] (17) *Blow-molder.* Productive cost center which includes accountable costs associated with the production of blow-mold plastic containers.

[(20)] (18) *Bottle washer.* **Productive cost center which includes accountable costs associated with returnable containers.]**

(b) Operating ledger accounts **for the operations of the licensed dealer** shall be as follows:

(1) *Executive salaries.* Includes salaries, wages, and other forms of compensation assigned to corporate officers, such as president, vice president, secretary and treasurer, partners and single proprietors, but excludes any fringe benefits.

[(2) (Reserved).

(3) (Reserved).

(4)] (2) *Other salaries and wages.* Includes all other salaries and wages paid.

[(5) *Social Security*] (3) *Payroll taxes*. Includes F.I.C.A. tax, Pennsylvania unemployment compensation tax, and Federal unemployment compensation tax.

[(6) *Workmen's compensation insurance*. Includes the premium paid for workmen's compensation insurance.]

(4) *Workers' compensation insurance*. Includes the premiums paid and costs incurred for workers' compensation coverage.

[(7) *Employee*] (5) *Employee health and welfare*. Includes group life insurance premiums, health and accident insurance premiums, and medical insurance premiums paid by the employer for the benefit of [**employees**] **employees**. If the premiums are divided between the employer and the [**employee**] **employee**, only that portion paid by the employer should be included in this account.

[(8) *Employee*] (6) *Employee pension plan*. Includes contributions made to pension plans by the employer for the benefit of the [**employees**] **employees**. If the contributions are divided between the employer and the [**employee**] **employee**, only that portion paid by the employer should be included in this account.

[(9) *Employee*] (7) *Employee uniforms*. Includes cost of uniforms paid by the employer for the benefit of the [**employees**] **employees**. If the cost is divided between the employer and the [**employee**] **employee**, only that portion paid by the employer should be included in this account.

[(10) *Employee*] (8) *Employee relations*. Includes expenditures made by the employer for personnel relations.

[(11)] (9) *Repair and maintenance, machinery and equipment*. Includes materials and purchased services for general repairs and maintenance of plant machinery and equipment, furniture, and fixtures.

[(12) (Reserved).

(13) (Reserved).

(14) *Repair and maintenance, ice cream delivery equipment*. Includes materials and purchased services for general repairs and maintenance of ice cream delivery equipment.

(15)] (10) *Repair and maintenance, buildings*. Includes materials and purchased services for general repairs and maintenance of buildings.

[(16) *Repair and maintenance, milk cases and pallets*. Includes materials and purchased services for general repairs of cases and pallets.

(17)] (11) *Supplies and equipment, office*. Includes the cost of **computer hardware and software, printers, copiers**, stationary, paper, envelopes, pencils, pens, typewriter ribbons, copy paper, and other supplies of this nature.

[(18)] (12) *Operating and cleaning supplies*. Includes manufacturing and cleaning supplies and materials used in the processing and manufacturing centers.

[(19)] (13) *Depreciation, machinery, and equipment*. Includes depreciation on plant machinery and equipment and office equipment.

[(20) (Reserved).

(21) (Reserved).

(22) *Depreciation, ice cream delivery equipment*. Includes depreciation on vehicles used for ice cream delivery.

(23)] (14) *Depreciation, buildings*. Includes depreciation on buildings used for processing, manufacturing, garage, warehouse and branch buildings.

[(24)] (15) *Depreciation, milk cases and pallets*. Includes depreciation on milk cases and pallets used for all products handled by the licensee.

[(25)] (16) *Light, [heat,] power, water and sewage*. Includes costs incurred for [**heating and**] operating office and plant, electricity, water, power, gas and sewage.

[(26)] (17) *Fire and other insurance*. Includes premiums paid for fire insurance coverage on buildings and contents, trucks, trailers, and automobiles and premiums paid for theft insurance coverage, public liability coverage and product liability coverage.

[(27)] (18) *Real estate taxes*. Includes real estate taxes paid to cities, counties, boroughs and townships.

[(28)] (19) *Taxes other than income and real estate*. Includes all other taxes paid except F.I.C.A., Pennsylvania unemployment tax, and State and Federal income taxes.

[(29)] (20) *State sales and use tax*. Includes sales and use tax paid on all expense type items. Sales and use tax paid on capitalized items shall be included in the asset amount capitalized.

[(30)] (21) *Rent—land and buildings*. Includes rental payments for land, office buildings, plant, warehouse space and so on, provided the lessor/lessee relationship is between two completely independent parties.

[(31)] (22) *Gasoline, oil and grease*. Includes expenditures for gasoline, oil, and grease for plant and transportation equipment.

[(32)] (23) *Licenses and permits*. Includes the cost of licenses and permits required by the Commonwealth and by any cities, counties, boroughs and townships for the operation of the business.

[(33)] (24) *Advertising*. Includes expenditures for local, regional and [**national**] **National** advertising and promotions, including newspapers, magazines, pamphlets, circulars and calendars, radio and television, signs and displays, and product sampling.

[(34)] (25) *Travel and entertainment*. Includes traveling and subsistence expenses[, **including automobile mileage,**] of salesmen, officers, and any other [**employee**] **employee** on company business; also includes entertainment expenses normally incurred in business travel under this item.

[(35)] (26) *Telephone and [telegraph] Internet*. Includes telephone, **postage** and [**telegraph**] **Internet** charges.

[(36) *Postage*. Includes expenditures for postage.

(37)] (27) *Subscriptions*. Includes expenses for periodic professional publications.

[(38) *Rental and royalties on equipment.*] (28) *Rent—equipment*. Includes cost of renting, leasing,

and using any office, plant, or transportation equipment; includes royalties paid on equipment.

[(39)] (29) *Professional services.* Includes all legal, accounting, auditing and similar expenses.

[(40)] (30) *Tires and tubes, new and repairing.* Includes all expenditures for tires, tubes, recaps, and repairs to tires and tubes.

[(41)] (Reserved).

(42) (Reserved).

(43) *Processing service.* Includes the cost of service rendered by a processing dealer to a nonprocessing dealer, to be used only by a nonprocessing dealer. This shall be recorded completely in processing service cost center.

(44)] (31) *Commissions and wages.* Includes commissions and wages paid to route drivers, route runners and supervisors.

[(45)] (32) *Repair and maintenance, delivery equipment.* Includes materials and purchased services for general repairs and maintenance of delivery trucks.

[(46)] (33) *Depreciation, delivery equipment.* Includes depreciation on delivery vehicles.

[(47)] (34) *Bad debts.* Includes amount charged as expense resulting from uncollectible sales.

[(48)] *Depreciation returnable containers.* Includes depreciation on returnable containers.

(49) *Plastic resin.* Includes resin purchased for the production of blow-mold plastic containers. Charge directly to the blow-molder cost center.

(50) *Other bottling supplies.* Includes materials such as caps, handles, glue, and the like, not included in container expense. Charge directly to bottling cost center.

(51) *Bulk milk hauling expense.* This account is set up to capture the unreimbursed costs associated with hauling bulk or excess milk. If a contract hauler is used, enter the actual cost. If the dealer hauls the bulk milk, obtain a hauling rate from a local contract hauler to determine the cost.

(52) *Bulk milk hauling contra account.* This contra account is set up as the credit account to be used with the bulk milk hauling expense account when the dealer hauls the bulk milk.

(53) *Bulk cream hauling expense.* This account is set up to capture the unreimbursed costs associated with hauling bulk or excess cream. If a contract hauler is used, enter the actual cost. If the dealer hauls the bulk cream, obtain a hauling rate from a local contract hauler to determine the cost.

(54) *Bulk cream hauling contra account.* This contra account is set up as the credit account to be used with the bulk cream hauling expense account when the dealer hauls the bulk cream.

(55) *Contract hauling expense.* This account is set up to capture all reimbursed contract hauling costs.]

(35) *Contract hauling and delivery expense.* This account is set up to capture all contracted bulk milk and cream hauling costs and finished product delivery costs.

[(56)] (36) *Hauling reimbursement.* This account is set up to capture all reimbursements received by the dealer to cover hauling costs.

(37) *Heating fuel.* Costs incurred for heating fuel such as natural gas and fuel oil.

(38) *Cases expense.* Costs incurred for shipping cases and pallets.

(39) *Home office expense.* Organizational overhead which can be allocated to the licensed dealer.

(40) *Garage income.* Income received by the organization for services performed in its garage facilities.

(41) *Back hauling income (delivery cost center only).* Income received for back hauling shall be separated into the following categories:

(i) Back hauling after deliveries of ice cream and frozen dessert products.

(ii) Back hauling after deliveries of other products.

(42) *Market Administrator fees (receiving, laboratory and field work cost center only).* Fees paid to the United States Department of Agriculture Market Administrator excluding producer-settlement fund payments.

(43) *Plant closing costs.* Expenses incurred by the closing of a processing plant, if the closing directly impacts the product volume of a licensed dealer, and the dealer is an affiliated or related company or the same company that closed the plant.

(44) *Turnpike and other tolls.* Costs incurred for the Pennsylvania Turnpike and other tolls.

(45) *Employee reimbursement.* Costs incurred for reimbursing employees for use of their personal vehicles or other property.

(46) *Rental income.* Income received for the rental or other use of any of the property for which costs are reported, which is not reported in any other income category.

(47) *Interest expense.* Costs incurred for interest on loans related to the dealer's operations.

(48) *Miscellaneous.* Accountable costs incurred for the dealers' operations that are not captured in any other account. The dealer should provide an explanation of any miscellaneous costs.

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

§ 149.46 Cooperative cost centers.

(a) Cost centers for cooperatives, as defined in the act, shall be as follows:

(1) *Field services.* Providing direct assistance to producers by inspecting and improving producer milk production and quality.

(2) *Laboratory.* Testing for quality and components of producer milk and bulk milk delivered to dealers including direct testing costs and related materials.

(3) *Producer payroll.* Making payment to producers for milk.

(4) *Sales invoicing.* Invoicing producer milk customers.

(5) *Dispatch, logistics and hauling.* Hauling and coordinating the hauling of producer milk for both collection and delivery of raw milk.

(6) *Calibration services.* Providing producer calibration services including cooperative-owned vehicles.

(7) *Producer relations.* Developing and maintaining producer relationships.

(8) *Customer relations.* Developing and maintaining customers for producer milk.

(9) *General and administrative.* Administering and managing the cooperative's milk marketing activity including costs related to human resources, information technology, corporate and executive expenses, professional fees and occupancy. The amount shall be a proportion of these costs which the cooperative reasonably allocates to its milk marketing activity based on an allocation method acceptable to the Board.

(b) Cooperatives shall report these cost centers and any other information required by the Board in accordance with reporting forms issued by the Board which will include instructions and reporting deadlines. The reporting requirements for cooperatives may also include any of the information that dealers are required to provide.

(c) The cost allocations shall be based only on the cooperatives' milk marketing activities for their producers (members and nonmembers) unless otherwise directed by the Board.

[Pa.B. Doc. No. 16-1168. Filed for public inspection July 8, 2016, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

DEPARTMENT OF GENERAL SERVICES

[4 PA. CODE CH. 58]

Small Business Self-Certification and Small Diverse Business Verification

The Department of General Services amends Chapter 58, Subchapter D (relating to internal guidelines for Small Business Self-Certification and Small Diverse Business Verification—statement of policy) to read as set forth in Annex A. The definition of “Small Diverse Business” is expanded to include Disability-Owned Business Enterprises (DOBE) and LGBT Business Enterprises (LGBTBE). The United States Business Leadership Network and the National Gay and Lesbian Chamber of Commerce, which respectively serve as the third-party certifying entities for DOBEs and LGBTBEs, are also added. New provisions are offered to elaborate upon the concepts of “independent ownership” and “home-state certified” status to provide clarity to the vending community seeking contracting opportunities with the Commonwealth.

The two-step process to participate in the Small Diverse Business Program remains intact. First, the vendor self-certifies as a Small Business and then submits proof of active certification from an approved third-party entity to get verified as a Small Diverse Business.

Contact Person

Specific questions regarding information provided in this statement of policy may be directed to the Department of General Services, Office of Chief Counsel, 603 North Office Building, 401 North Street, Harrisburg, PA 17120.

Fiscal Impact

This amended statement of policy is fiscal neutral.

Effective Date

This amended statement of policy is effective upon publication in the *Pennsylvania Bulletin*.

CURTIS M. TOPPER,
Secretary

(Editor’s Note: Title 4 of the Pennsylvania Code is amended by amending statements of policy in §§ 58.301—58.304 to read as set forth in Annex A.)

Fiscal Note: 8-28. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART III. DEPARTMENT OF GENERAL SERVICES

Subpart C. CONSTRUCTION AND PROCUREMENT

ARTICLE I. GENERAL

CHAPTER 58. CONTRACT COMPLIANCE

Subchapter D. INTERNAL GUIDELINES FOR SMALL BUSINESS SELF-CERTIFICATION AND SMALL DIVERSE BUSINESS VERIFICATION—STATEMENT OF POLICY

§ 58.301. Policy.

(a) This subchapter establishes the criteria and processes for self-certification of small business status and

verification of Small Diverse Business status. The Commonwealth is committed to promoting the economic growth and success of small businesses. The underlying purpose of this subchapter is to increase small business participation in Commonwealth contracts by extending the Department’s programs into new segments of State contracting and improving the experience for vendors seeking opportunities as prime contractors, subcontractors, suppliers and professional service providers.

(b) In addition to Executive Order No. 2011-09 (4 Pa. Code Chapter 1, Subchapter VV (relating to Small Business Procurement Initiative)), Executive Order No. 2011-10 (4 Pa. Code Chapter 1, Subchapter XX (relating to Veteran-Owned Small Business Procurement Initiative)) and Executive Order No. 2015-11 (4 Pa. Code Chapter 1, Subchapter DDD (relating to Diversity, Inclusion and Small Business Opportunities in Commonwealth Procurement and in Pennsylvania’s Economy)), 62 Pa.C.S. Part I (relating to Commonwealth Procurement Code) authorizes the Department to oversee the management and development of small business participation together with the formulation of general procurement policy under 62 Pa.C.S. § 301 (relating to procurement responsibility).

§ 58.302. Definitions.

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

DOBE—Disability-Owned Business Enterprise—A small for-profit business which is at least 51% owned and controlled by one or more persons with disabilities. In the case of a corporation, at least 51% of the stock shall be owned by one or more persons with disabilities.

Department—The Department of General Services of the Commonwealth.

Disability—Physical or mental impairment, or both, that substantially limits one or more major life activities and can be demonstrated by appropriate documentation from a licensed vocational rehabilitation specialist, an agency that issues disability benefits or a licensed medical professional.

LGBTBE—LGBT Business Enterprise—A small for-profit business which is at least 51% owned and controlled by one or more lesbian, gay, bisexual or transgender (LGBT) persons. In the case of a corporation, at least 51% of the stock must be owned by one or more LGBT persons.

MBE—Minority Business Enterprise—A small for-profit business which is at least 51% owned and controlled by one or more minorities. In the case of a corporation, at least 51% of the stock must be owned by one or more minorities.

Permanent caregiver—The spouse, or an individual who is at least 18 years of age, who is legally designated, in writing, to undertake responsibility for managing the well-being of the service-disabled veteran with permanent and severe disability. See 13 CFR 125.8(c) (relating to what definitions are important in the Service-Disabled Veteran-Owned (SDVO) Small Business Concern (SBC) Program).

SBPI—The Small Business Procurement Initiative.

SDVBE—Service-Disabled Veteran-Owned Small Business Enterprise—A small for-profit business which is at

least 51% owned and controlled by one or more service-disabled veterans (or in the case of a veteran with permanent and severe disability, the spouse or permanent caregiver of a veteran). See 13 CFR 125.10(a) (relating to who does SBA consider to control an SDVO SBC).

Secretary—The Secretary of the Department.

Service-disabled veteran—A veteran who possesses either a disability rating letter issued by the United States Department of Veterans Affairs or a disability determination from the United States Department of Defense.

Small business—

(i) A for-profit business in the United States which is independently owned, is not dominant in its field of operation, employs no more than the maximum number of employees established by 62 Pa.C.S. § 2102 (relating to definitions) and earns less than \$20 million in gross annual revenues (\$25 million in gross annual revenues for those businesses in the information technology sales or information technology service business and \$7 million in gross annual revenues for those businesses performing building design services).

(ii) The Department reserves the right to alter revenue limits in the future, and any changes will appear in the Department's guidelines at www.smallbusiness.pa.gov.

Small Diverse Business—For purposes of this subchapter, this designation includes MBEs, WBEs, VBEs and SDVBEs, DOBEs and LGBTBEs.

VBE—Veteran-Owned Small Business Enterprise—A small for-profit business which is at least 51% owned and controlled by one or more veterans. In the case of a corporation, at least 51% of the stock must be owned by one or more veterans.

Veteran—One of the following:

(i) A person who served on active duty in the United States Armed Forces, including the Reserve and National Guard, who was discharged or released from service under honorable conditions.

(ii) A Reservist or member of the National Guard who completed an initial term of enlistment or qualifying period of service.

(iii) A Reservist or member of the National Guard who was disabled in the line of duty during training.

WBE—Woman Business Enterprise—A small for-profit business which is at least 51% owned and controlled by one or more women. In the case of a corporation, at least 51% of the stock must be owned by one or more women.

§ 58.303. Self-certification of eligible small businesses.

(a) *Online self-certification for small businesses.* To participate in the SBPI and the Small Diverse Business Program, small businesses shall self-certify through an online application process outlined at www.dgs.pa.gov. The small business self-certification enables eligible small businesses to compete for prime contracting opportunities with the Commonwealth against other eligible small businesses. Upon successful completion of the self-certification process, the small business will be issued a certificate. The self-certification will remain in effect for 1 year. The small business shall recertify on an annual basis to maintain its status as a self-certified small business.

(b) *Eligibility requirements.*

(1) A small business shall meet the following requirements to participate in the SBPI:

(i) The business must be a for-profit United States business that is independently owned. Factors that determine independent ownership include the date the business was established together with its relationship with other firms in terms of personnel, facilities, equipment, financial support and exclusive dealings.

(ii) The business may not be dominant in its field of operation nor a subsidiary of another business.

(iii) The business may not employ more than 100 full-time equivalent employees.

(iv) The business shall earn less than the amounts designated by the Department, that is, \$20 million in gross annual revenues (\$25 million in gross annual revenues for those businesses in the information technology sales or information technology service business and \$7 million in gross annual revenues for those businesses performing building design services).

(2) The Department reserves the right to alter revenue limits. Changes will appear in the Department's guidelines at www.smallbusiness.pa.gov.

(c) *Disclaimer.* The Department's self-certification process, as set forth in this section, is limited to small business status and should not be construed as an endorsement of the small business expertise.

(d) *Program auditing.* The Department reserves the right to audit small business status either randomly or based on allegations of noneligibility. An applicant providing false information to the Commonwealth in connection with self-certification or as part of the bidding process is subject to debarment or suspension, exclusion from the SBPI, a determination that the bidder is not responsible under the Contractor Responsibility Program and criminal prosecution or other legal action.

§ 58.304. Verification of Small Diverse Businesses.

(a) *Prerequisite.* To complete the verification process for consideration as a Small Diverse Business, the business shall, as a prerequisite, complete the self-certification process in § 58.303 (relating to self-certification of eligible small businesses) and shall hold the resultant certificate in support of the verification process in this section.

(b) *Verification of Small Diverse Business status.* The Department will verify MBE, WBE, VBE, SDVBE, DOBE and LGBTBE status through the verification of certification from one or more of the following approved third-party entities:

- (1) The Unified Certification Program.
- (2) The National Minority Supplier Development Council.
- (3) The Women's Business Enterprise National Council.
- (4) The United States Small Business Administration 8(a) Program.
- (5) The United States Department of Veteran Affairs through the www.VetBiz.gov business database.
- (6) The United States Business Leadership Network.
- (7) The National Gay and Lesbian Chamber of Commerce.
- (8) Additional entities as identified, approved and publicly posted by the Department on its web site at www.dgs.pa.gov.

(c) *Documentation.* Applicants shall submit proof of active certifications from approved third parties in accordance with the requirements outlined on the Department's web site. The Department reserves the right to request additional information and conduct further review or auditing as needed.

(d) *Single expiration date.* Regardless of the expiration date of the approved third-party certification, the expiration date of the Department verification as a Small Diverse Business is the same as the SBPI self-certification expiration date. To maintain status as a Small Diverse Business, a firm shall provide an active third-party certification upon successfully recertifying as a small business.

(e) *Pennsylvania home-state certified.* The Department considers a Pennsylvania-based firm that has received a certification from an approved third-party certifying entity to be Pennsylvania home-state certified without regard to the size and revenue limitations on participation in the Small Diverse Business Program.

(f) *Disclaimer.* The Department's verification process, as set forth in this section, is limited to Small Diverse Business status and should not be construed as an endorsement of Small Diverse Business expertise.

[Pa.B. Doc. No. 16-1169. Filed for public inspection July 8, 2016, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P.L. 847, No. 356), known as the Banking Code of 1965; the act of 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 June 28, 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 his or her 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>
6-28-2016	DNB Financial Corporation Downingtown Chester County Application for approval to acquire 100% of East River Bank, Philadelphia.	Filed

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-20-2016	VIST Bank Wyomissing Berks County	258 East High Street Pottstown Montgomery County	Opened
6-23-2016	Huntingdon Valley Bank Huntingdon Valley Montgomery County	1388 West Street Road Warminster Bucks County	Filed
6-28-2016	PeoplesBank, A Codorus Valley Company York York County	3002 Hempland Road Lancaster Lancaster County	Filed

Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
6-27-2016	Asian Bank Philadelphia Philadelphia County Amendment to Article II of the institution's Articles of Incorporation provides for a change in principal place of business from 913 Arch Street, Philadelphia, Philadelphia County to 1023 Race Street, Philadelphia, Philadelphia County.	Filed
6-27-2016	Clearfield Bank & Trust Company Clearfield Clearfield County Amendment to Article I of the institution's Articles of Incorporation provides for a change in corporate title from Clearfield Bank and Trust Company to CBT Bank.	Filed

CREDIT UNIONS
Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
6-27-2015	TruMark Financial Credit Union Trevose Bucks County	Filed

Amendment to Article I of the institution's Articles of Incorporation provides for a change in principal place of business from 1000 Northbrook Drive, Trevose, Bucks County to 335 Commerce Drive, Fort Washington, Montgomery County.

The Department's web site at www.dobs.pa.gov includes public notices for more recently filed applications.

ROBIN L. WIESSMANN,
Secretary

[Pa.B. Doc. No. 16-1170. Filed for public inspection July 8, 2016, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application by Carnegie Mellon University to Amend Articles of Incorporation

Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application for approval of a Certificate of Authority for Carnegie Mellon University to amend its Articles of Incorporation.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without a hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in

accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with the Division of Higher and Career Education, 333 Market Street, Harrisburg, PA 17126-0333 on or before the due date prescribed by this notice. Persons wishing to review the application should phone (717) 783-8228 or write to the previous address to schedule a time for a review.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact the Division of Higher and Career Education at (717) 783-8228 to discuss accommodations.

PEDRO A. RIVERA,
Secretary

[Pa.B. Doc. No. 16-1171. Filed for public inspection July 8, 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

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0253081 (Sewage)	Universal Electric Corp 168 Georgetown Road Canonsburg, PA 15317	Washington County Cecil Township	Chartiers Creek (20-F)	Yes
PA0033642 (Sewage)	Graysville Elementary School STP 1367 Hargus Creek Road Waynesburg, PA 15370-3815	Greene County Gray Township	Grays Fork (19-B)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0021199 (Sewage)	Beaver Meadows Sewer Authority P O Box 215 Beaver Meadows, PA 18216-0215	Carbon County Beaver Meadows Borough	Beaver Creek (2-B)	Yes

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications

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

PA0110591, Industrial, SIC Code 3399, **North American Hognas High Alloys LLC**, 101 Bridge Street, Johnstown, PA 15902. Facility Name: North American Hognas High Alloys LLC, Johnstown Facility. This existing facility is located in Johnstown City, **Cambria County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for existing discharges of treated powdered metal manufacturing production wastewaters, non-contact cooling water, groundwater, and storm water. This is a revision to draft limits published on September 21, 2013.

The receiving stream(s), Stonycreek River, is located in State Water Plan watershed 18-E 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 0.1348 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	Report	XXX	0.75	0.75	0.75
Chromium, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	Report	XXX	1.5	3.0	3.75
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	Report	XXX	1.0	2.0	2.5
Nickel, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0.1187 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	Report	XXX	0.75	0.75	0.75
Chromium, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.417	0.650	1.04
Iron, Total						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	Report	XXX	1.5	3.0	3.75
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	Report	XXX	1.0	2.0	2.5
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0.086 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	Report	XXX	0.75	0.75	0.75
Chromium, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.573	0.774	1.43
Iron, Total						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	Report	XXX	1.5	3.0	3.75
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	Report	XXX	1.0	2.0	2.5
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 004 are for storm water discharges. Total annual mass limits at this outfall apply to the sum of discharge loads from Outfalls 004, 005, 006, 007, 008, 009 and 010.

<i>Parameters</i>	<i>Mass Units (lbs)</i>			<i>Concentrations (mg/L)</i>		
	<i>Total Monthly</i>	<i>Total Annual</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
	Avg Mo	Daily Max				
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Total Aluminum (Total Load, lbs)	Report	33	XXX	XXX	XXX	XXX
Chromium, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Total Iron (Total Load, lbs)	Report	65	XXX	XXX	XXX	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	Report	Report	XXX
Total Manganese (Total Load, lbs)	Report	43	XXX	XXX	XXX	XXX
Nickel, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfalls 005, 006, 007, 008, 009 and 010 are for storm water discharges.

<i>Parameters</i>	<i>Mass Units (lbs)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Total Monthly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
		Daily Max				
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Total Aluminum (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Chromium, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Total Iron (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	Report	Report	XXX
Total Manganese (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Nickel, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 101 are based on a design flow of 0.118915 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	9.0	XXX
Total Suspended Solids	12	25	XXX	12.0	15.0	24
Oil and Grease	7.3	12	XXX	10.0	10.0	20
Ammonia-Nitrogen	3.3	7.5	XXX	XXX	XXX	XXX
Aluminum, Total						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	Report	XXX	0.75	0.75	0.75
Boron, Total	XXX	XXX	XXX	Report	Report	XXX
Chromium, Total	0.04	0.10	XXX	0.06	0.14	0.15
Copper, Total						
(Interim)	0.55	1.1	XXX	0.54	1.00	1.35
(Final)	0.55	1.1	XXX	0.42	0.84	1.05
Cyanide, Total	0.07	0.16	XXX	0.07	0.16	0.18
Fluoride, Total	5.7	13	XXX	5.10	11.5	12.8
Iron, Total	0.33	0.64	XXX	0.31	0.61	0.78
Lead, Total	0.11	0.23	XXX	0.11	0.23	0.28
Manganese, Total						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	Report	XXX	1.0	2.0	2.5
Nickel, Total	0.08	0.12	XXX	0.07	0.11	0.18

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Thallium, Total						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.049	0.098	0.123
3,3-Dichlorobenzidine						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.020	0.040	0.05
Hexachlorobenzene						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.0003	0.0006	0.0008
Benzo(a)Anthracene						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.004	0.008	0.01
Benzo(a)Pyrene						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.004	0.008	0.01
Benzo(k)Fluoranthene						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.004	0.008	0.01
3,4-Benzofluoranthene						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.004	0.008	0.01
Bis(2-Chloroethyl)Ether						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.004	0.008	0.01
Chrysene						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.004	0.008	0.01
Dibenzo(a,h)Anthracene						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.004	0.008	0.01
Hexachlorocyclopentadiene						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.004	0.008	0.01
Indeno(1,2,3-cd)Pyrene						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.004	0.008	0.01
N-Nitrosodimethylamine						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.0007	0.0014	0.0018

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

- Requirements for demonstrating TMDL compliance, a schedule of compliance for TMDL effluent limits, a toxics reduction evaluation for new water quality-based effluent limits, chemical additive requirements, and requirements applicable to storm water outfalls.

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

The EPA Waiver is not in effect.

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

PA0027090, Sewage, SIC Code 4952, **Lackawanna River Basin Sewer Authority**, PO Box 280, Olyphant, PA 18447-0280. Facility Name: Throop Plant. This existing facility is located in Throop Borough, **Lackawanna County**.

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

The receiving stream(s), Lackawanna River, is located in State Water Plan watershed 5-A and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 10.0 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.09	XXX	0.3
CBOD ₅	1,251	1,877	XXX	15.0	22.5	30.0
		Wkly Avg				

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	2,502	3,753 Wkly Avg	XXX	30.0	45.0	60.0
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	375	XXX	XXX	4.5	XXX	9.0
Nov 1 - Apr 30	1,126	XXX	XXX	13.5	XXX	27.0
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Total Copper	1.2	1.8	XXX	0.014	0.022	XXX
Total Zinc	Report	Report	XXX	Report	Daily Max Report	XXX
Total Iron	Report Avg Qrtly	XXX	XXX	Report Avg Qrtly	XXX	XXX
Dichlorobromomethane	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Bis(2-Ethylhexyl)Phthalate	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Total Aluminum	XXX	XXX	XXX	Report Avg Yearly	XXX	XXX
Total Manganese	XXX	XXX	XXX	Report Avg Yearly	XXX	XXX
Total Iron	XXX	XXX	XXX	Report Avg Yearly	XXX	XXX

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen	Report	127,852			
Net Total Phosphorus	Report	17,047			

The proposed effluent limits for Outfall 028 are based on a design flow of 0.00 MGD (stormwater).

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH	XXX	XXX	XXX	XXX	Report	XXX
CBOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX
Kjeldahl—N	XXX	XXX	XXX	XXX	Report	XXX

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

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

- Combined sewer overflow, pretreatment, Wet testing, and Chesapeake nutrient 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 not in effect.

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

PA0081949, Sewage, SIC Code 4952, **West Earl Sewer Authority**, 157 West Metzler Road, PO Box 725, Brownstown, PA 17508. Facility Name: Brownstown WWTP. This existing facility is located in West Earl Township, **Lancaster County**.

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

The receiving stream, Conestoga River, is located in State Water Plan watershed 7-J and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.545 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	113	181	XXX	25.0	40.0	50
		Wkly Avg				
Biochemical Oxygen Demand						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	136	204	XXX	30.0	45.0	60
		Wkly Avg				
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	XXX
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
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	Report	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	9.1	XXX	XXX	2.0	XXX	4
Copper, Total	XXX	XXX	XXX	Report	XXX	XXX
Sulfate, Total	XXX	XXX	XXX	Report	XXX	XXX
Chloride	XXX	XXX	XXX	Report	XXX	XXX
Bromide	XXX	XXX	XXX	Report	XXX	XXX

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Monthly	Annual	Monthly	Monthly Average	Maximum	
Ammonia—N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen	Report	8,219	XXX	XXX	XXX	XXX
Net Total Phosphorus	Report	1,096	XXX	XXX	XXX	XXX

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

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

- 8,800 lbs/yr of Total Nitrogen offsets was approved to be used for compliance with TN Cap Load.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is not in effect.

PA0247715, Sewage, SIC Code 8361, **Greater Gettysburg Development Company, LLC**, 601 Mason Dixon Road, Gettysburg, PA 17325. Facility Name: Gettysburg Commons STP. This existing facility is located in Straban Township, **Adams County**.

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

The receiving stream, Unnamed Tributary of Rock Creek, is located in State Water Plan watershed 13-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.270 MGD.

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	9.0	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	25	XXX	XXX	10.0	XXX	20
Total Suspended Solids	25	XXX	XXX	10.0	XXX	20
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
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	7.5	XXX	XXX	3.0	XXX	6
May 1 - Oct 31	2.5	XXX	XXX	1.0	XXX	2
Total Phosphorus	0.75	XXX	XXX	0.3	XXX	0.6

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Monthly	Annual	Monthly	Monthly Average	Maximum	
Ammonia—N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen ³	Report	5,479	XXX	XXX	XXX	XXX
Net Total Phosphorus ³	Report	274	XXX	XXX	XXX	XXX

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is not in effect.

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

PA0264474, Sewage, SIC Code 8800, **David Selfridge**, 204 Geibel Road, Butler, PA 16002. Facility Name: David Selfridge SRSTP. This proposed facility is located in Summit Township, **Butler County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated sewage from a single family residence.

The receiving stream, an Unnamed Tributary to Bonnie Brook, is located in State Water Plan watershed 20-C and is classified for warm water fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	XXX

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

- Prohibition of Stormwater Discharges
- Department Revocation of Permit
- Aerobic Tank Pumping Requirement
- Annual Maintenance Report and Discharge Monitoring Report submittal requirement

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

PA0264512, Sewage, SIC Code 8800, **Benjamin L. Eckstrom**, 12014 Route 957, Sugar Grove, PA 16350-3830. Facility Name: Biehls SRSTP. This proposed facility is located in Sugar Grove Township, **Warren County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated sewage from a single family residence.

The receiving stream, Mead Run, is located in State Water Plan watershed 16-B and is classified for cold water fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	XXX

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

- Prohibition of Stormwater Discharges
- Effluent Chlorine Minimization
- Department Revocation of Permit
- Aerobic Tank Pumping Requirement
- Annual Maintenance Report and Discharge Monitoring Report submittal requirement

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

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

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

WQM Permit No. 1016405, Sewage, **Raymond Bates**, 248 Carbon Center Road, Butler, PA 16002.

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

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

WQM Permit No. 2516407, Sewage, **Thomas Zimmer**, 5888 Lunger Road, Erie, PA 16510.

This proposed facility is located in Harborcreek Township, **Erie County**.

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

WQM Permit No. 2516408, Sewage, **William P Shaffer, Jr.**, 9660 Old Route 99, McKean, PA 16426.

This proposed facility is located in McKean Township, **Erie County**.

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011516013	Southeastern Transportation Authority (SEPTA) 1234 Market Street, 12th Floor Philadelphia, PA 19107	Chester	East Whiteland Township	Valley Creek EV
PAI011516015	United Sports Training Center 1426 Marshallton Thorndale Road Downingtown, PA 19335	Chester	West Bradford Township	Unnamed Tributary to Beaver Creek CWF Unnamed Tributary to Broad Run EV
PAI012316005	Everest EB5 Capital, LLC 2010 West Chester Pike Havertown, PA 19083	Delaware	Ridley Township	Unnamed Tributary to Crum Creek WWF-MF

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

Monroe County Conservation District, 8050 Running Valley Rd., Stroudsburg, PA 18360-0917.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024516009	Miller Group Holdings, LP 950 East Main Street Schuylkill Haven, PA 17972	Monroe	Jackson Township	Reeders Run (HQ-CWF, MF)

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802.

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030515003	Pennsylvania Department of Transportation, Engineering District 9-0 1620 North Juniata Street Hollidaysburg, PA 16648-1080	Bedford	South Woodbury Township	Yellow Creek (HQ-CWF, MF) Three Springs Run (HQ-CWF, MF) EV Wetland
PAI032116007	South Middleton Township Municipal Authority 345 Criswell Drive Boiling Springs, PA 17007	Cumberland	South Middleton Township	UNT Letort Spring Run (Phase 2 only) (EV, MF) UNT Hogestown Run (CWF, MF)

STATE CONSERVATION COMMISSION

PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

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

APPLICATIONS

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Stanley Brymesser 1540 Leidigh Drive Boiling Springs, PA 17007	Cumberland	153.63	392	Swine/Steers	HQ-CWF	Renewal
Wingert Farms William & Karol Wingert 5497 Shade Lane Alexandria, PA 16611	Huntingdon	1,615.9 acres	1,839.63 AEU's	Dairy	HQ	Renewal

PUBLIC WATER SUPPLY (PWS) PERMITS

Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

Application No. 5816504, Public Water Supply.

Applicant	Pennsylvania American Water Co. 800 West Hersheypark Dr. Hershey, PA 17033
[Township or Borough]	Bridgewater Township
Responsible Official	David R. Kaufman, VP— Engineering Pennsylvania American Water 800 West Hersheypark Dr. Hershey, PA 17033
Type of Facility	PWS
Consulting Engineer	Timothy J. Glessner, PE Gannett Fleming, Inc. P.O. Box 67100 Harrisburg, PA 17106
Application Received Date	6/21/2016
Description of Action	Application proposes replacement of clarification and flocculation basins, new chemical building with replacement chemical feed equipment, a replacement finished water storage tank, and new process wastewater treatment basin at the Montrose WTP.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Application No. 3016505MA, Minor Amendment.

Applicant	Southwestern Pennsylvania Water Authority 1442 Jefferson Road PO Box 187 Jefferson, PA 15344
[Township or Borough]	Cumberland Township
Responsible Official	John W. Golding, Manager Southwestern Pennsylvania Water Authority 1442 Jefferson Road PO Box 187 Jefferson, PA 15344
Type of Facility	Water system
Consulting Engineer	Bankson Engineers, Inc. 267 Blue Run Road Suite 200 Cheswick, PA 15024
Application Received Date	June 15, 2016
Description of Action	Painting of the water treatment plant clarifier walls.

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:

Northeast Region: Eric Supey, Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Arbor Buisness Center, 2125 28th Street SW, Allentown City, **Lehigh County**. Leidos, Inc., 6310 Allentown Boulevard, Harrisburg, PA 17112, on behalf of Air Products and Chemicals, Inc., 7201 Hamilton Boulevard, Allentown, PA 18195-1501, submitted a Notice of Intent to Remediate. A release of solvents occurred at this site from a leak in an underground sewer drain pipe. The proposed future use of the property will be non-residential. The Notice of Intent to Remediate was published in *The Morning Call* on October 14, 1997.

MUNICIPAL WASTE GENERAL PERMIT

Renewal Application(s) Received Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and 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 17106-9170.

General Permit No. WMGM027NE002. Renewable Fuel, Inc., 6 Horwith Drive, Northampton, PA 18067.

General Permit No. WMGM027NE002. The renewal is under Municipal Waste General Permit WMGM027 for Renewable Fuel, Inc. located in the Northampton Boro, **Northampton County**. This General Permit is for the processing, storage and beneficial use of organic,

nonorganic residuals with a Btu value of at least 5,000/lb for use as alternative fuels. Central Office determined the renewal to be administratively complete on June 01, 2016.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on General Permit Number WMGM027NE002" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application received, under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and regulations to operate a Solid Waste Processing or Disposal Area or Site.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Telephone 412-442-4000.

Permit ID No. WMGR123SW024. Mon River Dock Company, P.O. Box 400, Laughlintown, PA 15655. Registration request for authorization to operate a processing facility for the beneficial use of oil and gas liquid waste proposed in East Bethlehem Township, **Washington County**. Application was received in the Regional Office on March 9, 2016 and accepted for technical review on June 22, 2016.

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.

PLAN APPROVALS

Plan Approval Applications Received under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

16-148B: Robert V. Burns Crematorium, Inc. (638 Wood Street, Clarion, PA 16214) application received for the continued operation of one human crematory at their facility located in Clarion Borough, **Clarion County**. This is an existing non-Title V facility currently permitted through a GP-14.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

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

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

09-0237: T.C. Millwork Inc. (P.O. Box 826, Bensalem, PA 19020) for its store fixture and cabinet manufacturing facility in Bensalem, **Bucks County**. The facility comprises a paint spray and an adhesives spray booth, an adhesives application area and a milling room. A laminating operation is a minor source. The milling room is controlled by a dust collector. T.C. Millwork is a minor facility, subject only to Commonwealth regulations. Emissions from the facility are estimated as 1.48 ton/year filterable particulate matter (PM/PM₁₀/PM_{2.5}), 4.11 tons/year volatile organic compounds (VOC), and 1.78 ton/year hazardous air pollutants (HAPs). All sources will meet best available technology (BAT) by stack emissions of less than 0.02 grain/dry stand cubic foot particulate (PM/PM₁₀/PM_{2.5}). BAT will also be met by use of coatings in the paint booth that are compliant with the VOC limits of 25 Pa. Code § 129.52 Table 1, although the source is not subject to the regulation. The permittee shall monitor and keep records and meet work practice standards to minimize emissions and keep the facility operating within all applicable emission standards.

23-0009I: The Boeing Company (PO Box 16858, Philadelphia, PA 19142-0858) for a new vapor degreaser to support cleaning operations in Bldg 3-12 at its aircraft fabrication facility located in Ridley Township, **Delaware County**. The Boeing facility is a Title V facility. The new degreaser replaces an aging degreaser, of about 35% less solvent-air interfacial area. The proposed degreaser will use trichloroethylene (TCE) as the cleaning solvent and therefore is subject to 40 CFR Part 63 Subpart T, as is the case for the existing degreaser. The new degreaser is equipped with the following solvent loss minimization features: a downtime cover, a freeboard ratio of 1.0 or greater, a freeboard refrigeration device and utilizes superheated vapor. The Department of Environmental Protection (DEP) accepts these features as representing Best Available Technology (BAT). The only pollutant the new degreaser will emit is TCE, estimated as 5.04 tons/year volatile organic compounds (VOC) and hazardous air pollutants (HAPs). The Plan Approval will include monitoring, recordkeeping and work practice conditions to assure optimum operation of the degreaser and compliance with emissions limits.

15-0013C: Infiana USA, Inc., (Formerly known as Huhtamaki Films) (2400 Continental Blvd, Malvern, PA 19355-2326) for the installation of a heat set flexographic press and a Regenerative Thermal Oxidizer (RTO) at their existing facility in Tredyffrin Township, **Chester County**. The press will be utilized to produce printed and coated packaging products. The press has four printing stations and can apply the following substances; inks, varnish to substrate and silicone coating. The Volatile Organic (VOC) emissions will be captured by a permanent total enclosure and sent to the RTO for a least 98% destruction efficiency. The facility will be classified as

synthetic minor, aggregate VOC emissions are capped at 23.50 tons per year. The Plan Approval will contain testing, monitoring and recordkeeping requirements, and work practice standards designed to keep the sources and facility operating within all applicable air quality requirements.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104

Contact: Edward Wiener, Chief—Telephone: 215-685-9426

AMS 16000093: (Advance Technologies, 2925 E. Ontario St., Philadelphia, PA 19134) for installation of two (2) Batch reactors for manufacturing esters, each 6,500 gallons, with a primary and secondary condenser. There will be a potential emission increase of 2.53 tons of Volatile organic compound (VOC) and 2.53 Tons of Hazardous Air Pollutant (HAP) per year for the facility. The plan approval will contain operating, monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

OPERATING PERMITS

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

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

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

19-00002: Foam Fabricators, LTD (7050 Columbia Boulevard, 17 Industrial Drive, Bloomsburg, PA 17815) to issue a Title V Operating Permit for their facility located in South Centre Township, **Columbia County**. The facility is currently operating under State Only Operating Permit 19-00002. The facility's main sources include a 14.29 million Btu per hour, natural gas-fired boiler, a 9.96 million Btu per hour, natural gas-fired boiler, thirteen (13) natural gas-fired heat radiators (1.07 million Btu per hour total combined rated heat input) and an expandable polystyrene foam processing operation. The facility has the potential to emit 4.76 tons of nitrogen oxides (NO_x) per year, 8.46 tons of carbon monoxide (CO) per year, 85.00 tons of volatile organic compounds (VOCs) per year, 0.07 ton of sulfur oxides per year (SO_x), 1.70 ton of particulate matter (PM/PM₁₀) per year, 0.21 ton of hazardous air pollutants (HAPs) per year and 13,125 tons of greenhouse gasses (GHGs) per year. No emission or equipment changes are being proposed by this action. 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.

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

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

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

46-00228: PR Plymouth Meeting, L.P. (500 Germantown Pike, Suite 150, Plymouth Meeting, PA 19462) For the continued operation of a retail shopping mall in Plymouth Township, **Montgomery County**. The permit is for a non-Title V (State only) facility. Sources of air emissions are two (2) gas-fired boilers and two (2) emergency generators. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

48-00072: Versalift East, Inc. (2706 Brodhead Road, Bethlehem, PA 18020-9411) The Department intends to issue a State-Only Operating Permit renewal for operation of an automobile manufacturing operation in Bethlehem Township, **Northampton County**. The source includes one paint spray booth with associated panel filters. The proposed operating permit includes emission limits, work practice standards, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within 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

21-05055: The Frog, Switch & Manufacturing Company (600 East High Street, Carlisle, PA 17013) to issue a State Only Operating Permit for their steel foundry located in Carlisle Borough, **Cumberland County**. The actual emissions from the facility in 2015 are estimated at 27.5 tons VOC; 22.6 tons CO; 22.2 tons PM₁₀; 10.1 tons PM_{2.5}; 7.3 tons NO_x; 2.3 tons SO_x; 2.8 tons manganese; 0.4 ton chromium; and 3.3 tons total HAPs. The Operating Permit will include emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63, Subpart ZZZZZ—National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources.

07-05034: PA Dept. of Military/Hollidaysburg Veterans Home (PO Box 319, Hollidaysburg, PA 16648) to issue a State Only Operating Permit for the Hollidaysburg Veterans Home located in Allegheny Township, **Blair County**. The potential emissions from the facility are estimated at 63.7 tons per year of NO_x, 21.11 tons per year of CO, 94.16 ton per year of SO_x and 3.89 tons per year of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure

the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units and 40 CFR Part 63, Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources.

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

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

41-00064: Glenn O. Hawbaker, Inc. (711 East College Ave., Bellefonte, PA 16823) to issue a State-Only (Synthetic Minor) Operating Permit renewal for their Armstrong Township Crushing Plant facility located in Armstrong Township, **Lycoming County**. The facility is currently operating under State-Only (Synthetic Minor) Operating Permit SMOP 41-00064. The facility's main sources include a sandstone processing operation, a 500 ton/hour Kolberg FT2650 portable crusher powered by a 305 bhp Cummins QSC CPL 8539 diesel-fired nonroad engine, two New Road model S36X80DCT portable stacking conveyors powered by 51 bhp Caterpillar model C2.2 diesel-fired engines, and a 250 ton/hour McCloskey R155 portable screener powered by a 130 bhp Caterpillar 3054C diesel-fired nonroad engine. The Department intends to incorporate into the operating permit all applicable conditions of approval contained in the RFD exemptions for various insignificant air-contaminant sources and all applicable conditions contained the GP-3s and GP-11s authorized for this facility. This facility has the potential to emit 5.83 tons of carbon monoxide, 16.26 tons of nitrogen oxides, 73.40 tons of particulate matter (including particulate matter less than 10 microns and particulate matter less than 2.5 microns), 4.83 tons of sulfur oxides, 8.45 tons of volatile organic compounds, 0.07 ton of hazardous air pollutants, and 2,714.33 tons of greenhouse gases (expressed as carbon dioxide equivalent). The sandstone processing equipment is subject to Subpart OOO of the Federal Standards of Performance for New Stationary Sources (Nonmetallic Mineral Processing Plants), 40 CFR 60.670—60.676. 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 as well as 40 CFR Part 60. 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.

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

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

Permit No. 56100107 and NPDES No. PA0263117. Fieg Brothers, 3070 Stoystown Road, Stoystown, PA 15563, permit renewal for the continued operation and

restoration of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County** affecting 192.2 acres. Receiving streams: unnamed tributaries to/ and Buffalo Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 9, 2016.

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.

10920112 and NPDES Permit No. PA0211401. State Industries, Inc. (P.O. Box 1022, Kittanning, PA 16201) Renewal of an existing bituminous surface mine and associated NPDES permit in Concord Township, **Butler County**, affecting 22.6 acres. Receiving streams: Unnamed tributaries to Bear Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. This renewal is for reclamation only. Application received: June 21, 2016.

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

14090102 and NPDES PA0257117. RES Coal LLC (224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920). Transfer of an existing bituminous surface coal mine and auger from Rosebud Mining Company located in Rush Township, **Centre County** affecting 236.6 acres. Receiving stream(s): Trout Run, Unnamed Tributaries to Trout Run and Moshannon Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: June 2, 2016.

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

Permit No. 40663031C9 and NPDES Permit No. PA0225070. Jeddo-Highland Coal Company, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), submitted a correction to an existing anthracite surface mine, coal refuse reprocessing and refuse disposal operation in Foster Township, **Luzerne County** to delete permitted acreage, and add acreage from SMP No. 40663030. The total acreage of SMP No. 40663031 will be 523.0 acres and SMP No. 40663030 will then be released/removed as an active SMP. The receiving streams for SMP No. 40663031 are: Black Creek, classified for the following use: cold water fishes and Sandy Run Creek, classified for the following use: HQ—cold water fishes. Application received: June 6, 2016.

Noncoal Applications Received

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

Table 2

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

* The parameter is applicable at all times.

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

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

Permit No. 28960301 and NPDES No. PA0223735, New Enterprise Stone & Lime Co., Inc., P.O. Box 77, New Enterprise, PA 16664, renewal of NPDES permit, located in Fannett Township, **Franklin County**. Receiving streams: unnamed tributary to Dry Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 22, 2016.

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

65100401 and NPDES Permit No. PA0252051, Hanson Aggregates BMC, Inc. (2200 Springfield Pike, Connellsville, PA 15424). Revision application for three underground portal entries to an existing large noncoal surface mine, located in Fairfield Township, **Westmoreland County**, affecting 173.9 acres. Receiving streams: unnamed tributaries to Freeman Run, classified for the following use: TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Revision application received: June 17, 2016.

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.

E64-307, Pennsylvania Department of Transportation, Engineering District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18512, in Palmyra Township and Paupack Township, **Wayne County**, U.S. Army Corps of Engineers, Philadelphia District.

To place fill in a de minimus area of wetlands equal to 0.012 acre within Middle Creek Watershed for the purpose of rehabilitating the side slope of SR 3028. Also, to construct and maintain a stormwater outfall structure in the floodway of Middle Creek (HQ-CWF, MF) consisting of a 24-inch concrete pipe and a rip-rap apron. The project is located along SR 3028, Section SLD Segment 0250 Offset 2129 (Hawley, PA Quadrangle, Latitude: 41°29'9"; Longitude: -75°13'24.9").

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.

E01-316: Plenary Walsh Keystone Partners, Menallen Township, **Adams County**, U.S. Army Corps of Engineers Baltimore District.

To remove the existing structure and to install and maintain a 76 foot long, 42 foot wide concrete box beam bridge having an under clearance of 6.9 feet over Oposum Creek (TSF, MF) (Latitude 39°58'52", Longitude -77°14'3") for the purpose of improving safety standards. No wetlands will be impacted by this activity.

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

E10-501, Plenary Walsh Keystone Partners, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275. JV-370 State Route 0308 Section P50 Segment 0080 Offset 1195 over UNT Stony Run (WWF), in Center Township, **Butler County**, ACOE Pittsburgh District (Mount Chestnut, PA Quadrangle N: 40°57'4.4", W: -79°54'0.3").

To remove the existing SR 0308 concrete spread box beam structure and to construct and maintain a single-span concrete box culvert having a span of 24.0 feet, length of 74.67 feet and an underclearance of 5.25 feet at a point approximately 100 feet south of the SR 0308 and Renick Road intersection in Center Township, Butler County. The project will result in 159 feet of temporary stream impacts, 214 linear feet of permanent stream impacts, 0.01 acre of temporary wetland impacts and 0.004 acre of permanent wetland impacts.

E37-199, Plenary Walsh Keystone Partners, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275. JV # 470, S.R. 0956 Section P31 over Neshannock Creek in Wilmington Township, **Lawrence County**, ACOE Pittsburgh District (New Castle North, PA Quadrangle N: 41°, 05', 18.676"; W: -80°, 17', 18.406").

To remove the existing structure and to construct and maintain a 30 foot wide single-span steel multi-girder bridge having a total span length of 142 feet and a low-chord elevation of 976.75 across Neshannock Creek

(New Castle North, PA Quadrangle N: 41°, 05', 18.676"; W: -80°, 17', 18.406") in Neshannock Township, Lawrence County.

Wilkes-Barre: Environmental Program Manager, 2 Public Square, 5th Floor, Wilkes-Barre, PA 18701.

EA1311-002. Pennsylvania Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Wilkes-Barre Office, 2 Public Square, 5th Floor, Wilkes-Barre, PA 18701. Abandoned Mine Land Reclamation Project, in Banks Township, **Carbon County**, Philadelphia ACOE District.

The applicant proposes to perform a reclamation project on an abandoned surface mine, which includes a total of 2,600 linear feet of dangerous highwall. The project will include the backfilling of 0.047 of an acre of open water

and 0.057 of an acre of wetland that has developed within the open surface mine pits. (Hazleton Quadrangle N 40° 54' 33.68", W 75° 58' 47.54")

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P.O. Box 8460, Harrisburg, PA 17105-8460.

EA67-016CO. Eugene E. Costello, 130 Pleasant View Drive, Etters, PA 17319, **Newberry Township, York County**, USACOE Baltimore District.

Project proposes to construct a non-jurisdictional dam impacting approximately 50 linear feet of stream channel. The dam is located across a tributary to Fishing Creek (TSF) (Steelton, PA Quadrangle; Latitude: 40.1505, Longitude: -76.8007).

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

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

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

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

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. NPDES Renewal Permit Actions

Northeast Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2511.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0062553 (Industrial)	PA American Water Crystal Lake WTP 1799 Jumper Road Wilkes-Barre, PA 18701-8031	Luzerne County Fairview Township	Big Wapwallopen Creek (5-B)	Yes
PAS222202 (Storm Water)	Bestway Lumber Treatment Center 3870 State Route 191/390 PO Box 309 Cresco, PA 18326	Monroe County Barrett Township	Cranberry Creek (1-E)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0034011— SEW	Bedford Material Company, Inc. 7676 Allegheny Road Manns Choice, PA 15550	Bedford County/ Napier Township	UNT Raystown Branch Juniata River/11-C	Y
PA0082457— IW	Alexandria Boro Water System 7561 Bridge Street, Suite 3 PO Box 336 Alexandria, PA 16611-0336	Huntingdon County/ Porter Township	Robinson Run/11-A	Y
PA0011849, Amendment # 1— SEW	Millerstown Municipal Authority PO Box 739 44 North High Street Millerstown, PA 17062	Perry County/ Greenwood Township	Juniata River/12-B	Y
PA0088595— CAFO	Wide Awake Farm Partnership 411 Chestnut Street Lebanon, PA 17042-6142 and Fine Swine, LLC 2 Seymour Street Merengo, OH 43334	Bedford County/ Monroe Township	13-B	Y
PA0084425— SEW	Conewago Township Sewer Authority 600 Locust Point Road York, PA 17406	York County/ Conewago Township	Little Conewago Creek/7-F	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0239542 (Industrial)	Impact PA Geothermal Well 5960 Susquehanna Trail Turbotville, PA 17772-8555	Warren County Warren City	Allegheny River (16-B)	Yes

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

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

NPDES Permit No. PA0248011, Industrial Waste, **Reading Area Water Authority**, c/o Reading Regional Water Authority, 108 Berkley Road, Reading, PA 19605.

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

Description of Proposed Action/Activity: Termination of Permit.

NPDES Permit No. PA0261882, Industrial Waste, **Berks Hollow Energy Associates, LLC**, c/o Dynege Operating Company, 750 Worcester Street, Indian Orchard, MA 01151-1030.

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

Description of Proposed Action/Activity: Termination of Permit.

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

NPDES Permit No. PA0026301, Sewage, SIC Code 4952, **Erie City Sewer Authority**, 68 Port Access Road, Erie, PA 16507.

This existing facility is located in Erie City, **Erie County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit Amendment for an existing discharge of treated Sewage.

III. QM Industrial Waste and Sewerage Actions under The Clean Streams Law

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

QW Permit No. 3916401, Sewage, SIC Code 5271, 6515, **MHC Lil Wolf LP**, 2 North Riverside Plaza, Chicago, IL 60606-2682.

This proposed facility is located in North Whitehall Township, **Lehigh County**.

Description of Proposed Action/Activity: Expand and Upgrade an existing Wastewater Treatment Plant.

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

QW Permit No. 6716401, Sewerage, **Conewago Township Sewer Authority**, 600 Locust Point Road, York, PA 17406-6056.

This proposed facility is located in Conewago Township, **York County**.

Description of Proposed Action/Activity: Permit approval for upgrades at the Locust Point Road pump station.

VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011514044-1	RLD Atwater JV, LLC 124 Cedar Avenue Conshohocken, PA 19428	Chester	East Whiteland Township	Valley Creek EV-MF
	Provco Pinegood Atwater, LP 1288 Valley Forge Road Valley Forge, PA 19482			

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025204004R	Nemanie Village, Inc. PO Box 77 Hawley, PA 18428	Pike	Palmyra Township	UNT to Wallenpaupack Creek (HQ-CWF, MF)
PAI024815019	Graham and Shelby Simmons 227 Venetian Drive Easton, PA 18040	Northampton	Plainfield Township	Bushkill Creek (HQ-CWF, MF)
PAI023916007	Samuel Adams PA Brewery c/o Shawn Furman 7880 Penn Dr. Breinigsville, PA 18031	Lehigh	Upper Macungie Township	Iron Run (HQ-CWF, MF)

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 & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Lower Salford Township Montgomery County	PAG02004615102	T.H. Properties, Inc. 345 Main Street Suite 112 Harleysville, PA 19438	West Branch Skippack Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Springfield Township Montgomery County	PAG02004616034	Springfield Township 1510 Paper Mill Road Wyndmoor, PA 19038	Sandy Run TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Merion Township Montgomery County	PAG02004616036	Haverford College 370 Lancaster Avenue Haverford, PA 19041	Cobbs Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Salford Township Montgomery County	PAG02004616050	Maple School Associates LLC 134 North Narberth Avenue Narberth, PA 19072-2211	Tributary to India Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Sugarloaf Township	PAG02004016003	The Pennsylvania State University c/o Mr. Andrew Gutberlet 139J Physical Plant Building University Park, PA 16802	Black Creek (CWF, MF) Nescopeck Creek (CWF, MF)	Luzerne Conservation District 570-674-7991
Pittston Township	PAG02004015038	WIP Pittston, LP c/o Mr. Eric Witmond 100 Passaic Avenue Fairfield, NJ 07004	Lidy Creek (CWF, MF)	Luzerne Conservation District 570-674-7991

Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802.

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Union Township Lebanon County	PAG02003816006	Bruce R. Weaver, Jr. 189 South Lancaster Street Jonestown, PA 17038	Swatara Creek (WWF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 (717) 277-5275

NOTICES

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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Brecknock Township Lancaster County	PAG02003615136	Ammon Burkholder 1200 Muddy Creek Road Denver, PA 17517	Little Muddy Creek (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 (717) 299-5361
Strasburg Borough Lancaster County	PAG02003616023	Tim Rutter 2100 North George Street York, PA 17404	UNT Pequea Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 (717) 299-5361
Earl Township Lancaster County	PAG02003616025	Mark Weaver 1020 Weaverland Road East Earl, PA 17519	UNT Conestoga River (CWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 (717) 299-5361
Lancaster City Lancaster County	PAG02003616043	Charlotte Katzenmoyer 120 North Duke Street Lancaster, PA 17608	Conestoga River (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 (717) 299-5361
West Cocalico Township Lancaster County	PAG02003616059	James Lapp 640 Schoeneck Road Ephrata, PA 17522	UNT Indian Run (TSF) Indian Run (TSF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 (717) 299-5361
Leacock Township Lancaster County	PAG02003616060	Paradise Meadows PO Box 278 Paradise, PA 17562	Pequea Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 (717) 299-5361
City of Reading Berks County	PAG02000616018	RadKra, LLC 426 Warren Street Reading, PA 19601	UNT Schuylkill River (WWF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710
Tulpehocken Township Berks County	PAG02000616008	John Schueller 9 Summer Mountain Road Bernville, PA 19506	Mill Creek (CWF) Wetlands (CWF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710
Straban Township Adams County	PAG02000116004	Gettysburg Montessori Charter School 120 East Broadway Gettysburg, PA 17325	Beaverdam Creek (WWF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Straban Township Adams County	PAG02000116002	Plenary Walsh Keystone Partners 2000 Cliff Mine Road Park West Two 3rd Floor Pittsburgh, PA 15275	UNT Swift Run (WWF, MF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404
Straban Township Adams County	PAG02000116006	Lloyd and Pamela Garmin 16 Five Points Road New Oxford, PA 17350	UNT Beaverdam Road (WWF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404
Southampton Township Cumberland County	PAG02002116011	Linford Sensenig 755 Walnut Bottom Road Shippensburg, PA 17257	Green Spring Creek (CWF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101
York Township York County	PAG02006716010	Sheetz Inc. 5700 Sixth Avenue Altoona, PA 16602	UNT Codorus Creek (WWF, MF) UNT Lake Redman (CWF, MF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
North Codorus Township York County	PAG02006716022	Hickory Enterprises, LLC Lynn Snyder 5158 Lehman Road Spring Grove, PA 17362	UNT West branch Codorus Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Manchester Township York County	PAG02006713015-1	2627 Mia Brrae, LP 3955 North George Street Ext Manchester, PA 17345	Codorus Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
York Township York County	PAG02006716015	Blaise Alexander Family Dealerships Blaise Alexander 10 Alexander Drive Muncy, PA 17756	UNT to Mill Creek/ CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Windsor Township York County	PAG02006716012	3075 CHR, LLC Glenn Rexroth P O Box 98 Dallastown, PA 17313	UNT to Kreutz Creek/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Peach Bottom Township York County	PAG02006716023	The Six-M Company, Inc Bill Mattlin P O Box 309 Delta, PA 17314	UNT to Muddy Creek/ TSF and UNT to Susquehanna River/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Hollidaysburg Borough Blair County	PAG02000716001	S&A Homes/Highland Hall Housing, LP 2121 Old Gatesburg Road State College, PA 16803	Brush Run (WWF) Beaverdam Branch Juniata River (TSF)	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814)696-0877
Conewago Township Dauphin County	PAG02002213035(1)	Stephen Black 1841 Potato Valley Road Harrisburg, PA 17112	Hoffer Creek (TSF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100

**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 PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Ar-Joy Farms 1600 Althouse Road Cochranville, PA 19330	Chester	475.9	1,169.75	Dairy	N/A	Approved
Woodland View Farm 133 Woodland View Road Oxford, PA 19363	Chester	179.3	122.69	Duck	N/A	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

Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Permit No. 2400048, Transfer of Operation Permit, Public Water Supply.

Applicant	Conyngham Sugarloaf Joint Municipal Authority (formerly Conyngham Borough Authority) 245 Main Street P.O. Box 469 Conyngham, PA 18219
Municipality	Conyngham Borough and Sugarloaf Township
County	Luzerne
Type of Facility	PWS
Consulting Engineer	N/A
Permit to Operate Issued	June 23, 2016

Construction Permit No. 4816501MA, Public Water Supply.

Applicant **Hellertown Borough Authority**
501 Durham Street
Hellertown, PA 18055

[Township or Borough] Hellertown Borough,
Northampton County

Responsible Official Glenn Higbie, Administrator,
Hellertown Borough Authority
501 Durham Street
Hellertown, PA 18055

Type of Facility PWS

Consulting Engineer Dennis G. Tracey, P.E.
Buchart Horn, Inc.
2 Eves Drive, Suite 110
Marlton, NJ 08053

Permit to Construct Issued 06/13/2016

Construction Permit No. 4516503MA, Public Water Supply.

Applicant **Victoria Village Townhouse Condominiums, Inc.**
P.O. Box 1574
Brodheads ville, PA 18322-1574

[Township or Borough] Polk Township, **Monroe County**

Responsible Official Bill Fisher
Victoria Village Townhouse
Condominiums, Inc.
P.O. Box 1574
Brodheads ville, PA 18322-1574

Type of Facility PWS

Consulting Engineer Charles H. Niclaus, PE
Niclaus Engineering Corporation
804 Sarah Street, Suite 201
Stroudsburg, PA 18360

Permit to Construct Issued 06/15/2016

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit No. 3015514, Public Water Supply.

Applicant **Southwestern Pennsylvania Water Authority**
1442 Jefferson Road
PO Box 187
Jefferson, PA 15344

[Borough or Township] Cumberland Township

County **Greene**

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
Suite 200
Cheswick, PA 15024

Permit to Construct Issued June 8, 2016

Operations Permit issued to: **Moon Township Municipal Authority**, 1700 Beaver Grade Road, Suite 200, Moon Township, PA 15108, (**PWSID # 5020011**) Moon

Township, **Allegheny County** on June 8, 2016 for the operation of facilities approved under Construction Permit # 0215514MA.

Operations Permit issued to: **East Deer Township**, 927 Freeport Road, Creighton, PA 15030, (**PWSID # 5020013**) East Deer Township, **Allegheny County** on June 8, 2016 for the operation of facilities approved under Construction Permit # 0216514MA.

Operations Permit issued to: **Pittsburgh Water & Sewer Authority**, Penn Liberty Plaza I, 1200 Penn Avenue, Pittsburgh, PA 15222, (**PWSID # 5020038**) City of Pittsburgh, **Allegheny County** on June 16, 2016 for the operation of facilities approved under Construction Permit # 0216512MA.

Permit No. Emergency, Minor Amendment. Public Water Supply.

Applicant **Fox Chapel Authority**
255 Alpha Drive
Pittsburgh, PA 15238

[Borough or Township] Fox Chapel Borough

County **Allegheny**

Type of Facility South Tank

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
Suite 200
Cheswick, PA 15024

Permit to Construct Issued June 15, 2016

Permit No. 6316510-E, Minor Amendment. Public Water Supply.

Applicant **Tri-County Joint Municipal Authority**
26 Monongahela Avenue
Fredericktown, PA 15333

[Borough or Township] East Bethlehem Township

County **Washington**

Type of Facility Water system

Consulting Engineer KLH Engineers, Inc.
5173 Campbells Run Road
Pittsburgh, PA 15205

Permit to Construct Issued June 17, 2016

Permit No. 3216502MA, Minor Amendment. Public Water Supply.

Applicant **Indiana County Municipal Services Authority**
602 Kolter Drive
Indiana, PA 15701

[Borough or Township] Cherryhill Township

County **Indiana**

Type of Facility Water system

Consulting Engineer Gibson-Thomas Engineering Co., Inc.
1004 Ligonier Street
PO Box 853
Latrobe, PA 15650

Permit to Construct Issued June 8, 2016

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

Operation Permit issued to **U.S. Bronze Foundry and Machine, Inc., PWSID No. 6200369**, Woodcock Township, **Crawford County**. Permit Number 2013504-C issued June 21, 2016, for the operation of the sodium hypochlorite disinfection system and a corrosion control system consisting of pH adjustment with caustic soda and a blended poly/orthophosphate corrosion inhibitor. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on May 16, 2016.

Permit No. 1616501, Public Water Supply.
 Applicant **Piney Meadows Campground**
 Michael & Samuel Buzard
 37 Limestone Road
 Fairmount City, PA 16224
 Township or Borough Limestone Township
 County **Clarion**
 Type of Facility Public Water Supply
 Consulting Engineer Michael A. Basista, P.E.
 Bankson Engineers, Inc.
 267 Blue Run Road
 Suite 200
 Cheswick, PA 15024
 Permit to Construct June 23, 2016
 Issued

Permit No. 43165011, Public Water Supply
 Applicant **Country Estates Mobile Home Park, LLC**
 1435 Church Road
 Mifflinburg, PA 17844
 Township or Borough Jefferson Township
 County **Mercer**
 Type of Facility Public Water Supply
 Consulting Engineer Steven R. Halmi, P.E.
 Deiss & Halmi Engineering, Inc.
 105 Meadville Street
 Edinboro, PA 16412
 Permit to Construct June 23, 2016
 Issued

WATER ALLOCATIONS

Actions taken on applications received under the act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631–641) relating to the acquisition of rights to divert waters of the Commonwealth.

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

WA26-1004, Water Allocations. Pennsylvania American Water Company, 800 West Hersheypark Drive, Hershey, PA 17033, **Fayette County**. The right to purchase up to 2,600,000 gallons of water per day (peak month 30-day average) from the Municipal Authority of Westmoreland County.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P.S. § 750.5)

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Londonderry Township	738 South Geyers Church Road Middletown, PA 17111	Dauphin

Plan Description: The approved plan (C2-22920-ACT) provides for public sewer extensions to Londonderry Estates to collect and convey all flow to the existing Derry Township Municipal Authority sanitary sewer system within five years of approval of this Act 537 Plan. The plan also provides for public sewer extensions to serve Sewer District No. 2 and Sewer District No. 3 with all flow going to the Middletown Borough Wastewater Treatment Plant for treatment within ten years of Plan approval, based on an evaluation of initial OLDS pumping and inspection cycle results in these sewer districts. The schedule may be amended and additional planning may be required after a re-evaluation of these areas. The Township will also update the Mandatory Connection Ordinance within one year from the date of Plan approval. The Department’s review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority, as appropriate.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Mercer Township	152 Boomerang Road, P.O. Box 380 Harrisville, PA 16038	Butler

Plan Description: The approved plan provides for sewer extensions to serve two separate areas within Mercer Township. The area of Forestville will be served by the construction of a 0.034 MGD recirculating sand filter. The collection system will include a combination of gravity and pressure sanitary sewers with individual grinder pumps serving 81 EDUs. The other area includes the expansion of the sewer service area both east and west of Harrisville Borough along State Route 58 with final treatment at the Grove City Borough WWTP. The area west of Harrisville will be served by pressure sewers and grinder pumps while the area east of Harrisville will be served by gravity sewers. Collectively, they will serve an additional 35 EDUs. The Department’s review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Max-Mile Car Care Center, 145 Guy Street, Hallam, PA 17406, Hallam Borough, **York County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Jump Start Garage, 2739 Black Bear Road, Needmore, PA 17238, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil from a LUST. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

Crowe Transportation Diesel Spill (PennDOT ROW), Rt. 283 West, Mile Market 17.7, Mount Joy, PA 19525, Mount Joy Township, **Lancaster County**. Taylor GeoServices, Inc., 38 Bishop Hollow Road, Newtown Square, PA 19073, on behalf of Lewis Environmental, 155 Railroad Plaza, P.O. Box 639, Royersford, PA 19468, and

Pennsylvania Department of Transportation, Lancaster County—District 8, 2105 Lincoln Highway East, Lancaster, PA 17602 submitted Final Report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Strawberry Hills, Vicars Lane, Altoona, PA, Logan Township, **Blair County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Altoona Blair County Development Corporation, 3900 Industrial Park Drive, Altoona, PA 16602 and Stewart Sachs Family Trust, 20 New Plant Court, Suite 106, Owings Mills, MD 21117, submitted a Baseline Environmental Report concerning remediation of site soils and groundwater contaminated with Inorganics, PAHs and VOCs. The Report was approved by the Department on June 22, 2016.

Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Hackney Station Road Farmland (aka Deeter Farms Tanker Truck Brine Spill), 369 Hackney Station Road, Amwell Township, **Washington County**. Weavertown Environmental Group, 2 Dorrington Road, Carnegie, PA 15106 submitted a Final Report on behalf of Deeter Farms, 255 Creek Road, Cooperstown, PA 16317 concerning site soils contaminated with Aluminum, Barium, Boron, Lithium, Selenium, Zinc, Manganese, Iron, Strontium and chloride from a brine spill. The Final report demonstrated attainment of the background standard for strontium, barium and chlorides, while all other brine constituents attained a residential Statewide Health standard for soils, and was approved by the Department on June 21, 2016.

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 Reinstated

Bestrans, Inc., 19 Davidson Lane, New Castle, DE 19720. License No. PA-AH 0766. Effective Jun 22, 2016.

Hazardous Waste Transporter License Reissued

2347854 Ontario Inc., 1818 Burlington Street E, Hamilton, ON L8H 3L4. License No. PA-AH 0817. Effective Jun 27, 2016.

Stat, Inc. dba Sparks Transportation and Tank Cleaning, Inc., PO Box 1443, Lenoir, NC 28645. License No. PA-AH 0532. Effective Jun 22, 2016.

Renewal Applications Received

2347854 Ontario Inc., 1818 Burlington Street E, Hamilton, ON L8H 3L4. License No. PA-AH 0817. Effective Jun 24, 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

Advant-Edge Solutions of Middle Atlantic, Inc., 1 Shea Way, Newark, DE 19713. License No. PA-HC 0220. Effective Jun 27, 2016.

Renewal Applications Received

Advant-Edge Solutions of Middle Atlantic, Inc., 1 Shea Way, Newark, DE 19713. License No. PA-HC 0220. Effective Jun 24, 2016.

RESIDUAL WASTE GENERAL PERMITS

Application(s) Renewed Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Renewal Number WMGR031. Kalumetals, Inc., 116 Pittsburgh St, Derry, PA 15627. General Permit Number WMGR031 authorizes processing and beneficial use of metallic grinding swarfs, metallic turnings, metal grindings, metal cuttings, metal stampings, metal plate, metal wire, metal powders, metal sludges, tungsten carbide, spent catalysts, Raney Nickel catalysts, precious metals catalysts and metallic filter cakes ("waste") through retorting, static bed open drying, belt furnace thermal processing, rotary furnace oxidation, magnetic separation, washing, filtering, centrifugation, mechanical separation, carbon dioxide separation and passive oil/water separation. The general permit was renewed by Central Office on May 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.

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.

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

Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.

GP3-08-312E: DeCristo, Inc. (9070 Route 414, Canton, PA 17724) on June 10, 2016, to construct and operate a Terex Pegson XA400S, a Terex Pegson 1000 Maxtrak crusher, a Terex Finlay C-1550P crusher, a Powerscreen Chieftain 2100 screener, a Powerscreen Chieftain 1800 screener, a Terex Finlay 694+ screener and three (3) Telestacker TC421 conveyor-stackers with associated wa-

ter spray dust suppression system pursuant to the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at DeCristo's LeRoy Quarry # 1 located in LeRoy Township, **Bradford County**. This new authorization supersedes all previous authorizations.

GP9-08-312E: DeCristo, Inc. (9070 Route 414, Canton, PA 17724) on June 10, 2016, to construct and operate a 300 bhp Caterpillar C-9 diesel-fired engine, a 345 bhp Scania DC9 diesel-fired engine, a 540 bhp Caterpillar C15 diesel-fired engine a 129.4 bhp Caterpillar C4.4 diesel-fired engine, a 131.4 bhp Caterpillar C4.4 diesel-fired engine pursuant to the General Plan Approval and/or General Operating Permit for Diesel or No. 2 fuel-fired Internal Combustion Engines (BAQ-GPA/GP-9) at DeCristo's LeRoy Quarry # 1 located in LeRoy Township, **Bradford County**. This authorization supersedes all previous general permits at this facility.

GP3-08-337I: Glenn O Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on June 9, 2016, to authorize the construction and of a 500 TPH Kolberg model FT2650 portable crushing plant pursuant to the General Plan Approval and/or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at their Greens Landing facility in Athens Township, **Bradford County**.

GP11-08-337I: Glenn O Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on June 9, 2016 to authorize the construction and operation of one (1) 300 bhp CAT model JSC 05460 diesel-fired engine pursuant to the General Plan Approval and General Operating Permit for Nonroad Engines (BAQ-GPA/GP-11) at the Greens Landing facility in Athens Township, **Bradford County**.

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

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

GP33-182C: Diversified Oil & Gas, LLC, Shaffer Compressor Station (Mendenhall Road, Brookville, PA 15825) on June 21, 2016, for the authority to construct and/or operate one (1) lean burn two stroke natural gas engine, Ajax, Model DCP-2802LE, one (1) Natco Industries natural gas dehydrator, and two (2) 2,100 gallons produced fluid storage tanks (BAQ-GPA/GP-5) located in Rose Township, **Jefferson County**.

GP1-43-295B: Dairy Farmers of America, Inc., West Middlesex Facility (82 North Street, West Middlesex, PA 16159) on June 21, 2016, for the authority to construct and/or operate a natural gas fired boiler, Kewanee, Model No. H3S-300G (BAQ-GPA/GP-1) located in Shenango Township, **Mercer County**.

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

Contact: Thomas 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.

07-03034F: Alpha Metals, Inc. (4100 Sixth Avenue, Altoona, PA 16602) on June 15, 2016, for the installation of a melting furnace at their secondary non-ferrous

metals smelting and reclaiming facility in the City of Altoona, **Blair County**. The furnace will be controlled by a settling chamber, scrubber and fabric filter.

36-05152D: Kellogg USA Inc. (2050 State Road, Lancaster, PA 17604) on June 21, 2016, for the construction of a new SLY Inc., Model STJ-1511-10, baghouse to control the air emissions from the packing area for Lines 12, 14 and 23 at the breakfast cereal manufacturing plant located in East Hempfield Township, **Lancaster County**.

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

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

42-011C: International Waxes—Farmers Valley Plant (45 Route 446, Smethport, PA 16749) on June 20, 2016, issued a plan approval for the proposed modification to existing coal fired boilers by adding natural gas firing capability and the construction of a new natural gas fired boiler in Keating Township, **McKean County**. This application is for complying with 40 CFR 63 Subpart DDDDD (National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial and Institutional Boilers and Process Heaters.) This is a Title V facility.

42-095C: Georgia-Pacific Corrugated LLC (1 Owens Way, Bradford, PA 16701) on June 9, 2016, issued a plan approval for the installation of a cyclone collector at their facility in Bradford Township, **McKean County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

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

46-0020J: Superior Tube Inc. (3900 Germantown Ave, Collegeville, PA 19426-3112) On June 27, 2016 to increase the Hydrogen Fluoride (HF) emissions limit for the existing pickling and passivation operation in Providence 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.

67-05092H: Starbucks Coffee Company (3000 Espresso Way, York, PA 17406) on June 23, 2016, for the construction of the following sources: two coffee roasters controlled by a regenerative thermal oxidizer; two cooling trays controlled by dedicated cyclones; two destoners controlled by dedicated cyclones; and a chaff press controlled by a cyclone at the York Roasting Plant in East Manchester Township, **York County**. The plan approval was extended, with a revised compliance schedule.

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

Contact: Edward Orris, P.E., Environmental Engineer Manager—Telephone: 412-442-4161.

30-00195: Equitrans, LP (625 Liberty Avenue, Suite 1700 EQT Plaza, Pittsburgh, PA 15222) Plan approval extension effective on June 28, 2016, with expiration date of November 28, 2016, to authorize continued temporary

operation of air contamination sources and controls at the Jefferson Compressor Station located in Jefferson Township, **Greene County**.

30-00072H: Consol Pennsylvania Coal Company, LLC (1000 Consol Energy Drive, Canonsburg, PA 15317) Plan approval extension effective on June 28, 2016, with an expiration date of November 28, 2016, to authorize continued temporary operation of air contamination sources and controls associated with the Bailey Prep Plant expansion located in Richhill Township, **Greene County**.

30-00072I: Consol Pennsylvania Coal Company, LLC (1000 Consol Energy Drive, Canonsburg, PA 15317) Plan approval extension effective on June 28, 2016, with an expiration date of November 28, 2016, to authorize continued temporary operation of air contamination sources and controls associated with the Enlow Fork Overland Conveyor located in Richhill Township, **Greene County**.

65-00986A: Tiger Door, LLC (1181 Garden Street, Greensburg, PA 15601-6417) Plan approval extension effective on June 28, 2016, with an expiration date of November 28, 2016, to authorize continued temporary operation of air contamination sources and controls at the Tiger Door Manufacturing Plant located in Hempfield Township, **Westmoreland County**.

30-00194A: EQM Gathering Opco, LLC (625 Liberty Avenue, Suite 1700 EQT Plaza, Pittsburgh, PA 15222) Plan approval extension effective on June 28, 2016, with expiration date of November 28, 2016, to authorize continued temporary operation of air contamination sources and controls at the Callisto Compressor Station located in Morris Township, **Greene County**.

PA-03-00263A: Allegheny Minerals Corporation (P.O. Box 1022, One Glade Park East, Kittanning, PA 16201-5022) Plan approval extension issuance date effective June 24, 2016, to authorize extension for the construct of Bison Mine limestone processing plant located in West Franklin Township, **Armstrong County**.

PA-63-00990B: Donora Dock LLC (11 Lloyd Ave, Suite # 200, Latrobe, PA 15650-1711), on June 21, 2016, to extend the period of temporary operation for 180 days for their Coal Handling Facility located in Carroll Township, **Washington County**.

Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

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

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

46-00038: Exelon Generation Company/Limerick Generation Station (Evergreen and Sanatoga Roads, Sanatoga, PA 19464) On June 27, 2016 for a renewal of the Title V Operating Permit. The facility is primarily used for electric power generation and operates three boilers and thirteen emergency generators, which mainly produce nitrogen oxide, sulfur oxide, and particulate matter emissions, in Limerick Township, **Montgomery County**.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

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

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

35-00050: Maple Hill Crematory (68 E Saint Marys Road, Wilkes-Barre, PA 18706-4182) issued on June 27, 2016, for operation of a crematory operation in Archibald Borough, **Lackawanna County**. The source includes two (2) incinerators. The proposed operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

40-00103: Harman Funeral Home & Crematory Inc. (PO Box 429, Drums, PA 18222-0429) issued on June 27, 2016, for operation of a crematory operation in Butler Township, **Luzerne County**. The source includes one (1) incinerator. The proposed operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

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.

67-03028: Dentsply Prosthetics US LLC (PO Box 872, York, PA 17405-0872) on June 17, 2016, for the dental appliance manufacturing facility located in York City, **York County**. The state-only permit was renewed.

44-05013: Glenn O. Hawbaker, Inc. (711 East College Avenue, Pleasant Gap, PA 16823-6854) on June 22, 2016, for the stone crushing and hot mix asphalt operations at the Naginey Quarry located in Armagh Township, **Mifflin County**. The state-only permit was renewed.

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

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

49-00015: International Paper Company (2164 Locust Gap Highway, Mt. Carmel, PA 17851-1876) on May 11, 2016 issued a state-only operating permit for their facility located in Mt. Carmel Township, **Northumberland County**. The state-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

49-00057: Pet Rest Memorial Park (2410 8th Street Drive, Watsonstown, PA 17777) on June 6, 2016 issued a state-only operating permit for their facility located in Delaware Township, **Northumberland County**. The state-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

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

09-00192: Waste Management of Pennsylvania, Inc., (1000 New Ford Mill Rd., Morrisville, PA 19067). On June 22, 2016 for a minor modification to the State Only Operating Permit for its Dock Facility located in Falls Township, **Bucks County**. The modification makes the list of materials approved for receipt or transit from the facility more generic by characterization by an emission factor.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P.S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1002).

Coal Permits Issued

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.

30841316 and NPDES No. PA0213535. Consol Pennsylvania Coal Company LLC, (1000 Consol Energy Drive, Canonsburg, PA 15317). To revise the permit for the Bailey Mine & Prep Plant in Richhill Township, **Greene County** and related NPDES permit for installation of a borehole. Surface Acres Proposed 12.4. No additional discharges. The application was considered administratively complete on January 7, 2016. Application received September 4, 2015. Permit issued June 24, 2016.

30841314 and NPDES No. PA0215368. Dana Mining Company of Pennsylvania, LLC, (308 Dents Run Road, Morgantown, WV 26501). To renew the permit for the Titus Mine in Dunkard and Greene Townships, **Greene County**. No additional discharges. The application was considered administratively complete on October 11, 2013. Application received August 16, 2013. Permit issued June 24, 2016.

30841317 and NPDES No. PA0213527. Consol Pennsylvania Coal Company LLC, (1000 Consol Energy Drive, Canonsburg, PA 15317). To revise the permit for the Enlow Fork Mine in Richhill Township, **Greene**

County and East Finley, South Franklin and Buffalo Townships, **Washington County** and related NPDES permit for installation of the Lagonda Powerline. Surface Acres Proposed 33.5. No additional discharges. The application was considered administratively complete on August 12, 2015. Application received May 7, 2015. Permit issued June 24, 2016.

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

54830107R6. Selkirk Enterprises, LLC, (10 Gilberton Road, Gilberton, PA 17934), renewal of an existing anthracite surface mine and coal refuse reprocessing operation in Branch and Reilly Townships, **Schuylkill County** affecting 2,063.8 acres, receiving stream: West Branch Schuylkill River. Application received: January 15, 2014. Renewal issued: June 24, 2016.

54830107GP104. Selkirk Enterprises, LLC, (10 Gilberton Road, Gilberton, PA 17934), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54830107 in Branch and Reilly Townships, **Schuylkill County**, receiving stream: West Branch Schuylkill River. Application received: May 13, 2016. Permit issued: June 24, 2016.

Noncoal Permits Issued

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

26090601 GP-104. John Joseph (470 Vanderbilt Road, Connellsville, PA 15425). General NPDES permit for stormwater discharge associated with mining activities on an existing large noncoal surface mine. Permit No. 26090601 located in Dunbar Township, **Fayette County** affecting 14.6 acres. Receiving streams: unnamed tributaries to Dickerson Run. Application received: May 22, 2015. GP-104 permit issued: June 22, 2016.

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

Permit No. 66162801. Meshoppen Stone, Inc. (PO Box 127, Meshoppen, PA 18630), Commencement, operation and restoration of a quarry operation in Clinton Township, **Wyoming County** affecting 5.0 acres, receiving stream: unnamed tributary to Tunkhannock Creek. Application received: December 28, 2015. Permit issued: June 22, 2016.

Permit No. 66162801GP104. Meshoppen Stone, Inc. (PO Box 127, Meshoppen, PA 18630), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 66162801 in Clinton Township, **Wyoming County**, receiving stream: unnamed tributary to Tunkhannock Creek. Application received: December 28, 2015. Permit issued: June 22, 2016.

Permit No. 58110804GP104R. Lucas Mack, (7476 S. Weston Road, Kingsley, PA 18826), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58110804 in Brooklyn Township, **Susquehanna County**. Receiving stream: Martins Creek Watershed. Application received: March 23, 2016. Renewal issued: June 23, 2016.

Permit No. 58102805GP104. Chancey Kelley, (4554 East Rush to Elk Lake Road, Montrose, PA 18801), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58102805 in Silver Lake Township,

Susquehanna County, receiving stream: unnamed tributary to Choconut Creek Watershed. Application received: January 28, 2016. Permit issued: June 23, 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

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

65164103. Wampum Hardware Co. (636 Paden Road, New Galilee, PA 16141). Blasting activity permit for commercial development with the Ligonier Construction Latrobe, located in Unity Township, **Westmoreland County** with an expiration date of December 31, 2016. Blasting permit issued: June 22, 2016.

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

Permit No. 38164109. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Bruce Sensenig Hog Barn in North Cornwall Township, **Lebanon County** with an expiration date of September 30, 2016. Permit issued: June 21, 2016.

Permit No. 36164134. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for utilities at 20 Buch Road in West Earl Township, **Lancaster County** with an expiration date of August 30, 2016. Permit issued: June 24, 2016.

Permit No. 36164135. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for The Farmstead at Homestead Village in East Hempfield Township, **Lancaster County** with an expiration date of June 30, 2017. Permit issued: June 24, 2016.

Permit No. 45164103. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for South Ridge Estates in Price Township, **Monroe County** with an expiration date of June 19, 2017. Permit issued: June 24, 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

Northeast Regional Office, Waterways and Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.

E40-771. Sunoco Pipeline, L.P., 525 Fritz Road, Sinking Springs, PA 19068. Plymouth Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To stabilize and maintain a 30-foot reach of Harveys Creek (CWF, MF) with a 75-ft wide × 30-ft long articulating block mat and a two-tiered, 6-ft high × 40-ft long concrete revetment wall totaling 12-ft high along the western bank for the purpose of protecting an existing exposed 6-inch diameter petroleum pipeline. The project is located approximately 200 feet southeast of the intersection of S.R. 11 and S.R. 29 (Nanticoke, PA Quadrangle Latitude: 41°13'14"; Longitude: -76°0'55.08"). Subbasin: 5B.

E40-775. Douglas and Kim Barbacci, 2395 Lakeside Drive, Harveys Lake, PA 18618. Harveys Lake Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To construct and maintain a 628 sq. ft. dock and covered boat slip addition to an existing 1,336 sq. ft. lakehouse within the basin of Harveys Lake (HQ-CWF). The project is located approximately at Pole 217, Lakeside Drive (Harveys Lake, PA Quadrangle Latitude: 41°21'54"; Longitude: -76°3'1"). Subbasin: 5B.

E40-777. UGI Penn Natural Gas, One UGI Center, Wilkes-Barre, PA 18711. Harveys Lake Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To construct and maintain a 180-foot long, 6-inch diameter steel gas utility line across Harveys Lake (HQ-CWF) via directional bore. The project is located

directly east of the intersection of Lakeside Drive (SR 415) and Old Lake Road (Harveys Lake, PA Quadrangle Latitude: 41°21'4.7"; Longitude: -76°2'1.8"). Subbasin: 5B.

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.

E06-706: PennDOT Engineering District 5.0, 1002 Hamilton Street, Allentown, PA 18101 in the City of Reading, **Berks County**, U.S. Army Corps of Engineers, Philadelphia District.

To (1) repair and maintain an existing 1,320 foot 6.88 inch bridge over the Schuylkill River (WWF, MF), (2) place rip-rap scour protection along existing piers and, (3) install 2 temporary causeways for access during construction all for the purpose of improving transportation safety and roadway standards. The project proposes to permanently affect 292 linear feet of stream channel and temporarily affect 891.5 linear feet of stream channel and 0.03 acre of (PEM) palustrine emergent wetlands. The project is located in West Reading Borough and City of Reading, Berks County (Latitude: 40° 20' 08"; Longitude: -75° 56' 15.5"). The permit was issued on June 22, 2016.

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

E5829-103: Brooklyn Township, Cabot Oil and Gas Corporation, 2000 Park Lane, Suite 300, Pittsburgh, PA 15275-1121; Brooklyn Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, ad maintain:

1) a 12 inch diameter temporary above grade waterline and temporary timber mat crossing impacting 8,200 square feet (0.19 acre) of a PEM wetland (Montrose-East, PA Quadrangle; Latitude: 41° 47' 18", Longitude: -75° 48' 30"),

2) a 12 inch diameter temporary above grade waterline and temporary timber mat crossing impacting 6 lineal feet of an unnamed tributary to Hop Bottom Creek (CWF-MF) (Montrose-East, PA Quadrangle; Latitude: 41° 47' 23", Longitude: -75° 48' 49"),

3) a 12 inch diameter temporary above grade waterline and temporary timber mat crossing impacting 1,750 square feet (0.04 acre) of a PEM wetland (Montrose-East, PA Quadrangle; Latitude: 41° 47' 23", Longitude: -75° 48' 49"),

4) a 12 inch diameter temporary above grade waterline and temporary timber mat crossing impacting 500 square feet (0.01 acre) of a PEM wetland (Montrose-East, PA Quadrangle; Latitude: 41° 47' 22", Longitude: -75° 48' 59").

The project consists of constructing approximately 4,994 lineal feet of temporary above grade 12" water pipeline located in Brooklyn Township, Susquehanna County. The project will result in 6 lineal feet of temporary stream impacts and 10,450 square feet (0.24 acre) of temporary wetland impacts for the purpose of conveying water for Marcellus Shale natural gas development utilizing previously cleared natural gas pipeline right-of-way.

Northwest Region: Oil and Gas Program Manager, 230 Chestnut Street, Meadville, PA 16335 814-332-6860.

E37-08-003, Hilcorp Energy Company, 1201 Louisiana Street, Suite 1400, Houston, Texas 77002 Mahoning-Gunn to Siegel Facility Pipeline Project, in Mahoning Townships, **Lawrence County**, Army Corps of Engineers Pittsburgh District (Wind Ridge, PA Quadrangle).

The applicant proposes to install/construct 8,300 linear feet of new natural gas pipeline (2-lines; 6" diameter & 8" diameter) and accompanying waterlines (2-lines; 16" diameter each). The project will occur from east of Ambrosia Road (41.059994° N, 80.459322° W) to south of Baird Road (41.047847° N, 80.474886° W) in Mahoning Township, Lawrence County, PA.

The project will result in 130.5 linear feet (LF) of stream impacts and 0.10 acre of wetland impacts, which includes: 130.5 LF of permanent stream impacts; 0.04 acre of permanent wetland impacts; and 0.06 acre of temporary wetland impacts.

The water obstructions and encroachments for the purposes of installing the pipeline are described below:

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude / Longitude</i>
RC-1 & 2	Timber mat crossing and open cut natural gas pipeline (2-lines; 6" diameter & 8" diameter), accompanying waterlines (2-lines; 16" diameter each) and associated ROW through PEM wetland and UNT to Marshall Run. Total impact 50 LF of stream and 0.07 acre of PEM wetland.	41.057331° N -80.469099° W
RC-3 & 4	Bore natural gas pipeline (2-lines; 6" diameter & 8" diameter), accompanying waterlines (2-lines; 16" diameter each) and associated ROW under PEM/PFO/PSS wetland and Marshall Run. Total impact 9.5 LF of stream and 0.03 acre of PEM/PFO/PSS wetland.	41.058513° N -80.467836° W
RC-5	Timber mat crossing and open cut natural gas pipeline (2-lines; 6" diameter & 8" diameter), accompanying waterlines (2-lines; 16" diameter each) and associated ROW through UNT to Marshall Run. Total impact 65 LF of stream.	41.058689° N -80.465532° W
RC-6	Timber mat crossing and bore natural gas pipeline (2-lines; 6" diameter & 8" diameter), accompanying waterlines (2-lines; 16" diameter each) and associated ROW through UNT to Marshall Run. Total impact 61 LF of stream.	41.058733° N -80.463505° W

ENVIRONMENTAL ASSESSMENTS

Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.

EA36-041: Millcreek Preservation Association, Farm and Home Center, 1383 Arcadia Road, Room 200, Lancaster, PA 17601 in Leacock and Upper Leacock Townships, **Lancaster County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain a stream restoration project along 3,400 feet of Mill Creek (WWF, MF) including 1) twelve mudsills totaling 1,000 feet in length; 2) five cross rock vanes; 3) eighteen log/rock vanes; and 4) 6,100 feet of bank grading. The project is located between Centerville Road and South Groffdale Rd (New Holland, PA Quadrangle, Latitude 40°04'9.5"N, Longitude: 76°07'12.3"W) in Upper Leacock Township, Lancaster County. No wetlands will be impacted by this project.

EA34-003: U.S. Fish & Wildlife Service, 110 Radnor Road, Suite 101, State College, PA 16801 in Fayette Township, **Juniata County**, U.S. Army Corps of Engineers, Baltimore District.

To execute a stream restoration project along 2,847 feet of Lost Creek (HQ-CWF, MF) including 1) sixteen mudsills totaling 1,444 feet in length; 2) three cross vanes; 3) five brush mattresses; 4) 38 log vanes, 5) five bankfull benches; and 6) 102 feet of bank grading, impacting 0.01 acre of palustrine emergent wetlands. The project is located along SR 35 near its intersection with Leonard Road (Mexico, PA Quadrangle, Latitude 40°37'12.3"N, Longitude: 77°18'40.7"W) in Fayette Township, Juniata County. Wetland impacts are de minimus and replacement is not required.

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.

Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335.

ESCGP-2 # ESG14-083-0011A—Clermont Phase 2 North Central Pipeline Major Modification
Applicant NFG Midstream Clermont, LLC
Contact Duane Wassum
Address 6363 Main Street
City Williamsville State NY Zip Code 14221-5855
County McKean Township(s) Norwich & Sergeant
Receiving Stream(s) and Classification(s) Murdock Branch CWF, South Fork West Branch Potato Creek & West Fork West Branch Potato Creek HQ-CWF, Potato-Oswago Creeks Watershed, Elk Fork EV/ Sinnemahoning Creek Watershed

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

ESCGP-2 # ESG29-117-16-0022
Applicant Name HEP Tioga Gathering LLC
Contact Person Kevin Williams
Address 37 Fox Chase Dr
City, State, Zip Tunkhannock, PA 18848-9060
County Tioga
Township(s) Liberty
Receiving Stream(s) and Classification(s) Blacks Ck (CWF)

ESCGP-2 # ESX29-117-16-0026
Applicant Name SWEPI LP
Contact Person Jason Shoemaker
Address 2100 Georgetown Dr, Suite 400
City, State, Zip Sewickley, PA 15143
County Tioga
Township(s) Charleston
Receiving Stream(s) and Classification(s) Catlin Hollow (CWF)

ESCGP-2 # ESG29-113-16-0005
Applicant Name Chief Oil & Gas LLC
Contact Person Jeffrey Deegan
Address 1720 Sycamore Rd
City, State, Zip Montoursville, PA 17754
County Sullivan
Township(s) Fox
Receiving Stream(s) and Classification(s) Porter Ck (EV)

ESCGP-2 # ESG29-105-16-0004
Applicant Name JKLM Energy LLC
Contact Person Scott Blauvelt
Address 2200 Georgetowne Dr, Suite 500
City, State, Zip Sewickley, PA 15143
County Potter
Township(s) Sweden
Receiving Stream(s) and Classification(s) North Hollow (HW-CWF); Prosser Hollow (CWF)
Secondary—Allegheny River (CWF); Mill Ck (CWF)

ESCGP-2 # ESG29-115-15-0043(01)
Applicant Name DTE Energy
Contact Person Michael Cefalo
Address 1429 Oliver Rd
City, State, Zip New Milford, PA 18834
County Susquehanna
Township(s) New Milford
Receiving Stream(s) and Classification(s) Salt Lick Ck (HQ, CWF-MF); East Lake Ck (HQ, CWF-MF)

SPECIAL NOTICES

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.

Issued—Water Obstruction and Encroachment Permit

CDO-007 Major Amendment. Consol Pennsylvania Coal Company LLC, 1000 Consol Energy Drive, Canonsburg, PA 15317. Templeton Fork Stream and Wetland Mitigation Area, East Finley & West Finley Townships, **Washington County**, Pittsburgh ACOE District (Claysville, PA Quadrangle, Templeton Fork project area centroid latitude 40° 00' 16" N, Longitude 80° 25' 47" W). The applicant proposes a major amendment to Permit CDO-007 previously approved on July 13, 2015, to offset the stream and wetlands affected by the Enlow Fork Mine Oak Spring Slope and Supply Yard located in East Finley & West Finley Townships, Washington County, by developing a restoration site along a portion of Templeton Fork Stream located near Templeton Fork Road (T-414) intersection with T-408.

This is a Chapter 105 Water Obstruction and Encroachment permit application and 401 Water Quality Certification request.

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—303, 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.

Application Received: October 7, 2015

Permit Issued: June 22, 2016

Chapter 105 Water Obstruction and Encroachment Permit Applications; PA Pipeline Project (PPP)/Mariner East II; Public Hearings

The Pennsylvania Department of Environmental Protection (DEP) will hold five public hearings to collect comments from citizens on the Chapter 105 Water Obstruction and Encroachment permit applications currently under technical review for PA Pipeline Project (PPP)/Mariner East II. These permits are required for proposed activities located in, along, across or projecting into a watercourse, floodway or body of water, including wetlands.

The PA Pipeline Project (PPP)/Mariner East II is a proposed expansion of the existing Sunoco Mariner East pipeline system. The overall pipeline project involves construction of two new, larger pipelines to convey natural gas liquids. The two new proposed pipelines will extend more than 300 miles, across three regions of the DEP (5 counties in the Southwest Region, 10 counties in the South-Central Region, and 2 counties in the Southeast Region). Notice of the Chapter 105 permit applications was published by DEP on Saturday, June 25, 2016.

Each hearing will begin at 6:30 p.m. and end at 9:30 p.m. The dates and locations are as follows:

- Monday, August 8, 2016—Blair County Convention Center, One Convention Center Drive, Altoona, PA 16602
- Tuesday, August 9, 2016—Lebanon Valley Exposition Center, 80 Rocherty Road, Lebanon, PA 17042

- Wednesday, August 10, 2016—Sykes Student Union at West Chester University, 110 W Rosedale Ave, West Chester, PA 19382

- Tuesday, August 16, 2016—PA Farm Show Complex, Keystone Conference Center, 2300 N Cameron Street, Harrisburg, PA 17110

- Thursday, August 18, 2016—Founder's Hall Amphitheatre, Westmoreland County Community College, 145 Pavilion Lane, Youngwood, PA 15697

During the hearings, each speaker will have the opportunity to present up to three minutes of verbal testimony. To ensure that all speakers have a fair and equal opportunity to present their testimony, relinquishing of time to other speakers will be prohibited, and groups are asked to designate one speaker. All presenters should bring at least one copy of their written comments and exhibits for submission to DEP.

Those who wish to present testimony during a scheduled hearing are asked to register in advance by contacting the appropriate regional office. Registration for the hearing will be taken through to the business day prior to the hearing. Individuals will be called to testify in the order they registered. If time permits at the hearing, those who did not register in advance will be given the opportunity to testify.

To register please contact:

- John Repetz, South-Central Regional Office, 717-705-4904, jrepetz@pa.gov (Hearing Dates: August 8, 2016, August 9, 2016 and August 16, 2016)

- John Poister, Southwest Regional Office, 412-442-4203, jpoister@pa.gov (Hearing Date: August 18, 2016)

- Virginia Cain, Southeast, 484-250-5808, vicain@pa.gov (Hearing Date: August 10, 2016)

PADEP will accept written comments on the Chapter 105 Water Obstruction and Encroachment permit applications through Wednesday, August 24, 2016. Comments on the applications can be emailed or sent via postal mail to the following addresses:

Counties: Allegheny, Cambria, Indiana, Washington and Westmoreland
 Department of Environmental Protection
 Southwest Regional Office
 Waterways and Wetlands Program
 400 Waterfront Drive
 Pittsburgh, PA 15222
 RA-EPWW-SWRO@PA.GOV

Counties: Huntingdon, Juniata, Lancaster, Lebanon, Perry, York, Berks, Blair, Cumberland and Dauphin
 PA Department of Environmental Protection
 South-Central Regional Office
 Waterways and Wetlands Program
 909 Elmerton Ave
 Harrisburg, PA 17110
 RA-EPWW-SCRO@PA.GOV

Counties: Delaware and Chester
 PA Department of Environmental Protection
 Southeast Regional Office
 Waterways and Wetlands Program
 2 East Main Street
 Norristown, PA 19401
 RA-EPWW-SERO@PA.GOV

[Pa.B. Doc. No. 16-1172. Filed for public inspection July 8, 2016, 9:00 a.m.]

Citizens Advisory Council Meeting Cancellation

The July 19, 2016, public meeting of the Citizens Advisory Council (Council) is cancelled. The Council will be touring Lancaster's Green Infrastructure Program on July 19, 2016. The tour is invitation only and a public meeting will not be held. The next regularly scheduled Council meeting will be held on Tuesday, September 20, 2016, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

The agenda and meeting materials for the September 20, 2016, meeting will be available on the Department of Environmental Protection's web site at www.dep.pa.gov (select "Public Participation," then "Citizens Advisory Council (CAC)").

Questions concerning the Council's next scheduled meeting may be directed to Katherine Hetherington-Cunfer at (717) 705-2693 or khethering@pa.gov.

PATRICK McDONNELL,
Acting Secretary

[Pa.B. Doc. No. 16-1173. Filed for public inspection July 8, 2016, 9:00 a.m.]

Small Business Compliance Advisory Committee Rescheduled Meeting

The July 27, 2016, meeting of the Small Business Compliance Advisory Committee has been rescheduled to August 10, 2016. The meeting will begin at 10 a.m. on the 12th Floor, Rachel Carson State Office Building, Harrisburg, PA.

Questions concerning this meeting should be directed to Nancy Herb at (717) 783-9269 or nherb@pa.gov. The agenda and meeting materials for this meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.dep.pa.gov> (select "Public Participation," then "Advisory Committees," then "Air Advisory Committees").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-9269 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Acting Secretary

[Pa.B. Doc. No. 16-1174. Filed for public inspection July 8, 2016, 9:00 a.m.]

Small Water Systems Technical Assistance Center Board Meeting Cancellation

The July 13, 2016, meeting of the Small Water Systems Technical Assistance Center Board (Board) has been cancelled. The next Board meeting is scheduled for Tuesday, August 30, 2016, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105-8467.

Questions concerning the cancellation of the July 13, 2016, meeting or the upcoming August 30, 2016, meeting should be directed to Dawn Hissner, Bureau of Safe Drinking Water at dhissner@pa.gov or (717) 772-2189. The agenda and meeting materials will be available through the Public Participation tab on the Department of Environmental Protection's (Department) web site at <http://www.dep.pa.gov>.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Dawn Hissner at (717) 772-2189 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Acting Secretary

[Pa.B. Doc. No. 16-1175. Filed for public inspection July 8, 2016, 9:00 a.m.]

DEPARTMENT OF HEALTH

Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facilities (ASF) have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101–448.904b). The following requests for exception relate to regulations governing ASF licensure in 28 Pa. Code Chapters 51 and 551–571 (relating to general information; and ambulatory surgical facilities), with the exception of 28 Pa. Code § 571.1 (relating to minimum standards). Exception requests related to 28 Pa. Code § 571.1 are listed separately in this notice.

<i>Facility Name</i>	<i>Regulation</i>
Peripheral Vascular Institute of Philadelphia, LLC	28 Pa. Code § 553.31(a) (relating to administrative responsibilities) 28 Pa. Code § 559.2 (relating to director of nursing)
Progressive Laser Surgical Institute	28 Pa. Code § 553.31
Progressive Surgical Institute	28 Pa. Code § 553.31
Progressive Surgical Institute—ABE	28 Pa. Code § 553.31
Valley Ambulatory Surgical Center	28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery) (CPT Codes 49650, 49565, 49652, 49654 and 49656)

The following ASFs are requesting exceptions under 28 Pa. Code § 571.1. Requests for exceptions under this section relate to minimum standards that ASFs must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities (Guidelines)*. The following includes the citation to the section under the *Guidelines* that the ASF is seeking an exception, as well as the publication year of the applicable *Guidelines*.

<i>Facility Name</i>	<i>Guidelines Section</i>	<i>Relating to</i>	<i>Publication Year</i>
Associates Surgery Centers, LLC	3.7-3.2.3.1	Area/space requirements	2014
Peripheral Vascular Institute of Philadelphia, LLC	3.1-7.2.2.2(2)	Ceiling heights	2014

All requests previously listed are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the 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. 16-1176. Filed for public inspection July 8, 2016, 9:00 a.m.]

Health Policy Board Meeting Cancellation

The Health Policy Board meeting scheduled for Wednesday, July 13, 2016, in Room 812, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120 has been cancelled. The next scheduled meeting will be held on Wednesday, October 12, 2016, from 10 a.m. to 12 p.m. in Room 812, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

Persons with a disability who require an alternative

format of this notice (for example, large print, audiotape, Braille) should contact Erik Huet, Executive Policy Specialist, Office of Policy at (717) 547-3311 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-1177. Filed for public inspection July 8, 2016, 9:00 a.m.]

Hospitals; Requests for Exceptions

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals), with the exception of 28 Pa. Code § 153.1 (relating to minimum standards). Exception requests related to 28 Pa. Code § 153.1 are listed separately in this notice.

<i>Facility Name</i>	<i>Regulation</i>
Milton S. Hershey Medical Center	28 Pa. Code § 123.5 (relating to administration of anesthesia)
Monongahela Valley Hospital	28 Pa. Code § 107.61 (relating to written orders)

The following hospitals are requesting exceptions under 28 Pa. Code § 153.1. Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities (Guidelines)*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception, as well as the publication year of the applicable *Guidelines*.

<i>Facility Name</i>	<i>Guidelines Section</i>	<i>Relating to</i>	<i>Publication Year</i>
Geisinger Medical Center	2.1-2.6.4.1	Multi-purpose rooms	2014
Ohio Valley General Hospital	2.2-2.2.8.1(3)	Family and visitors lounges	2014
Penn Highlands (809 Turnpike Avenue, Clearfield)	2.1-8.5.3.2	Size (TDRs)	2014
	2.1-8.5.3.4(1)	Facility requirements (TDRs)	2014
Pennsylvania Hospital of the University of PA Health System	2.1-7.2.3.3(5)	Ceilings (re: servery)	2014
	2.1-7.2.3.3(5)	Ceilings (re: dining room)	2014
	2.1-8.5.3.2	Size (TDRs)	2014
Saint Vincent Hospital	2.1-7.2.3.3*(4)(a)	Ceilings (in restricted areas)	2014

All requests previously listed are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment

on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the 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. 16-1178. Filed for public inspection July 8, 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 § 205.67(j) (relating to electric requirements for existing and new construction):

Misericordia Nursing and Rehabilitation Center
998 South Russell Street
York, PA 17402
FAC ID # 133302

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Chester Valley Rehabilitation and Nursing Center
283 East Lancaster Avenue
Malvern, PA 19355
FAC ID # 137702

Scenery Hill Healthcare and Rehabilitation Center
680 Lions Health Camp Road
Indiana, PA 15701
FAC ID # 192202

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone numbers 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. 16-1179. Filed for public inspection July 8, 2016, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Medical Assistance Dependency Payment for High Volume Special Rehabilitation Facilities

The Department of Human Services (Department) provides advance notice that the Department intends to make a supplemental payment in Fiscal Year (FY) 2016-2017 to certain special rehabilitation facilities (SRF) with high Medical Assistance (MA) and total facility occupancy levels.

Background

SRFs specialize in providing care and services to adults who have a neurological/neuromuscular diagnosis and severe functional limitations. See 55 Pa. Code § 1187.2 (relating to definitions). Because of the complex needs of their residents, SRFs generally incur staffing and specialized medical equipment costs that are much higher than the costs of other MA nursing facility providers. Further, SRFs with high MA and total facility occupancy levels are particularly dependent on MA payments to assure continued operations. This is particularly the case for SRFs that care for a large number of MA residents. To help offset the higher costs incurred by these high-volume, high-MA occupancy SRFs while those SRFs reconfigure to home and community-based services, the Department intends to make a supplemental payment to these facilities to assure that the unique services they provide continue to be available to MA beneficiaries.

Payment Qualifications

The determination of whether a nursing facility qualifies for a MA dependency payment and the nursing facility's payment amount is based on the nursing facility's 12-month MA cost report with a reporting period ending either December 31, 2014, or June 30, 2015, and accepted on or before April 1, 2016. To qualify for a MA dependency payment a nursing facility must meet the following requirements:

- 1) Be classified as an SRF as of the cost report end date.
- 2) Have MA occupancy greater than or equal to 94% as reported on Schedule A, Column A Line 5 of the cost report.
- 3) Have an overall nursing facility occupancy greater than or equal to 95% as reported on Schedule A, Column A Line 4 of the cost report.
- 4) Have at least 200 MA certified nursing facility beds as of the cost report end date.

Payments

For FY 2016-2017, the payment to qualifying facilities will be \$40.55 times the number of MA days reported on their 12-month MA cost report with a reporting period ending either December 31, 2014, or June 30, 2015, and accepted on or before April 1, 2016.

Fiscal Impact

The fiscal impact of this change is estimated at \$4.004 million (\$1.931 million in State funds) for FY 2016-2017.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1049. (1) General Fund; (2) Implementing Year 2015-16 is \$0; (3) 1st Succeeding Year 2016-17 is \$1,931,000; 2nd Succeeding Year 2017-18 through 5th Succeeding Year 2020-21 are \$0; (4) 2014-15 Program—\$810,545,000; 2013-14 Program—\$820,409,000; 2012-13 Program—\$770,903,000; (7) Long-Term Care; (8)

recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 16-1180. Filed for public inspection July 8, 2016, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Meeting Cancellation

The July 19, 2016, meeting of the Environmental Quality Board (Board) is cancelled. The next regular meeting of the Board is scheduled for Tuesday, August 16, 2016, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

The agenda and meeting materials for the August 16, 2016, meeting will be available on the Department of Environmental Protection's web site at www.dep.pa.gov (select "Public Participation," then "Environmental Quality Board (EQB)," then "2016 Meetings").

Questions concerning the Board's next scheduled meeting may be directed to Laura Edinger at (717) 783-8727 or ledinger@pa.gov.

PATRICK McDONNELL,
Acting Chairperson

[Pa.B. Doc. No. 16-1181. Filed for public inspection July 8, 2016, 9:00 a.m.]

GOVERNOR'S OFFICE

Regulatory Agenda

Executive Order 1996-1 requires all agencies under the jurisdiction of the Governor to submit for publication an agenda of regulations under development or consideration. Subsequent agendas will be published on the first Saturdays in February and July.

The agendas are compiled to provide members of the regulated community advanced notice of regulatory activity. It is the intention of the Administration that these agendas will serve to increase public participation in the regulatory process.

Agency contacts should be contacted for more information regarding the regulation and the procedure for submitting comments.

This Agenda represents the Administration's present intentions regarding future regulations. The nature and complexity of an individual regulation obviously will determine whether and when any particular regulation listed (as well as any considered subsequent to publication of this Agenda) is published.

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Office of Administration (OA)			
No regulations being developed or considered at this time.			
Department of Aging			
Older Adult Daily Living Centers 6 Pa. Code Chapter 11	Fall 2016, as Proposed	The purpose of 6 Pa. Code Chapter 11 is to protect the health, safety, and well-being of persons with functional impairments for the licensure and operation of Older Adult Daily Living Centers (OADLC). These regulations—the statutory authority for which is found in Act 118 of 1990 and in 62 P.S., Chapter 2 § 1511—were adopted on July 2, 1993 and effective October 12, 1993. The Pennsylvania Department of Aging is responsible for the enforcement of these regulations. OADLC services provide a structured program of services to clients who require the service along with valuable respite to caregivers. The proposed rulemaking would update the existing regulatory language to address changes in other statutes, regulations, codes, ordinances, and other professional standards and practices, along with addressing the increasing frailty of clients served in OADLC.	Kevin Longenecker (717) 265-7568
Pennsylvania Community Adult Respite Services Program Act 166 of 2014	Fall 2016, as Proposed	Act 166 of 2014 (P.L. 2615, Oct. 22, 2014, No. 166) created a new program called the Pennsylvania Community Adult Respite Services Program (CARP), authorizing the Department of Aging to license and inspect community adult respite services programs that serve participants with minor functional impairments. The Department has 1 year from the Act's effective date to promulgate guidance (such as regulations or statements of policy) governing these programs, which intended to provide community adult respite to eligible persons for part of a 24 hour day, filling a niche between senior centers and older adult daily living centers.	Kevin Longenecker (717) 265-7568

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Family Caregiver Support Program 6 Pa. Code Chapter 20	Fall/Winter 2016, as Proposed	Section 4(b)(1)(2) of the Pennsylvania Caregiver Support Act of December 19, 1990 (P.L. 1234, No. 204) authorizes the Department of Aging to develop operating procedures and guidelines to provide benefits set forth in the act to contracted area agencies on aging, and to develop eligibility criteria for primary caregivers to receive assistance pursuant to the act. Providing support enables caregivers to continue to provide care in the home and the care receiver to remain at home, rather than out of home placement. On December 22, 2011, the Act was amended to further provide for intent, for definitions, for caregiver support program, for reimbursements, and for entitlement not created. The proposed changes to Chapter 20—which became effective in July 1992 and was last revised in 2007—will: (a) align the regulations with the 2011 Act amendments; (b) provide guidelines to area agencies on aging in administering the program to eligible caregivers; (c) address the lack of statewide uniformity for the Program; and (d) address the current and future needs of the caregiver.	Steve Horner (717) 772-1221
<i>Department of Agriculture</i>			
Domestic Animal 7 Pa. Code Chapters 2, 3, 16, 18 and 20a	December 2017, as Proposed	The long-term project is intended to update the Department's Regulatory authority to make it more consistent with the provisions of the Domestic Animal Law (3 Pa.C.S. §§ 2301—2389).	David Wolfgang, DVM, Director (717) 772-2852
Weights and Measures Regulations 70 Pa. Code Chapters 1—101	September 2016, as Proposed	This long-term project is intended to update the Department's regulations authorized by the Consolidated Weights and Measures Act. The Department may delay this project to pursue statutory changes before proceeding.	Walt Remmert (717) 787-6772

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Commercial Feed Rules and Regulations 7 Pa. Code Chapter 71	October 2016, as Proposed	This regulation will replace 7 Pa. Code Chapter 71 and implement provisions of 3 Pa.C.S.A. §§ 5101—5115 (Commercial Feed Act).	Erin Bubb (717) 772-5215
Pet Food Rules and Regulations 7 Pa. Code Chapter 72	October 2016, as Proposed	This regulation will replace 7 Pa. Code Chapter 72 and implement provisions of 3 Pa.C.S.A. §§ 5101—5115 (Commercial Feed Act).	Erin Bubb (717) 772-5215
Agriculture Conservation Easement Purchase Program Regulations 7 Pa. Code Chapter 138e	August 2016, as Proposed	This regulation will address statutory changes made by Act 61 of 2005 and Act 46 of 2006, and will otherwise update the current regulations.	Douglas Wolfgang (717) 783-3167
Pennsylvania Preferred Program Regulations 7 Pa. Code Chapter 107	August 2016, as Proposed	This regulation will establish standards required under the Pennsylvania Preferred Act (3 Pa.C.S.A §§ 4601—4611).	Hannah Smith-Brubaker (717) 783-8462
Tuberculosis and Brucellosis Testing Requirements for Animals 7 Pa. Code Chapters 3, 5 and 7	November 2016, as Proposed	This regulation will rescind outdated and unnecessary tuberculosis and brucellosis testing requirements relating to animals.	David Wolfgang, DVM, Director (717) 772-2852
Pennsylvania Vegetable Marketing Program 7 Pa. Code Chapter 104	July 2016, as Proposed	This regulation will update and simplify the process by which the Pennsylvania Vegetable Marketing Program collects “producer charges” to fund its marketing and research efforts from participating Pennsylvania vegetable producers.	William Troxell (717) 694-3596
Rabies Prevention and Control 7 Pa. Code Chapter 16	October 2016, as Proposed	The regulation will update current regulations to reflect statutory changes and otherwise update the current regulations.	Nanette Hanshaw, DVM (717) 783-6677
Domestic Animal Technicians 7 Pa. Code Chapter 20a	October 2016, as Proposed	This regulation will implement a provision of the Domestic Animal Law, addressing certification, training and recordkeeping requirements for Domestic Animal Technicians.	Nanette Hanshaw, DVM (717) 783-6677
<i>Department of Banking and Securities (DOBS)</i>			
Merger-related amendatory regulations under the Pennsylvania Securities Act of 1972	Summer 2016, as Proposed	Required pursuant to 70 P.S. § 1-609.	Leo Pandeladis (717) 787-1471

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>Department of Community and Economic Development (DCED)</i>			
Minority Business Development Authority 12 Pa. Code Chapter 81 (#4-98)	Spring of 2016, as Proposed	Proposed changes to the Minority Business Development Authority regulations seek to eliminate those sections of the existing regulations which impede the Pennsylvania Minority Business Development Authority's ability to be flexible and responsive to its target market by easing loan program requirements, such as requiring loan recipients to commit to "full-time" management of the company, and allowing more flexibility in setting loan amount caps, interest rates, job creation criteria, etc. The regulations were originally submitted on November 5, 2014 as Final-Omitted Regulations. The Final-Omitted Regulations were withdrawn and were submitted as Proposed Regulations. The Proposed Regulations were approved by the Office of General Counsel on April 26, 2016, and by the Office of Attorney General on May 12, 2016. They will now be submitted to the standing committees in the House and Senate and to IRRC.	Timothy Anstine (717) 720-7312
Industrial Housing and Components 12 Pa. Code Chapter 145 (#4-95)	Summer 2016, as Final	Proposed changes to the Industrial Housing and Components regulations have gone through the proposed regulatory process and final regulations were submitted to OGC on February 1, 2016. The changes seek to bring the regulations into compliance with a recent amendment to the Industrialized Housing Act, which extended the current standards and procedures to include commercial buildings, and to further strengthen and clarify the Department's role in monitoring the production and installation of industrialized housing in the Commonwealth.	Mark A. Conte (717) 720-7416

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Local Earned Income Tax (Act 32 of 2008 Regulations) 12 Pa. Code Chapter 151 (#4-97)	Fall 2016, as Proposed	The proposed regulation interprets and makes specific the provisions of the Local Tax Enabling Act, as provided in Chapter 5 of the act (53 P.S. § 6924.501 et seq.). The proposed regulation establishes procedures to supplement the implementation of the act which will facilitate consolidated collection of local income taxes in this Commonwealth. The proposed regulations were approved by the Office of General Counsel on May 17, 2016 and are currently under review with the Office of Attorney General.	Lori Irwin (717) 720-7311
<i>Department of Conservation and Natural Resources (DCNR)</i>			
Conservation of Pennsylvania Native Wild Plants 17 Pa. Code Chapter 4	June 2016, as Proposed	The purpose of the rulemaking is to update the department's listing of Pennsylvania's classified plant species. The legal basis for the rulemaking is: Section 7 of the Wild Resource Conservation Act (32 P.S. § 5307); as well as Sections 305 and 313 of the Conservation and Natural Resources Act (71 P.S. § 1340.305 and § 1340.313).	Ellen Shultzberger (717) 214-3818 Stephen Ekema-Agbaw, Esq. (717) 772-4171
<i>Department of Corrections (DOC)</i>			
Reception and Discharge of Inmates 37 Pa. Code § 91.3	Fall 2016, as Proposed	The county reception regulations are being revised to be consistent with statutory law mandating that certain documentation be presented by the counties before inmate reception can occur.	Elizabeth Pettis (717) 728-7763
Inmate Correspondence 37 Pa. Code § 93.2	Fall 2016, as Proposed	The inmate correspondence regulations are being revised for clarification and to more accurately comport with current standards.	Elizabeth Pettis (717) 728-7763
Purchase for Inmates by Family and Friends 37 Pa. Code § 93.4	Fall 2016, as Proposed	Purchase for inmates by family and friends regulations are being revised for clarification and more accurately comport with current standards.	Elizabeth Pettis (717) 728-7763

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Motivational Boot Camps 37 Pa. Code §§ 93.301—93.308	Fall 2016, as Proposed	The Motivational Boot Camp regulations are being revised to conform the statutory references and to reduce costs by eliminating unnecessary mandates.	Elizabeth Pettis (717) 728-7763
Inmate Correspondence 37 Pa. Code § 93.2	Fall 2016, as Proposed	Revise and/or repeal regulations regarding inmate correspondence to align with more robust internal policies that have been developed, and where necessary reconcile any such policies and regulations that may conflict with one another.	Elizabeth Pettis (717) 728-7763
Inmate Discipline 37 Pa. Code § 93.10	Fall 2016, as Proposed	Revise and/or repeal regulations regarding inmate discipline to align with more robust internal policies that have been developed, and where necessary reconcile any such policies and regulations that may conflict with one another.	Elizabeth Pettis (717) 728-7763
County Correctional Institutions 37 Pa. Code §§ 95.220—95.248	Fall 2016, as Proposed	The Department will undertake a review of existing regulations related to county correctional institutions, with the goal of updating them and eliminating outdated and obsolete provisions. This proposed rulemaking would generally amend, update and clarify these regulations.	Elizabeth Pettis (717) 728-7763
<i>Department of Drug and Alcohol Programs (DDAP)</i>			
Standards for Licensure of Treatment Facilities 28 Pa. Code Chapter 709 (#74-3)	Fall 2016, as Proposed	The regulation will be revised to enlarge the amount of time between inspections for the free standing drug and alcohol facilities that, for the last two years, have not had any citations in four critical areas (conduct or omissions that jeopardized the safety of any persons, compromised the quality of treatment provided, violated a client's confidentiality rights or resulted in treatment being provided without informed consent) and have reasonably and timely taken any remedial measure requested by the Department. Act 50 of 2010 authorizes DDAP to modify existing drug and alcohol regulations.	Tawny Mummah (717) 736-7448

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>Department of Education (PDE)</i>			
State Board of Private Licensed Schools 22 Pa. Code Chapter 73 (#6-334)	Summer 2016, as Final	These regulations define the requirements for obtaining licensure or registration and for operating as a Private Licensed School. The Board plans to update the regulations which were promulgated in 1988 to raise fees to meet statutory obligations to cover all Board costs through fees. These regulations are promulgated under the authority of the Private Licensed Schools Act—24 P.S. § 6510(a).	Patricia Landis (717) 783-8228
State Board of Private Licensed Schools 22 Pa. Code Chapter 73	Winter 2016, as Final	These regulations define the requirements for obtaining licensure or registration and for operating as a Private Licensed School. The regulations also define the investigatory and hearing process for enforcement of statutory and regulatory requirements. The Board plans to update the regulations which were promulgated in 1988 to reflect inflation and to address certain issues that have arisen during that time. The regulations are promulgated under the authority of the Private Licensed Schools Act—24 P.S. § 6514.	Patricia Landis (717) 783-8228
Department of Education	Summer 2016, as Final Omitted	These new regulations will implement Act 35 of 2016 to establish fees to support the administrative work of the Department in joining a regional education compact, participating in the State Authorization Reciprocity Agreement (SARA) and registering and monitoring Pennsylvania institutions of higher education that seek to participate in SARA.	Patricia Landis (717) 783-8228
Regulations of the State Board of Private Academic Schools 22 Pa. Code Chapters 51, 53, 55, 57, 59, 61 and 63	Spring 2017, as Proposed	These regulations define the requirements for obtaining licensure as a Private Academic School. The Board is currently in the process of updating the regulations, which were promulgated in 1988. The regulations are promulgated under the authority of the Private Academic Schools Act (24 P.S. § 6701 et. seq.).	Matthew Stem (717) 787-2127

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Education 22 Pa. Code Chapter 18 (#6-329)	Summer 2016, as Final	These regulations address criteria the Secretary of Education may consider in determining whether to designate a school district in financial recovery status and in determining whether a district is in moderate or severe recovery status. The regulations are promulgated under the authority of the Public School Code of 1949, as amended, 24 P.S. § 621-A(A)(2)(I).	Karen Molchanow (717) 787-3787
State Board of Education 22 Pa. Code Chapters 12, 14, 16 and 49 (#6-333)	Summer 2016, as Final-Omitted	This regulation includes minor technical amendments to five existing sections in four chapters. It is necessary to rectify inconsistencies between these five sections and recent changes by the Board to Chapter 4. The regulation is promulgated under the authority of the Public School Code of 1949, as amended 24 P.S. §§ 1-121, 26-2603-B, 26-2604-B.	Karen Molchanow (717) 787-3787
Standards for Approved Private Schools 22 Pa. Code Chapter 171 Subchapters A and C	Winter 2016, as Proposed	These standards define the elements of Approved Private Schools and the Chartered Schools (schools for the deaf and blind). This subchapter contains general provisions, which the Department seeks to update to conform to intervening changes in applicable law. The standards are promulgated under the authority of sections 1376(c.9) and 1376.1(f5) of the Public School Code of 1949, 24 P.S. §§ 13-1376(c.8) and 1376.1(f5).	Alaina Koltash (717) 787-5500
Regulations of the State Library and Advisory Council on Library Development 22 Pa. Code Chapters 131, 133, 135, 127, 141, 142 and 143	Winter 2017, as Proposed	The Department will be promulgating regulations under the authority of the Library Code of 2012, Act 210 of 2012, P.L. 2411. The Department plans to update the regulations (promulgated in 1962) in 2016. These regulations will address the use of the State Library, the Advisory Council on Library Development, general provisions and plans for the use of State Aid, certification of library personnel, grants for public library facilities and State document depositories.	Glenn Miller (717) 783-2466

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Education 22 Pa. Code Chapter 11	Winter 2016, as Final	These regulations concurrently address proposed regulatory changes of the Department of Health related to school immunization requirements. The proposed revisions would scale back the current period for provisional admission to school from eight months to five school days and ensure that provisions addressing the admission of non-immunized students are consistent with the immunization requirements set forth by the Department of Health. The regulation is promulgated under the authority of the Public School Code of 1949 (24 P.S. §§ 26-2603-B, 26-2604-B).	Karen Molchanow (717) 787-3787
State Board of Education 22 Pa. Code Chapter 405	Spring 2017, as Proposed	Amending the regulation to provide the Secretary of Education with waiver authority. These regulations are authorized under 24 P.S. § 15-1513-D(1) of the Public School Code.	Ernest Helling (717) 787-5500
Standards of the Pennsylvania Department of Education 22 Pa. Code Chapter 403	Spring 2017, as Proposed	Amending the current regulations to comply with the Every Student Succeeds Act, (Pub.L. 114-95). These regulations are authorized under section 2603-B(d)(10)(i) of the Public School Code of 1949 (24 P.S. § 26-2603-B(d)(10)(i)).	Samantha Snyder (717) 787-5500
Professional Standards & Practices Commission 22 Pa. Code Chapter 235	Winter 2016, as Proposed	This chapter sets forth the standards for professional practice and conduct applicable to educators. The Commission plans to update this chapter to conform to the 2014 amendments to the Educator Discipline Act (24 P.S. § 2070.1a et seq.) and to endorse the Model Code of Ethics for Educators developed under the leadership of the National Association of State Directors of Teacher Education and Certification (NASDTEC). The regulation is promulgated under the authority of sections 5(a)(10) and 5(a)(14) of the Educator Discipline Act (24 P.S. § 2070.5(a)(10) and § 2070.5(a)(14)).	Shane Crosby (717) 787-6576

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Professional Standards & Practices Commission 22 Pa. Code Chapter 237, Subchapter A	Winter 2016, as Final Omitted	This subchapter contains definitions of statutory terms, which the Commission plans to update to conform to the 2014 amendments to the Educator Discipline Act (24 P.S. § 2070.1a et seq.). The regulation is promulgated under the authority of sections 5(a)(14) and 9c(b) of the Educator Discipline Act (24 P.S. § 2070.5(a)(14) and § 2070.9c(b)).	Shane Crosby (717) 787-6576
Department of Education	Spring 2017, as Proposed	These regulations will address the possession and use of medical marijuana by students and employees on the grounds of a preschool, primary school and a secondary school. These regulations are promulgated under authority of the Medical Marijuana Act (2016 Pa. Laws 16).	Wallace Rejrat (717) 787-5500
<i>Environmental Hearing Board (EHB)</i>			
Practice and Procedure 25 Pa. Code Chapter 1021 (#106-12)	Summer/Fall 2016, as Final	The Environmental Hearing Board proposed revisions to its rules which were published in the December 9, 2015 issue of the <i>Pennsylvania Bulletin</i> . The Environmental Hearing Board has proposed the following revisions to its rules of practice and procedure: (1) amend sec. 1021.21 to correct an omission in the prior rule and recognize that an appeal can be instituted by the filing of a notice of appeal or a complaint depending on the statute at issue; (2) add a comment to sec. 2010.21 to notify out of state attorneys that they are not subject to the IOLTA fee when they appear pro hac vice in a Board proceeding; (3) clarify rules in sec. 1021.32 pertaining to electronic filing registration to conform to the registration form that is provided on the Board's electronic filing site; (4) clarify language in sec. 1021.33 pertaining to service by the Board; (5) amend sec. 1021.34 to explain that the Board will only serve copies of orders by mail to parties who have been excused	John Dixon, Assistant Counsel (717) 329-7859 Maryanne Wesdock, Senior Counsel (412) 565-5245

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		from electronic filing; (6) clarify language in sec. 1021.39 to clarify when the date and time of filing will appear by the electronic filing provider; (7) amend 1021.51 to explain what appellant must attach with its notice of appeal; (8) correct a typographical error in sec. 1021.52(b); (9) amend the title of sec 1021.103 to include notices to attend and notices to produce; (10) amend comment to sec 1021.141 to clarify that the Board makes the determination of a dismissal with or without prejudice on a case-by-case basis; (11) add sec 1021.153 to explain the procedure for filing an application for interlocutory appeal; and (12) amend sec. 1021.21 to correspond to appellate rules on filing petitions for review with the Commonwealth Court.	
<i>Department of Environmental Protection (DEP)</i>			
Areas Unsuitable for Surface Mining 25 Pa. Code Chapter 86	Quarter 3, 2016, EQB Consideration, as Proposed	This rulemaking includes amendments to Chapter 86 to designate coal seams within Big Run watershed, Graham Township, Clearfield County, as unsuitable for surface mining operations. The regulation results from a petition submitted to the EQB by the Graham Township Supervisors, which requested that the Big Run drainage be designated as unsuitable for surface mining operations. (Surface Mining Conservation and Reclamation Act)	Geoff Lincoln (717) 783-9582 glincoln@pa.gov
Remining Requirements (Subchapters F and G Revisions) 25 Pa. Code Chapters 87, 88 and 90	Quarter 3, 2016, IRRC Consideration, as Final	This rulemaking includes amendments to remining requirements in order to reflect changes enacted in EPA regulations. The rulemaking incorporates into the Pennsylvania regulations two statistical methods provided in the Federal regulations, eliminating the need to implement methods via individual permits, and providing flexibility regarding the choice of statistical method based on site-specific factors. The rulemaking further provides for remining at sites in which it is infeasible to establish pollution baselines. (Surface Mining Conservation and Reclamation Act)	Bill Allen (717) 783-9580 wallen@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Noncoal Program Fee Amendments 25 Pa. Code Chapter 77	Quarter 4, 2016, EQB Consideration, as Proposed	This rulemaking will increase fees in order to provide the funding for the Noncoal Mining Program, which implements the Noncoal Surface Mining and Conservation and Reclamation Act (NSMCRA). The rulemaking will provide more revenue in order to implement the NSMCRA, which requires operators to apply for and maintain active permits and licenses to mine noncoal minerals in Pennsylvania. In administering the noncoal mining program, DEP reviews and issues permits and conducts inspections to assure compliance with the permits and performance standards. (Noncoal Surface Mining Conservation and Reclamation Act, Clean Streams Law)	Bill Allen (717) 783-9580 wallen@pa.gov
Coal Mining Fee Amendments 25 Pa. Code Chapter 86	Quarter 4, 2016, EQB Consideration, as Proposed	This rulemaking will increase coal mining fees. Existing fees cover a small part of the costs of implementing the coal mining program. The coal mining program is paid, in part, by a grant from the Federal Office of Surface Mining. The proposed rulemaking is intended to cover a larger portion of the remaining costs. Proposed fee amounts will be updated to account for current costs for benefits, overhead, and support. (Surface Mining Conservation and Reclamation Act)	Bill Allen (717) 783-9580 wallen@pa.gov
Handling and Use of Explosives 25 Pa. Code Chapters 210 and 211	Quarter 4, 2016, EQB Consideration, as Final	This rulemaking revises current explosives regulations to address blasting activities relating to seismic exploration. The rulemaking will also update explosives use requirements, enforcement authority and eliminate outdated requirements. (Explosives Acts of 1937 and 1957; Surface Mining Conservation and Reclamation Act; and Noncoal Surface Mining Conservation and Reclamation Act)	Rick Lamkie (814) 472-1885 rlamkie@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Federal Office of Surface Mining (OSM) Program Consistency Updates 25 Pa. Code Chapters 86, 89 and 90	Quarter 2, 2017, EQB Consideration, as Proposed	This rulemaking will include amendments to Chapter 86 in order to comply with Federal regulatory requirements, revisions to Chapter 89 effluent limits for passive treatment systems to comply with Federal regulations, and updates to Chapter 90 coal refuse site selection regulations to comply with the revised Coal Refuse Disposal Control Act. (Surface Mining Conservation and Reclamation Act)	Bill Allen (717) 783-9580 wallen@pa.gov
Underground Coal Mine Safety Sensitive Ground Fault 25 Pa. Code Chapter 208	Quarter 3, 2016, BCMS Consideration, as Proposed	This rulemaking includes revisions to Chapter 208 in order to enhance the safety of electrical cables in underground mines through the use of more sensitive ground fault protection. (Bituminous Coal Mine Safety Act)	Colvin "Craig" Carson (724) 404-3154 cocarson@pa.gov
Underground Coal Mine Safety Proximity Detection Systems 25 Pa. Code Chapter 208	Quarter 3, 2016, BCMS Consideration, as Final	This rulemaking adds regulatory provisions to Chapter 208 relating to proximity detection systems. Currently in Pennsylvania, safety requirements involving the use of proximity detection systems on continuous mining machines at underground bituminous coal mines are implemented pursuant to recently published Federal Mine Safety and Health Administration regulations. As such, there is no State basis for enforcing these Federal regulations. This rulemaking addresses this gap in the State regulatory scheme and makes those Federal regulations independently enforceable by the Commonwealth. These requirements ensure that continuous mining machines at underground bituminous coal mines are safely operated and maintained in order to reduce the risk of accidents and injuries. (Bituminous Coal Mine Safety Act)	Colvin "Craig" Carson (724) 404-3154 cocarson@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Environmental Protection Performance Standards at Oil and Gas Well Sites 25 Pa. Code Chapters 78 and 78a, Subchapter C	Quarter 2, 2016, IRRC Approved as Final	This rulemaking includes amendments to the Oil and Gas regulations including separate chapters to differentiate the requirements for conventional (Chapter 78) and unconventional (Chapter 78a) operators and to update the environmental protection performance standards related to oil and gas activities. (2012 Oil and Gas Act, Clean Streams Law, Solid Waste Management Act, Dam Safety Encroachment Act, Land Recycling and Environmental Remediation Standards Act, Radiation Protection Act, Unconventional Well Report Act, Act 126 of 2014)	Kurt Klapkowski (717) 772-2199 kklapkowski@pa.gov
Well Drilling, Operation, and Plugging 25 Pa. Code Chapter 78, Subchapter D	Quarter 2, 2017, EQB Consideration, as Proposed	This rulemaking includes revisions to Chapter 78 (Oil and Gas Wells) Subchapter D, regulating the drilling, casing, cementing, completion, operation, production, plugging and other subsurface activities associated with Oil and Gas exploration and development, including revisions to well plugging procedures, venting, alternative methods, and to address the plugging of unconventional wellbore laterals and coal bed methane wells. (Oil and Gas Act, Clean Streams Law)	Kurt Klapkowski (717) 772-2199 kklapkowski@pa.gov
Revised Total Coliform Rule 25 Pa. Code Chapter 109	Quarter 2, 2016, EQB Consideration, as Final	This rulemaking will amend Chapter 109 to incorporate necessary Federal requirements needed to obtain primary enforcement authority (primacy) for the Revised Total Coliform Rule (RTCR). (Pennsylvania Safe Drinking Water Act)	Jeff Allgyer (717) 772-4015 jallgyer@pa.gov
Disinfectant Residual Requirements Rule 25 Pa. Code Chapter 109	Quarter 4, 2016, EQB Consideration, as Final	This rulemaking amends Chapter 109 to revise the minimum disinfectant residual level maintained in public water distribution systems and the related monitoring and reporting requirements. This rulemaking will also clarify other existing provisions to obtain primacy for the Federal Long Term 2 Enhanced Surface Water Treatment Rule, Short-term Revisions to the Lead and Copper Rule, and the Stage 2 Disinfection Byproducts Rule. (Pennsylvania Safe Drinking Water Act)	Lisa Daniels/ Dawn Hissner (717) 772-4018 ldaniels@pa.gov dhissner@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Safe Drinking Water General Update and Fee Amendments 25 Pa. Code Chapter 109	Quarter 4, 2016, EQB Consideration, as Proposed	This rulemaking will amend Chapter 109 to strengthen turbidity standards for surface water filtration plants, update and clarify permitting requirements for new sources, and clarify source water protection requirements and other sections of Chapter 109. This rulemaking will also establish new annual fees and increase permit fees to supplement state costs for administering the Safe Drinking Water Program. (Pennsylvania Safe Drinking Water Act)	Lisa Daniels/ Phil Consonery (717) 787-9633 ldaniels@pa.gov pconsonery@pa.gov
Nutrient Credit Trading and Offsetting Program 25 Pa. Code § 96.8	Quarter 2, 2017, EQB Consideration, as Proposed	This rulemaking will update Chapter 96.8 related to the implementation of a nutrient credit trading program to address United States Environmental Protection Agency (EPA) concerns, and streamline the current process for the certification, registration and verification of credits.	Sean Furjanic (717) 787-2137 sefurjanic@pa.gov
Water Quality Standards—Class A Stream Redesignations 25 Pa. Code Chapter 93	Quarter 3, 2016, EQB Consideration, as Final	The amendments included in this rulemaking are the result of stream evaluations conducted by DEP in response to a submittal of data from the Pennsylvania Fish and Boat Commission (PFBC) under 25 Pa. Code § 93.4c (relating to implementation of antidegradation requirements). Section 93.4c(a)(1) pertains to the process for changing a designated use of a stream. In this proposal, redesignations rely on § 93.4b(a)(2)(ii) to qualify streams for High Quality designations based upon their classifications as Class A wild trout streams. DEP staff conducted an independent review of the trout biomass data in the PFBC's fisheries management reports for streams throughout the Commonwealth. This review was conducted to ensure that the High Quality criteria were met. Based on these data and appropriate regulatory criteria, DEP developed this package of stream redesignations including High Quality stream redesignations in the Delaware, Susquehanna and Ohio River basins. (Section 303(c)(1) of the Federal Clean Water Act)	Rodney Kime (717) 787-9637 rkime@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Water Quality Standards—Sobers Run et al., Stream Redesignations 25 Pa. Code Chapter 93	Quarter 1, 2017, EQB Consideration, as Final	This rulemaking contains waterbodies that are candidates for redesignation. Stream evaluations were conducted by DEP to determine the appropriate designated use of the candidate waterbodies. The streams in this proposed rulemaking were all evaluated in response to four petitions. Section 303(c)(1) of the Federal Clean Water Act requires states to periodically review and revise, as necessary, water quality standards. (Pennsylvania Clean Streams Law)	Rodney Kime (717) 787-9637 rkime@pa.gov
Triennial Review of Water Quality Standards and Updates to Toxics Management Strategy—Statement of Policy 25 Pa. Code Chapters 93 and 16	Quarter 3, 2016, EQB Consideration, as Proposed	This rulemaking will include revisions to the Commonwealth's water quality criteria and standards in Chapter 93 and updates to Chapter 16 Statement of Policy to reflect the latest scientific information and Federal guidelines for criteria development, as required by the triennial review requirements in the Federal Clean Water Act. (40 CFR Section 131.20)	Tom Barron (717) 787-9637 tbarron@pa.gov
Water Quality Management Fee Amendments 25 Pa. Code Chapter 91	Quarter 3, 2016, EQB Consideration, as Proposed	This rulemaking proposes to amend fees related to water quality management permitting. Chapter 91 establishes, among other things, a water quality management (WQM) permitting program for the construction of sewage and industrial waste treatment facilities and for land application of sewage and industrial wastes. (Pennsylvania Clean Streams Law)	Sean Furjanic (717) 787-2137 sefurjanic@pa.gov
NPDES Program Fee Amendments 25 Pa. Code Chapter 92a	Quarter 3, 2016, EQB Consideration, as Proposed	This rulemaking proposes to amend the fee schedule for NPDES permit applications. Chapter 92a updated the fee schedule for NPDES permit applications for persons to discharge pollutants from point sources into surface waters (see 25 Pa. Code § 92a.26). In addition, Chapter 92a introduced an annual fee for certain facilities authorized to discharge pollutants by individual NPDES permits (see 25 Pa. Code § 92a.62). DEP began its Chapter 92a annual invoicing and fee collection	Sean Furjanic (717) 787-2137 sefurjanic@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		<p>program in December 2010. DEP is required by 25 Pa. Code §§ 92a.26(h) and 92a.62(e) to provide a written review of the fees to the EQB at least once every three years. On February 18, 2014 DEP's Office of Water Management presented a Chapter 92a fee analysis to the EQB. The analysis highlighted that despite the fee increase in 2010, revenue continues to fall well short of expenses, and nearly \$10 million per year is being drawn from DEP's General Fund to carry out the following program activities administered by DEP's Bureau of Clean Water (BCW) and implemented by DEP's Clean Water Program in six regional offices. (Pennsylvania Clean Streams Law)</p>	
<p>Administration of Sewage Facilities Planning and Permitting Programs and Standards for Onlot Sewage Treatment Facilities 25 Pa. Code Chapters 71, 72 and 73</p>	<p>Quarter 4, 2016, EQB Consideration, as Proposed</p>	<p>This rulemaking proposes to create 25 Pa. Code Chapters 71a, 72a and 73a, replacing the current Chapters 71, 72 and 73. The proposed amendments would provide necessary updates and clarity to the regulations to address environmental and public health and safety issues. (Pennsylvania Sewage Facilities Act, Clean Streams Law)</p>	<p>Lee McDonnell (717) 787-5017 lmcdonnell@pa.gov</p>
<p>Environmental Laboratory Accreditation Fee Amendments 25 Pa. Code Chapter 252</p>	<p>Quarter 2, 2017, EQB Consideration as Final</p>	<p>This rulemaking proposes to establish appropriate standards for laboratories performing DEP compliance testing of environmental samples. The rulemaking outlines the minimum requirements to which laboratories must adhere when producing environmental data. The anticipated changes to the Chapter 252 regulation will include changes to the qualifications for laboratory supervisors, clarifications to recordkeeping requirements, and changes to the application fees and out-of-state travel expense reimbursement rate. The Environmental Laboratory Accreditation Act requires that the accreditation fees cover the cost of the operation of the laboratory accreditation program. (Environmental Laboratory Accreditation Act)</p>	<p>Aaren Alger (717) 346-8212 aaalger@pa.gov</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Administration of Land Recycling Program 25 Pa. Code Chapter 250	Quarter 2, 2016, IRRC Consideration, as Final	The rulemaking amends 25 Pa. Code Chapter 250 to update the Medium-Specific Concentrations (MSCs) established under the Statewide health standard based on the most recent published scientific information. MSCs are concentrations of contaminants in soil and groundwater that are protective of human health and the environment under various exposure scenarios. The regulations identify the formulas DEP must use to calculate MSCs and the sources of the toxicological information. (Land Recycling and Environmental Remediation Standards Act)	Troy Conrad (717) 783-9480 tconrad@pa.gov
Administration of the Storage Tank and Spill Prevention Program 25 Pa. Code Chapter 245	Quarter 2, 2017, EQB Consideration, as Proposed	This rulemaking proposes to amend current regulations at 25 Pa. Code Chapter 245, Administration of the Storage Tank and Spill Prevention Program. The purpose for the rulemaking is to strengthen the underground storage tank (UST) requirements by increasing the emphasis on properly operating and maintaining equipment. Currently, UST owners and operators are required to have spill prevention, overfill prevention, and release detection equipment in place, but are not required to periodically verify the functionality of some of that equipment. The proposed changes are expected to result in significant improvements in the routine operation, maintenance and monitoring of underground storage tanks which will help to further reduce the number of releases from underground storage tanks and in turn protect public health and the environment. (Storage Tank and Spill Prevention Act)	Charles Swokel (717) 772-5806 cswokel@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Radiation Protection Program Fees 25 Pa. Code Chapters 218 and 240	Quarter 2, 2017, EQB Consideration, as Final	This rulemaking amends Chapters 218 and 240 relating to fees. DEP must review the adequacy of established fees every three years. The current fee review indicates the need for a fee increase in two program areas. The Radioactive Materials and Decommissioning Program and the Radon Program fee revenue for these program areas is insufficient to cover program costs. (Radiation Protection Act and Radon Certification Act)	Joseph Melnic (717) 783-9730 jmelnic@pa.gov
Radiological Health 25 Pa. Code Chapters 215—240	Quarter 3, 2016, EQB Consideration, as Proposed	This rulemaking amends Chapters 215—240 to update Computed Tomography and Fluoroscopic regulations; to address new X-ray technology that is not addressed in current regulations; and to include comprehensive updates to the radon regulations to incorporate procedures and protocols that are not addressed in the current regulations. Additional items of clarification are 45-day reporting and application requirements, specifying the number of mitigation firm employees, and numerous changes and additions to the definitions section. (Radiation Protection Act and Radon Certification Act)	Joseph Melnic (717) 783-9730 jmelnic@pa.gov
Control of VOC Emissions from Miscellaneous Metal and Plastic Parts Coatings 25 Pa. Code Chapter 129	Quarter 2, 2016, EQB Consideration, as Final	This rulemaking amends the existing surface coating regulations under Chapter 129 to further reduce the emissions of volatile organic compounds from miscellaneous metal and plastic parts coatings to meet the Clean Air Act “reasonably available control measures,” including RACT requirements for ozone nonattainment areas. The emission limits and work practice standards are consistent with the recommendations of the EPA included in the corresponding CTG for this source category. Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a revision to the State Implementation Plan. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Control of VOC Emissions from Automobile and Light-Duty Truck Assembly Coatings 25 Pa. Code Chapter 129	Quarter 2, 2016, EQB Consideration, as Final	This rulemaking amends the existing surface coating regulations under Chapter 129 to further reduce the emissions of volatile organic compounds from automobile and light-duty truck assembly coatings to meet the Clean Air Act "reasonably available control measures," including RACT requirements for ozone nonattainment areas. The emission limits and work practice standards are consistent with the recommendations of the EPA included in the corresponding CTG for this source category. Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a revision to the State Implementation Plan. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov
Control of VOC Emissions from Industrial Cleaning Solvents 25 Pa. Code Chapter 129	Quarter 3, 2016, EQB Consideration, as Proposed	This rulemaking will amend the existing surface coating regulations under Chapter 129 to reduce the emissions of volatile organic compounds from industrial cleaning solvents not regulated elsewhere in 25 Pa. Code Article III to meet the Clean Air Act "reasonably available control measures," including RACT requirements for ozone nonattainment areas. The emission limits and work practice standards would be consistent with the recommendations of the EPA included in the corresponding CTG for industrial cleaning solvents. Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a revision to the State Implementation Plan. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>Air Quality Fee Schedule Amendments 25 Pa. Code Chapters 127 and 139</p>	<p>Quarter 4, 2016, EQB Consideration, as Proposed</p>	<p>This rulemaking will revise existing requirements and fee schedules codified in 25 Pa. Code Chapter 127, Subchapter I (relating to plan approval and operating permit fees) to ensure that fees collected are sufficient to cover the costs of administering the air program as required under Section 6.3(a) of the Air Pollution Control (35 P.S. § 4006.3(a)). In addition to increasing the plan approval and operating permit application fees, the proposed rulemaking would add fees applicable to plan approval modifications and requests for determination of plan approval and operating permit requirements. The proposed rulemaking would also add separate fees for risk assessments and a revised fee structure for Title V facilities. The proposed rulemaking would also establish fee requirements in a new Subchapter D (relating to testing, auditing and monitoring fees) in Chapter 139 (relating to sampling and testing) to address Department-performed source testing, test report reviews and auditing and monitoring activities related to continuous emissions monitoring systems (CEMS). Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a revision to the State Implementation Plan or the Title V Program Approval, as appropriate. (Air Pollution Control Act)</p>	<p>Susan Hoyle (717) 772-2329 shoyle@pa.gov</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Low RVP Gasoline Repeal 25 Pa. Code Chapters 121, 126 and 139	Quarter 3, 2016, EQB Consideration, as Proposed	<p>This rulemaking will rescind certain provisions codified in 25 Pa. Code Chapters 121, 126 and 139 (relating to general provisions; motor vehicle and fuels programs; and sampling and testing). The proposed rulemaking would repeal §§ 126.301—126.303 and 139.14(b)(8) (relating to gasoline volatility requirements; and emissions of VOCs). Sections 126.301—126.303 impose requirements for summer low Reid Vapor Pressure (RVP) gasoline in the Pittsburgh-Beaver Valley Area (Allegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland Counties) from May 1 to September 15 as an emission reduction measure to address attainment and maintenance of the 1-hour ozone National Ambient Air Quality Standard (NAAQS). Section 139.14(b)(8) specifies the sampling and testing methods for analysis of low RVP gasoline. Amendments to § 121.1 (relating to definitions) would also be proposed, as appropriate, to support the rescission of §§ 126.301—126.303 and 139.14(b)(8). The proposed rulemaking is in response to Act 50 of 2014 (P.L. 674, May 14, 2014), which directs the EQB to promulgate regulations to repeal the requirements for low RVP gasoline upon demonstration of continued compliance with the NAAQS through the use of commensurate emission reductions from other air pollution control measures. Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a revision to the State Implementation Plan. (Air Pollution Control Act)</p>	Susan Hoyle (717) 772-2329 shoyle@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Control of VOCs from Gasoline Dispensing Facilities (Stage II) 25 Pa. Code § 129.82	Quarter 4, 2016, EQB Consideration, as Proposed	This rulemaking will amend 25 Pa. Code § 129.82 (relating to control of VOCs from gasoline dispensing facilities (Stage II)) to repeal the requirements for installing new Stage II vapor recovery systems. The proposed rulemaking would establish procedures for the decommissioning of existing Stage II systems and would require Stage II systems that are not decommissioned to still comply with existing regulatory maintenance requirements. Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a revision to the State Implementation Plan. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov
Amendments to Mobile Equipment Repair and Refinishing 25 Pa. Code Chapters 121 and 129	Quarter 4, 2016, EQB Consideration, as Proposed	This rulemaking will amend the existing surface coating regulations in 25 Pa. Code § 129.75 to harmonize the emission limits and work practice requirements of the Clean Air Act “reasonably available control technology” requirements for automobiles and light-duty trucks and the 2011 updated Ozone Transport Commission model rule requirements for motor vehicle and mobile equipment non-assembly line coating operations. Clarifying amendments would be proposed for the adhesives, sealants, primers and solvents regulations in 25 Pa. Code §§ 129.77 and 130.701—130.708. Amendments to 25 Pa. Code § 121.1 would also be proposed to support the amendments to Chapter 129. Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a revision to the State Implementation Plan. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov
<i>Department of General Services (DGS)</i>			
Committee on Construction Contract Documents 4 Pa. Code Chapter 62 (#8-21)	2016, as Final-Omitted	The Procurement Code repealed the legislation creating this committee, which no longer exists.	Liz O'Reilly (717) 787-7095 Ed Olivieri (717) 783-3280
Selections Committee 4 Pa. Code Chapter 64 (#8-22)	2016, as Final-Omitted	These regulations should be rescinded since they have been superseded by the Commonwealth Procurement Code.	Liz O'Reilly (717) 787-7095 Ed Olivieri (717) 783-3280

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Emergency Construction Repairs 4 Pa. Code Chapter 67 (#8-23)	2016, as Final-Omitted	These regulations should be rescinded since they have been superseded by the Commonwealth Procurement Code.	Liz O'Reilly (717) 787-7095 Ed Olivieri (717) 783-3280
Contract Compliance— Prequalification of Vendors and Nonconstruction Contractors 4 Pa. Code Chapter 68, Subchapter A (#8-24)	2016, as Final-Omitted	These regulations should be rescinded since the subject matter of these rules is now covered by the directives management system.	Liz O'Reilly (717) 787-7095 Ed Olivieri (717) 783-3280
Methods of Awarding Contracts 4 Pa. Code Chapter 69 (#8-25)	2016, as Final-Omitted	These regulations should be rescinded since they have been superseded by the Commonwealth Procurement Code.	Ken Hess Pamela Cross (717) 214-7739
Surplus State Property 4 Pa. Code Chapters 41, 43, 45 and 47 (#8-26)	2016, as Final-Omitted	These regulations should be rescinded since they are outdated and have been superseded by new Commonwealth procedures as well as the Commonwealth Procurement Code.	Ken Hess Pamela Cross (717) 214-7739
State Metrology Laboratory Fee Schedule, 70 Pa. Code Chapter 110 (#8-27)	Delivered May 23, 2016 for review pursuant to Executive Order 1996-1, as Proposed	These regulations will increase the fees charged by the State Metrology Laboratory, provide for an automatic yearly increase, and update the description fields to accurately reflect the Metrology Lab's measurement parameters and ranges.	Ken Hess Mary Fox (717) 787-6789
Commonwealth Buildings 4 Pa. Code Chapters 85, 86 and 87 (#8-28)	2016, as Proposed	These regulations (Chapters 85 and 87) and statement of policy (Chapter 86) will be amended to update the procedures for the public to request use of the public areas of the Capitol Complex and the Forum auditorium.	Matthew Bembenick (717) 787-5996 Shawn E. Smith (717) 787-5599 Mary Ann Jordano (717) 705-5389
Small Business Self-Certification and Small Diverse Business Verification— Statement of Policy 4 Pa. Code §§ 58.301—58.308	July 2016	The Department is in the process of updating its Statement of Policy that addresses Small Business Self-Certification and Small Diverse Business Verification. The amended Statement of Policy will take effect immediately upon publication in the <i>Pennsylvania Bulletin</i> .	Beverly Hudson (717) 783-8874

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>Department of Health (DOH)</i>			
Communicable and Non-Communicable Diseases 28 Pa. Code Chapter 27	July 2017, as Proposed	These existing regulations are being revised to improve the Department's ability to prevent and control the spread of communicable and non-communicable diseases. The Department's authority to promulgate these regulations is found in the Disease Prevention Control Law of 1955, 35 P.S. §§ 21.1 et seq. (the Act). Section 16(a) of the (Act 35 P.S. § 521.16 (a)) gives the Board authority to issue rules and regulations on a variety of matters related to communicable and non-communicable diseases. Section 16(b) of the Act (35 P.S. § 521.16(b)) gives the Secretary of Health the authority to review existing regulations and make recommendations to the Board for changes that the Secretary considers to be desirable. There is also a legislative authority for specific provisions of the regulations. Administrative Code of 1929 (71 P.S. §§ 51 et seq.) (Code) Section 20102(g) of the Code (71 P.S. § 532(g)) provides general authority for the Department to promulgate regulations.	Samantha Jallah (717) 783-2500
Photo Identification Tag Regulations 28 Pa. Code Chapters 54 and 55	July 2016, as Proposed	The Health Care Facilities Act (35 P.S. § 448.101 et seq.) was amended by the passage of Act 2010-110 on November 23, 2010. This new section of the Act (35 P.S. § 448.809.2) requires persons working in health care facilities and physician practices to wear photo identification badges that also contain other information including the person's name, title and name of the health care facility.	Karin Simpson (717) 783-2500

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
School Immunization Requirements 28 Pa. Code §§ 23.83, 23.85 and 23.86	December 2016, as Final	The amendments to existing regulations will revise immunization requirements for school entry and attendance, revise the school reporting requirements to require electronic reporting at a later date in the school year, and eliminate the provisional period for school attendance. Pursuant to the Disease Prevention and Control Law of 1955 35 P.S. §§ 521.1 et seq.; the Administrative Code of 1921 (71 P.S. § 541(c.1)) and the Public School Code of 1949 (24 P.S. § 13-1303a).	Yvette M. Kostelac (717) 783-2500
Home Health Care Agencies 28 Pa. Code Chapter 601	July 2017, as Proposed	Federal rules addressing covered Medicare and Medicaid services have been amended to allow other health care professionals (in addition to physicians) to order home health services. The Department anticipates amending the home health licensure regulations to permit other health care professionals to order home health services and approve the plan of care.	Tammi Snyder Queen (717) 783-2500
Hospice Regulations	September 2016, as Proposed	Currently, there are no hospice-specific licensure regulations in the Commonwealth. The Health Care Facilities Act (HCFA) permits the Department, pending promulgation of regulations, to use the standards set forth in Federal regulations (42 CFR Part 418) for hospices certified as providers of the Medicare program under Title XVIII of the Social Security Act as licensure standards. The Department anticipates promulgating licensure regulations for hospice facilities in Pennsylvania that mirror the Federal conditions of participation and address additional quality assurance requirements and fees for licensure, as permitted by the HCFA.	Tammi Snyder Queen (717) 783-2500

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Indoor Tanning Regulations	September 2016, as Proposed	The newly enacted Pennsylvania Indoor Tanning Act requires the Department to promulgate regulations to implement the Act. The Department anticipates proposing regulations that will outline the requirements for the operation of tanning facilities and to provide for safety of consumers using tanning equipment.	Keith Fickel (717) 783-2500
Health Facilities and Hospitals 28 Pa. Code Chapters 51 and 101—158	March 2017, as Proposed	The Secretary of Health created a task force of hospital industry representatives to review the current hospital regulations and provide recommendations to improve the quality of care in hospitals across the state. The hospital regulations will be updated to reflect those recommendations.	Tanya Leshko (717) 783-2500
Long Term Care Facilities 28 Pa. Code Chapters 201—211	April 2017, as Proposed	Pennsylvania's long-term care facility licensure regulations were last updated in 1999. Since that time, the clinical complexity of nursing home residents has changed substantially. The Nursing Home Quality Improvement Task Force was commissioned by the Secretary of Health to make recommendations for revisions to the regulations. The long-term care facility regulations will be updated to reflect those recommendations.	Karin Simpson (717) 783-2500
Medical Marijuana	Temporary regulations will be published periodically prior to November 17, 2016	The newly enacted medical marijuana program, Act 16, was signed into law on April 17, 2016 and became effective on May 17, 2016. Act 16 requires the Department of Health to issue temporary regulations.	Yvette Kostelac (717) 783-2500
<i>Department of Human Services (DHS)</i>			
Administration of County Children and Youth Social Service Programs 55 Pa. Code Chapter 3130	November 2016, as Proposed	This regulation will incorporate the amendments to the state Juvenile Act and the Federal regulations for Title IV-B and Title IV-E funding for child welfare services for children in their own homes and for children receiving placement services.	Jen DeBell (717) 772-4141

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Planning and Financial Reimbursement Requirements for County Children and Youth Social Service Programs 55 Pa. Code Chapter 3140	November 2016, as Proposed	This regulation provides the requirements for reimbursement for services to county children and youth agencies. The regulations are in need of revision to ensure consistency with Federal requirements and policy and to ensure the validity of State and Federal claims.	Jen DeBell (717) 772-4141
Child Protective Services 55 Pa. Code Chapter 3490	October 2017, as Proposed	This regulation will incorporate the amendments to the Child Protective Services Law related to child protective services and general protective services, including statutory changes to mandatory reporting, training, clearances and the Statewide database.	Jen DeBell (717) 772-4141
Outpatient Psychiatric Services and Psychiatric Outpatient Clinics 55 Pa. Code Chapters 1153 and 5200	November 2016, as Proposed	These amendments will update the current regulations to align outpatient psychiatric services with current industry standards and parity requirements and will include provisions for mobile mental health treatment.	Jen DeBell (717) 772-4141
Psychiatric Rehabilitation Services 55 Pa. Code Chapter 5231	November 2016, as Proposed	This regulation will be amended to govern psychiatric rehabilitation services for individuals 14 years of age and older with serious mental health conditions to support the transition to adulthood, implement an initiative to improve coordination between the child and adult mental health care systems, and amend outdated language throughout.	Jen DeBell (717) 772-4141
Intensive Community Based Behavioral Health Services 55 Pa. Code Chapter 5270	November 2016, as Proposed	This regulation will govern the provision of the array of in-home and community-based behavioral health rehabilitation services for children, including services for children with autism spectrum disorder.	Jen DeBell (717) 772-4141
Mental Health Targeted Case Management 55 Pa. Code Chapters 5220 and 5221	November 2016, as Proposed	This regulation will rescind Chapter 5221 and replace it with a new Chapter 5220 which will govern the provision of mental health case management services, including resource coordination, intensive case management and blended case management.	Jen DeBell (717) 772-4141

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Subsidized Child Care Eligibility 55 Pa. Code Chapter 3041	February 2017, as Proposed	This regulation will be updated to add new requirements imposed by the 2014 Federal Reauthorization of the Child Care Development Block Grant. This regulation will include amendments to requirements regarding redetermination, continuation of subsidy during job loss, reporting and verification, financial eligibility, and prioritized groups.	Jen DeBell (717) 772-4141
Child Day Care Centers, Group Child Care Day Care Homes, Family Child Day Care Homes 55 Pa. Code Chapters 3270, 3280 and 3290	November 2016, as Proposed	This regulation will add new requirements imposed by the 2014 Federal Reauthorization of the Child Care Development Block Grant. This regulation will include amendments regarding employment, background checks and training requirements. In addition, additional proposed amendments include water safety training and equipment requirements.	Jen DeBell (717) 772-4141
Early Intervention Services 55 Pa. Code Chapter 4226	February 2017, as Final-Omitted	This regulation will amend § 4226.5 (relating to definitions) to reflect the requirements of Act 2014-143 (Act 143). Act 143 added an additional tracking category for infants and toddlers experiencing homelessness.	Jen DeBell (717) 772-4141
Home and Community-Based Supports and Licensing 55 Pa. Code Chapters 51, 6100, 6200, 2380, 2390, 6400 and 6500	September 2016, as Proposed September 2017, as Final	This regulation will rescind Chapter 51 and replace it with a new Chapter 6100, which will govern the program, operational and fiscal components of the Office of Developmental Programs' home and community-based waiver programs, State plan services, block grant and base-funded programs and licensing requirements.	Jen DeBell (717) 772-4141
Adult Protective Services 55 Pa. Code Chapter 15	February 2017, as Proposed	This regulation will govern the investigation of allegations of abuse, neglect, exploitation or abandonment of adults between the ages of 18 and 59 years, and the provision of protective services as indicated by the results of those investigations. The authority for the regulation and resulting services are under Act 70 of 2010, the Adult Protective Services Act.	Jen DeBell (717) 772-4141

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Medical Assistance Disqualifications 55 Pa. Code Chapter 255	February 2017, as Proposed	This regulation will add disqualification penalties for individuals who were prosecuted for Medical Assistance fraud. These amendments will mirror Federal law at 42 U.S.C. § 1320a-7b to provide for a 1-year disqualification based on a court conviction for a crime against the Medical Assistance program.	Jen DeBell (717) 772-4141
Definitions 55 Pa. Code Chapter 123	February 2017, as Proposed	This regulation will allow flexibility in the type of interviews that must be undertaken for Temporary Assistance to Needy Families (TANF) applicants and eligibility workers.	Jen DeBell (717) 772-4141
Medical Assistance Manual 55 Pa. Code Chapters 1101 and 1150.	March 2017, as Proposed	These regulations are necessary to align current Medical Assistance Program regulations to the HealthChoices Expansion, which provides the same level of benefits to all MA adult beneficiaries. The amendments will eliminate amount, duration and scope variations between categories of eligibility and update terminology. The Department will also take this opportunity to update terminology, incorporate Statements of Policy and rescind outdated policies, such as the "Shared space" regulation at § 1101.51(b)(3).	Jen DeBell (717) 772-4141
Medical Assistance Manual 55 Pa. Code Chapters 1140, 1142, 1229 and 1241.	June 2017, as Proposed	These regulations are necessary to align current Medical Assistance Program regulations to the HealthChoices Expansion, which provides the same level of benefits to all MA adult beneficiaries. The amendments will eliminate amount, duration and scope variations between categories of eligibility and update terminology. The Department will also take this opportunity to update terminology, incorporate Statements of Policy and rescind outdated policies.	Jen DeBell (717) 772-4141

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Medical Assistance Manual 55 Pa. Code Chapters 1101, 1121, 1126, 1141, 1163 and 1221.	October 2016, as Final-Omitted	These regulations are necessary to align current Medical Assistance Program regulations to the Office of Civil Rights final rule implementing Section 1557 of the Affordable Care Act. Section 1557 prohibits discrimination on the basis of race, color, national origin, sex, age, or disability in certain health programs and activities. The amendment will rescind the regulations in Chapters 1141 and 1163 prohibiting surgical procedures and medical care provided in connection with sex reassignment. The amendment will also update the nondiscrimination regulation in Chapter 1101.	Jen DeBell (717) 772-4141
Outpatient Drug and Alcohol Clinic Services 55 Pa. Code 1223	March 2017, as Proposed	The amendments will update the current regulations to align outpatient drug and alcohol clinic services with current industry standards and parity requirements.	Jen DeBell (717) 772-4141
<i>Pennsylvania Insurance Department (PID)</i>			
Annual Financial Reporting Requirements 31 Pa. Code Chapter 147 (#11-254)	Summer 2016, as Final	Amendments to Chapter 147 to add an internal audit function requirement for large insurers.	Bridget E. Burke Regulatory Coordinator (717) 787-2567
Tables Approved for Use in Determining Minimum Nonforfeiture Standards and Minimum Standards for Valuation 31 Pa. Code Chapter 84 (#11-255)	Summer 2016, as Final	Amendments to adopt new mortality tables for use in determining minimum reserves insurers must maintain for annuities.	Bridget E. Burke Regulatory Coordinator (717) 787-2567
<i>Department of Labor and Industry (L&I)</i>			
Boiler and Unfired Pressure Vessel Regulations Title 34, Part I, Chapter 3a Bureau of Occupational and Industrial Safety	Winter 2016, as Proposed	Update regulations based on Act 104 of 2013 and adopt certification standards for third party inspection agencies.	Jennifer Berrier (717) 783-6304
Flammable and Combustible Liquids Title 34, Part I, Chapters 14 and 14a Bureau of Occupational and Industrial Safety	Fall 2016, as Proposed	Update regulations based on Act 144 of 2012 and adopt requirements for storage and dispensing of compressed natural gas as vehicular fuel.	Jennifer Berrier (717) 783-6304
Unemployment Compensation Title 34, Part VI Chapter 101 Board of Review	Submit as Proposed, Winter 2017	Update regulation to reflect statutory and operational changes	Randall Brandes (717) 787-5122

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Apprenticeship and Training Council Title 34, Part IV, Chapters 83 and 84 Apprenticeship and Training Office	Submit as Proposed, Spring 2017	Amend regulations to reflect Federal requirements. Will need legislative change to statute first.	Eric Ramsey (717) 787-6997
Registration of Sign Language Interpreters and Transliterators Title 34, Part XV, Chapter 501 Office of Deaf and Hard of Hearing	Submit as Proposed, Fall 2016	Amend regulations to be consistent with amendments in Sign Language Interpreter and Transliterator State Registration Act, 63 P.S. §§ 1725.1—1725.11, that were enacted in November 2010.	Sharon Behun (717) 783-6381
Employment of Minors Title 34, Part 1, Chapter 11 Bureau of Labor Law Compliance	Fall 2016, as Proposed	Revise/update current regulations in light of the new Child Labor Act, Act 151 of 2012.	Terry Peck (717) 787-3681
Prohibition of Excessive Overtime in Health Care Act Regulations Title 34, Part XII, Chapter 225 Bureau of Labor Law Compliance	Spring 2017, as Proposed	Revise/update current regulations for Act 102 of 2008.	Terry Peck (717) 787-3681
<i>Department of Military and Veterans Affairs (DMVA)</i>			
Veterans' Homes Regulations 43 Pa. Code Chapter 7	Winter 2016-17, as Proposed	The Department wishes to promulgate a comprehensive update to its regulations on State Veterans' Homes. The statutory authority for these regulations is section 902(10) of the Military and Veterans Code (51 Pa.C.S § 903(10)). These regulations are out-of-date. They were last updated in 1986. The purpose of the changes to these regulations is to bring them in line with best practices in the long-term care arena.	Michael Barrett (717) 861-8503
Veterans' Affairs Regulations 43 Pa. Code Chapter 5	Fall 2016, as Final-Omitted	43 Pa. Code Ch. 5 contains regulations on a number of Commonwealth veterans' benefit programs. These include the Disabled Veteran Real Estate Tax Exemption, the Blind Veterans' Pension, the Paralyzed Veterans Pension, Veterans' Emergency Assistance and the Educational Gratuity Program. All of these regulations need to be updated to take into account changes in the law as well as changes in organizational structures.	Michael Barrett (717) 861-8503

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>Municipal Police Officers' Education and Training Commission (MPOETC)</i>			
Administration of the Municipal Police Officers' Education and Training Program 37 Pa. Code Chapter 203 (#17-81)	Summer 2016, as Proposed	Title 53 Pa.C.S. § 2164(14) conveys powers and duties to the Municipal Police Officers' Education and Training Commission to make such rules and regulations and to perform such other duties as may be reasonably necessary or appropriate to implement the education and training program for police officers. Omnibus revisions to Chapter 203, which pertains to the certification and training of the Commonwealth's municipal police officers, are necessary to modernize these regulations, as they have not undergone a major revision since 1996. The amendments that will be proposed are the product of an extensive review project that included key stakeholders of the regulated community.	Sergeant Robert L. Bailey (717) 783-5566
<i>Pennsylvania Board of Probation and Parole (PBPP)</i>			
No regulations being developed or considered at this time.			
<i>Pennsylvania Commission on Crime and Delinquency (PCCD)</i>			
Sheriffs' and Deputy Sheriffs' Education and Training Program 37 Pa. Code Chapter 421	Late 2016/2017, as Proposed	The Deputy Sheriffs' Education and Training Board (Board), an advisory board within the Commission on Crime and Delinquency, plans to amend the regulations at 37 Pa. Code Chapter 421 (relating to Deputy Sheriffs' Education and Training Board) due to statutory changes in Act 114 of 2014 (Act of Jul. 9, 2014, P.L. 1006, No. 114).	Linda Rosenberg (717) 265-8448 Heidi Barry (717) 265-8518
<i>Pennsylvania Emergency Management Agency (PEMA)</i>			
Act 187 of 2014	Winter 2016, as Proposed	Act 187 of 2014 established the Public Disaster Assistance Grant Program within the Pennsylvania Emergency Management Agency provide grants to political subdivisions and municipal authorities for assistance with repair of disaster-related damage in a disaster emergency area when the damages to public facilities are beyond the financial capabilities of the political subdivision or authority. The Pennsylvania Emergency Management Agency is directed to Promulgate any regulations necessary to implement and administer the program which	Stephen Beganich (717) 651-2146 Westburn Majors (717) 651-2728

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		include: (i) Development of additional procedures or requirements for the submission of grant applications; (ii) Development of procedures to verify adjusted loss; (iii) Development of criteria for the determination of the amount of assistance to be given to a political subdivision or municipal authority; and (iv) Development of a methodology to prioritize projects based on the potential impact to the health and safety of the citizens of the affected community.	
<i>Pennsylvania Higher Education Assistance Agency (PHEAA)</i>			
No regulations being developed or considered at this time.			
<i>Pennsylvania Housing Finance Agency (PHFA)</i>			
No regulations being developed or considered at this time.			
<i>Pennsylvania Infrastructure Investment Authority (PENNVEST)</i>			
Pennsylvania Infrastructure Investment Authority Assistance 25 Pa. Code §§ 963.1—963.20, including inter alia: 963.12(a)(7) 963.13(c) 963.15(a) 963(15)(c) 963(16) 963.18(c)	Summer 2016, as Proposed	Revisions under consideration include, inter alia: Amendments to 25 Pa. Code §§ 963.1—963.20 to be consistent with statutory revisions imposed by P.L. 51, No. 16, enacted June 19, 2013 and guidance revisions implemented by the Department of Environmental Protection and to incorporate any provisions necessary to accommodate for the deletion of 25 Pa. Code § 965 in its entirety, including, but not limited to the following: (1) Delete 25 Pa. Code § 963.12(a)(7) thereby allowing PENNVEST to provide financial assistance (loan and grant) for costs associated with the extraction for profit of minerals or other resources from wastewater or sludge whether the project is sponsored by a public or private actor. (2) Amend 25 Pa. Code § 963.13(c) by revising the section to provide for an amortization of advance funding loans with a term of 59 months of interest only and repayment on principal and interest on the 60th month.	Shawn W. Weis (717) 783-6776

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		<p>(3) Amend 25 Pa. Code § 963.15(a) by revising the first sentence to provide for a change in the normal loan term to allow 3 years of interest only prior to principal amortization.</p> <p>(4) Amend 25 Pa. Code § 963.15 (c)(5) to provide that maximum interest rates on loans shall be determined based upon the unemployment rate for the applicable county in the most recent calendar year for which data has been finalized as of the application cutoff date.</p> <p>(5) Amend 25 Pa. Code § 963.15(c)(6) by revising the sentence to define “bond interest rate” to mean the rate of interest paid by the Commonwealth in its issuance of general obligation bonds immediately preceding the date of the approval of the loan.</p> <p>(6) Amend 25 Pa. Code § 963.16 to provide the parameters of a loan or bond guarantee program to be provided by PENNVEST.</p> <p>Delete 25 Pa. Code § 963.18(c)(2)(iii) to eliminate the requirement for prior written approval of change orders that exceed \$25,000 or 2 percent of the amount of the project’s construction cost, or an aggregate of all change orders that exceed 10 percent of the project’s construction cost.</p>	
<i>Pennsylvania Municipal Retirement System (PMRS)</i>			
No regulations being developed or considered at this time.			
<i>Pennsylvania State Police (PSP)</i>			
Training and Minimum Standards Under the Wiretapping and Electronic Surveillance Control Act 37 Pa. Code Chapter 51	Fall 2016, as Proposed	Title 18 Pa.C.S. § 5724 requires the Commissioner of the Pennsylvania State Police and the Attorney General to establish a training course for certification related to conducting wiretapping and electronic surveillance. Revisions to Chapter 51 as it relates to officer certification/ re-certification and authorization to engage in the conduct of communications interception will be proposed to adjust the training to current technology and operational needs.	Sergeant Robert L. Bailey (717) 783-5566

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Administration of Megan's Law—Neighbor Notification 37 Pa. Code Chapter 55	Fall 2016, as Final-Omitted	Title 42 Pa.C.S. § 9799.1, in part, required the Pennsylvania State Police write regulations regarding neighbor notification of the current residence of sexually violent predators. This section expired December 20, 2012, and on that date the requirements of Title 42 Pa.C.S. § 9799.32 became effective. These new requirements, in part, place a duty on the Pennsylvania State Police to write guidelines regarding neighbor notification under § 9799.27(b)(1). Since there is no longer statutory authority for Chapter 55, it will be removed and reserved in its entirety. The contents will be updated and published as guidelines in a Statement of Policy.	Sergeant Robert L. Bailey (717) 783-5566
<i>Pennsylvania State System of Higher Education (PASSHE)</i>			
No regulations being developed or considered at this time.			
<i>Public School Employees' Retirement System (PSERS)</i>			
No regulations being developed or considered at this time.			
<i>Department of Revenue (DOR)</i>			
Amendments to Local Option Small Games of Chance (SGOC) 61 Pa. Code Chapter 901a	February 2017, as Proposed	The Department is proposing to replace Chapter 901 with a new Chapter 901a as a result of the amendments to the SGOC law. The proposed rulemaking will reorganize and clarify the SGOC regulations as well as incorporate necessary changes to implement Acts 2 and 184 of 2012 and Acts 90 and 92 of 2013.	John Brenner (717) 705-3906
General Provisions Application of Payments 61 Pa. Code Chapter 5a	January 2017, as Proposed	The Department is promulgating this regulation to clarify the provisions of the Taxpayers' Bill of Rights and provide a procedure for the application of a payment received from a taxpayer to tax liability owed the Department.	Douglas Berguson (717) 346-4633
Amendments to Chapter 93—Inheritance Tax 61 Pa. Code § 93.101	Sept. 2016, as Final	The Department is promulgating this amendment to remove an obsolete regulation § 93.101 Medical expenses and insurance, superseded by statute (72 P.S. § 9129(k)).	Thomas Gohsler (717) 783-7539

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Amendments to Realty Transfer Tax (RTT) Regulations 61 Pa. Code Chapter 91	January 2017, as Proposed	Amendments to the RTT regulations are being proposed to improve the clarity and effectiveness of the regulations. Additionally, the proposed amendments will be consistent with Department policy and the language in the RTT statute.	John Brenner (717) 705-3906
<i>Department of State (DOS)</i>			
<i>State Board of Accountancy</i>			
General Revisions (Act 73 and Act 15 Amendment) 49 Pa. Code Chapter 11 (#16A-5513)	Fall 2016, as Final	This final rulemaking implements the amendments to the CPA Law made by the act of July 9, 2008 (P.L. 954, No. 73) (Act 73), and the act of June 19, 2013 (P.L. 46, No. 15) (Act 15). Act 73 provided for practice in this Commonwealth under substantial equivalence by persons licensed in other states and provided new education and experience standards for licensure. Act 15 eliminated the requirement that applicants for licensure demonstrate 400 hours of experience in attest activity as a condition of licensure.	Sara Fox (717) 783-1404
Schedule of Civil Penalties 49 Pa. Code Chapter 43b (#16A-5514)	Fall 2016, as Final	This final rulemaking amends the schedule of civil penalties for certain violations of the CPA Law (63 P.S. §§ 9.1—9.16b) and the regulations of the State Board of Accountancy (Board) to comport with amendments made by the Board to its substantive regulations relating to continuing education violations.	Sara Fox (717) 783-1404
<i>State Athletic Commission</i>			
Prohibited Drug Testing 58 Pa. Code Part I, Subpart A, Chapter 15 (#16-58)	Fall 2016, as Proposed	The proposed rulemaking would revise existing regulations on drug testing for boxers, mixed martial arts participants and kick boxers, as authorized under the Boxing Act.	Martha Brown (717) 787-6802

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>State Architects Licensure Board</i>			
Electronic Seals and Signing 49 Pa. Code Chapter 9 (#16A-4110)	Summer 2016, as Proposed	In addition to updating their current regulations on seals, the three boards that regulate design professionals in this Commonwealth (including the State Architects Licensure Board, the State Registration Board for Engineers, Land Surveyors and Geologists, and the State Board of Landscape Architects) are proposing new regulations setting forth standard requirements for electronic seals and electronic signing of design documents. The goal of these proposals is to provide all design professionals with regulations that are as consistent as possible with respect to both traditional seals and electronic seals to benefit both the design professionals and their clients.	Amanda Li (717) 783-3397
<i>State Board of Auctioneer Examiners</i>			
Schedule of Civil Penalties 49 Pa. Code § 43b.12a (#16A-648)	Winter 2016-17, as Proposed	The proposed rulemaking would make updates to the current schedule of civil penalties for violations of the Auctioneer Licensing and Trading Assistant Registration Act and regulations of the State Board of Auctioneer Examiners.	Terrie Kocher (717) 783-3397
<i>State Board of Barber Examiners</i>			
Schedule of Civil Penalties 49 Pa. Code § 43b.4 (#16A-4210)	Fall 2016, as Final-Omitted	This rulemaking would simply change the authority under which many of the current civil penalties are being issued from the statutory provision in the Barber License Law to the applicable provision in the regulations of the State Board of Barber Examiners. In making this change, the legal authority supporting the schedule of civil penalties will be clearer.	Kelly Diller (717) 783-7130
General Revisions 49 Pa. Code Chapter 3 (#16A-429)	Fall 2016, as Proposed	The proposed rulemaking would update the regulations for barber managers, temporary student licenses, barber shops and schools of barbering to update obsolete provisions of the Board's regulations. Some of the regulations contain outdated terminology. Also, the Board would update the regulations to make them consistent with the Barber License Law and current practices of the Board and its licensees.	Kelly Diller (717) 783-7130

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Chiropractic			
Chiropractic Specialties 49 Pa. Code Chapter 5 (#16A-4312)	Fall 2016, as Proposed	The Chiropractic Practice Act prohibits licensees from holding themselves out as specialists unless they possess a post-graduate certification in that specialty. The proposed rulemaking would prohibit a chiropractor from advertising that the chiropractor holds certification or otherwise is a specialist in a chiropractic specialty unless the chiropractor holds certification or diplomate status from a specialty board recognized by the American Board of Chiropractic Specialties. These specialty boards all require passing a certification examination after either a full-time residency of at least 3 years or a part-time program of more than 300 hours of education and clinical practice. This proposal protects consumers of chiropractic services who can be misled by advertising of “certifications” that do not truly reflect advanced knowledge, training or skill.	Michelle Roberts (717) 783-7155
Child Abuse Reporting Requirements 49 Pa. Code §§ 5.91—5.96 (#16A-4322)	Fall 2016, as Proposed	This proposed regulation would update the Board’s existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Chiropractic obtain required training in child abuse recognition and reporting.	Michelle Roberts (717) 783-7155

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Distance Education 49 Pa. Code § 5.79 (#16A-4323)	Summer 2016, as Final	Section 507(a) of the Chiropractic Practice Act (act) (63 P.S. § 625.507(a)) requires each licensed chiropractor to complete at least 24 hours of continuing chiropractic education within the immediately preceding 2-year period as a condition of biennial license renewal. This final rulemaking would expressly permit continuing education to be completed through courses offered by distance education, subject to Board approval, but limit it to 50% of the required hours.	Michelle Roberts (717) 783-7155
Radiological Procedures Examination 49 Pa. Code §§ 5.6 and 5.63 (#16A-4324)	Fall 2016, as Final	Section 522(a)(ii) of the act (63 P.S. § 625.522(a)(ii)) prohibits auxiliary personnel from performing radiologic procedures on the premises of a chiropractor unless the person has passed an examination approved by the Board and administered by a third-party testing service. The proposed rulemaking would delete the fee for the radiological procedures examination and reference to the application forms and would require auxiliary personnel to submit applications and pay the fee directly to the testing service rather than applying to the Board. This change is needed to comport to actual practice.	Michelle Roberts (717) 783-7155
Government Employee Liability Coverage 49 Pa. Code §§ 5.17(f) and 5.41 (#16A-4325)	Fall 2016, as Proposed	The Chiropractic Practice Act requires chiropractors to maintain professional liability insurance, including self-insurance. This regulation would permit a licensee who practices exclusively on behalf of the government to meet this requirement by reliance upon the coverage provided under the Federal Tort Claims Act or the Sovereign Immunity Act as administered by the Commonwealth's Employee Liability Self-insurance Program.	Michelle Roberts (717) 783-7155

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>Bureau of Commissions, Elections and Legislation</i>			
Lobbying Disclosure Thresholds 51 Pa. Code §§ 51.1 and 57.2 <i>(number not yet assigned)</i>	Fall 2016, as Final-Omitted	Section 13A08(j) of the Lobbying Disclosure Act (act) (65 Pa.C.S. § 13A08(j)) requires the Department to review the threshold for exemption from registration and reporting every two years and increase those thresholds to “rates deemed reasonable for assuring appropriate disclosure” of lobbying expenditures. The Department has already published a notice of its intent to raise the thresholds from \$2,500 to \$3,000, effective January 1, 2017. This rulemaking would amend the regulations to reflect the updated threshold amounts.	Ian Everhart (717) 346-0462
Notaries Public 4 Pa. Code Part VIII, Subpart C <i>(#16-59)</i>	Summer 2016, as Proposed	The proposed rulemaking would implement the act of October 9, 2013 (P.L. 609, No. 73), which adopted the Revised Uniform Law on Notarial Acts (RULONA).	Martha Brown (717) 787-6802
Electronic Recording Commission—Real Property Electronic Recording Standards 4 Pa. Code, Part VIII, Subchapter G <i>(#16-57)</i>	Fall 2016, as Temporary Regulations	These temporary regulations would implement the act of July 5, 2012 (Uniform Real Property Electronic Recording Act) (P.L. 935, No. 100). The temporary regulations put forth initial standards relating to electronic recording of real property documents developed by the Electronic Recording Commission.	Martha Brown (717) 787-6802
<i>Bureau of Corporations and Charitable Organizations</i>			
Names (including Symbols and Characters) 19 Pa. Code Chapter 17 <i>(number not yet assigned)</i>	Summer 2016, as Proposed	Section 133(a)(vi) of the Association Transactions Act authorizes the Department to specify the symbols or characters which do not make a name distinguishable on the records of the Department or may be used in the name of an entity. This rulemaking will revise the chapter on Names and add provisions on symbols and characters.	Martha Brown (717) 787-6802
UCC Revised Article 9 <i>(#16-35)</i>	Fall 2016, as Proposed	This proposed rulemaking would adopt, with some revisions, the Model rules promulgated by the International Association of Corporate Administrators, which call for the delivery of filings by electronic means and acceptance of credit card payments.	Martha Brown (717) 787-6802

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Cosmetology			
Schedule of Civil Penalties 49 Pa. Code § 43b.5 (#16A-4517)	Fall 2016, as Proposed	This proposed rulemaking would amend the schedule of civil penalties for the State Board of Cosmetology promulgated by the Commissioner of Professional and Occupational Affairs under the authority of the act of July 2, 1993 (P.L. 345, No. 48) (Act 48). The State Board of Cosmetology (Board) has participated in the Act 48 citation program from its inception in 1996 and has not increased the amounts in the schedule of civil penalties since they were originally promulgated. The Board believes that it is necessary to increase the civil penalties in order to improve their deterrent effect.	Kelly Diller (717) 783-7130
Massage Therapists in Cosmetology or Esthetician Salons 49 Pa. Code Chapter 7 (#16A-4518)	Fall 2016, as Proposed	The act of September 24, 2014 (P.L. 2476, No. 136) (Act 136) allows massage therapists to practice within the licensed square footage of a cosmetology or esthetician salon and requires the State Board of Cosmetology and the State Board of Massage Therapy to jointly promulgate regulations to implement these changes. This rulemaking effectuates these provisions of Act 136.	Kelly Diller (717) 783-7130
Examination 49 Pa. Code Chapter 7 (#16A-4519)	Fall 2016, as Proposed	Historically, the licensure examinations for licensees of the State Board of Cosmetology required the passing of a written (theory) portion and a practical portion in which the candidate demonstrated the necessary skills. Act 136 eliminated the practical portion of the examination, leaving the Board with only a written examination that covers both theory and practical application questions. This rulemaking implements that portion of Act 136.	Kelly Diller (717) 783-7130
State Board of Crane Operators			
Schedule of Civil Penalties 49 Pa. Code Chapter 43b (#16A-7103)	Summer 2016, as Proposed	The proposed regulation would create a schedule of civil penalties for violations of the Crane Operator Licensure Act and regulations of the State Board of Crane Operators.	Amanda Li (717) 783-1404

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Dentistry			
Anesthesia Update 49 Pa. Code, Subchapter E, §§ 33.331—33.342 (#16A-4621)	Fall 2016, as Proposed	This proposed rulemaking would update the standards for the administration of general anesthesia, deep sedation, moderate sedation, minimal sedation and nitrous oxide/oxygen analgesia in dental offices to conform to and adopt the current standards used by the dental profession.	Lisa Burns (717) 783-7162
Child Abuse Reporting Requirements 49 Pa. Code § 33.250 (#16A-4626)	Fall 2016, as Proposed	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Dentistry obtain required training in child abuse recognition and reporting.	Lisa Burns (717) 783-7162
General Revisions 49 Pa. Code Chapter 33 (#16A-4628)	Summer 2016, as Proposed	The State Board of Dentistry has undertaken a review of existing regulations with the goal of updating the regulations and eliminating outdated and obsolete provisions. This proposed rulemaking would generally amend, update and clarify the regulations relating to fictitious names, biennial renewal, inactive status, reactivation, licensure by criteria approval, acceptable proof of professional liability insurance, use of titles, advertising, unprofessional conduct, multi-disciplinary professional corporations, exclusion of auxiliary personnel from performing radiological procedures and continuing dental education.	Lisa Burns (717) 783-7162

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Schedule of Civil Penalties 49 Pa. Code § 43b.14a (#16A-4630)	Fall 2016, as Proposed	The State Board of Dentistry has participated in the Act 48 citation program since 2001 and has not increased the amounts in the schedule of civil penalties for lapsed license/certificate violations since they were originally promulgated. The Board believes that it is necessary to increase the civil penalties to improve their deterrent effect. In addition, the proposal would add a schedule of civil penalties for continuing education violations.	Lisa Burns (717) 783-7162
Temporary Volunteer Dental Licenses 49 Pa. Code § 33.118 (#16A-4631)	Fall 2016, as Proposed	This proposed regulation would implement the act of February 4, 2014 (P.L. 19, No. 7) (Act 7) to set forth the procedures to apply for a temporary volunteer dental license. The purpose of Act 7 of 2014 was to allow out-of-state dentists to volunteer their services in this Commonwealth and to participate in volunteer events/activities sponsored by the American Dental Association (ADA) and other National associations that may take place within the Commonwealth. This rulemaking effectuates Act 7.	Lisa Burns (717) 783-7162
Restricted Faculty Licenses 49 Pa. Code Chapter 33 (#16A-4632)	Fall 2016, as Proposed	The act of July 2, 2014 (P.L. 828, No. 89) (Act 89) amended the Dental Law to provide for restricted faculty licenses. A restricted faculty license is granted to an individual for the limited purpose of teaching in a dental school or advanced dental education program as a faculty member at an accredited dental school in this Commonwealth. This rulemaking effectuates Act 89.	Lisa Burns (717) 783-7162

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>State Registration Board for Professional Engineers, Land Surveyors and Geologists</i>			
Electronic Seals and Signatures 49 Pa. Code Chapter 37 (#16A-4712)	Fall 2016, as Proposed	In addition to updating their current regulations on seals, the three boards that regulate design professionals in this Commonwealth (including the State Architects Licensure Board, the State Registration Board for Engineers, Land Surveyors and Geologists, and the State Board of Landscape Architects) are proposing new regulations setting forth standard requirements for electronic seals and electronic signing of design documents. The goal of these proposals is to provide all design professionals with regulations that are as consistent as possible with respect to both traditional seals and electronic seals to benefit both the design professionals and their clients.	Robin Shearer (717) 783-7049
Renewal Fees 49 Pa. Code § 37.17 (#16A-4713)	Fall 2016, as Final	Under section 9(a) of the Professional Engineer, Land Surveyor and Geologist Registration Law (63 P.S. § 156(a)) (act), the Board is required by law to support its operations from the revenue it generates from fees, fines and civil penalties. In addition, the act provides that the Board shall increase fees if the revenue raised by fees, fines and civil penalties is not sufficient to meet expenditures over a 2-year period. The current fee structure is inadequate to support the operations of the Board. This proposed rulemaking seeks to increase the biennial renewal fee for licensees from \$50 to \$100 so that revenues are sufficient to cover projected expenditures as required by the act.	Robin Shearer (717) 783-7049
<i>State Board of Funeral Directors</i>			
Continuing Education Enforcement 49 Pa. Code Chapter 13 (#16A-4819)	Fall 2016, as Proposed	Under the Funeral Directors Law, all licensees are required to renew licenses biennially and complete at least 6 hours of approved continuing education courses as a condition of renewal. This proposed rulemaking would update and clarify the Board's regulations relating to renewal of licenses and enforcement of continuing education.	Heidy Weirich (717) 783-3397

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Schedule of Civil Penalties— Funeral Directors 49 Pa. Code § 43b.6 (#16A-4820)	Fall 2016, as Proposed	A companion to 16A-4819, this proposed regulation would amend § 43b.6 to establish a schedule of civil penalties for continuing education enforcement, including civil penalties for failing to complete the required amount of continuing education, providing a false or inaccurate certification relating to completion of continuing education and failing to respond to an audit request.	Heidy Weirich (717) 783-3397
Child Abuse Reporting Requirements 49 Pa. Code §§ 13.301—13.307 (#16A-4824)	Fall 2016, as Proposed	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Funeral Directors obtain required training in child abuse recognition and reporting.	Heidy Weirich (717) 783-3397
Names 49 Pa. Code Chapter 13 (#16A-4827)	Fall 2016, as Proposed	In a recent Federal lawsuit, the Third Circuit Court of Appeals held that certain provisions in the Funeral Director Law that prohibited the use of trade names are an unconstitutional violation of free commercial speech under the First Amendment to the U.S. Constitution. This rulemaking proposes to set standards for the use of names by a funeral entity and eliminate restrictions previously established under those provisions of the Funeral Director Law that have been determined to be unconstitutional.	Heidy Weirich (717) 783-3397

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Supervisor 49 Pa. Code Chapter 13 (#16A-4828)	Fall 2016, as Proposed	This proposed rulemaking would clarify each funeral establishment's need to have a supervisor and provide the requirements for registration and the responsibilities of the supervisor.	Heidy Weirich (717) 783-3397
<i>State Board of Landscape Architects</i>			
General Revisions 49 Pa. Code Chapter 15 (#16A-6111)	Winter 2016-17, as Proposed	The State Board of Landscape Architects has undertaken a comprehensive review of its current regulations in an effort to update obsolete and incomplete provisions, to revise them to conform with current practices and to be consistent with the Landscape Architects Registration Law. This proposed rulemaking implements updates to current practices of the Board with respect to qualifications and experience, examinations and continuing education.	Terrie Kocher (717) 772-8528
Electronic Seals and Signatures 49 Pa. Code Chapter 15 (#16A-6112)	Fall 2016, as Proposed	In addition to updating their current regulations on seals, the three boards that regulate design professionals in this Commonwealth (including the State Architects Licensure Board, the State Registration Board for Engineers, Land Surveyors and Geologists, and the State Board of Landscape Architects) are proposing new regulations setting forth standard requirements for electronic seals and electronic signing of design documents. The goal of these proposals is to provide all design professionals with regulations that are as consistent as possible with respect to both traditional seals and electronic seals to benefit both the design professionals and their clients.	Terrie Kocher (717) 772-8528
Schedule of Civil Penalties— Landscape Architects 49 Pa. Code Chapter 43b (#16A-6120)	Fall 2016, as Proposed	This proposed rulemaking would adopt a schedule of civil penalties for unlicensed practice and other violations of the Landscape Architects Registration Law.	Terrie Kocher (717) 772-8528

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Massage Therapy			
Child Abuse Reporting Requirements 49 Pa. Code Chapter 20 (#16A-722)	Fall 2016, as Proposed	This proposed regulation would establish regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL). Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. One of those amendments makes it clear that all licensees of health-related boards are mandatory reporters, which would include licensed massage therapists. This rulemaking implements the mandatory reporting requirements as recently amended, including the requirement that all applicants and licensees of the State Board of Massage Therapists obtain required training in child abuse recognition and reporting.	Carol Niner (717) 783-7155
Schedule of Civil Penalties— Massage Therapists 49 Pa. Code § 43b.23a (#16A-723)	Fall 2016, as Final	The rulemaking updates the schedule of civil penalties promulgated as a statement of policy in 2010. The rulemaking seeks to increase the deterrent effect by increasing the civil penalties for certain violations and adds additional offenses to the schedule.	Carol Niner (717) 783-7155
Fees 49 Pa. Code § 20.3 (#16A-724)	Fall 2016, as Proposed	Under section 11 of the Massage Therapy Act (63 P.S. § 627.11) the State Board of Massage Therapy is required to support its operations by the revenue it generates from fees, fines and civil penalties. In addition, it provides that the Board shall increase fees if revenue is not sufficient to meet projected expenditures. Under the current fee structure, the Board cannot produce enough revenue to meet projected expenditures. This proposal would increase biennial renewal fees for massage therapists, application fees, and fees for temporary practice permits.	Carol Niner (717) 783-7155

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Medicine			
Use of Medical Lasers 49 Pa. Code Chapter 18, Subchapter G (#16A-4939)	Winter 2016-17, as Proposed	This proposed rulemaking is intended to clarify the requirements for the use and delegation of the use of medical lasers. Based on the information available, the Board concluded that the use of prescription or medical lasers and other high energy source medical devices for the treatment of skin conditions by unlicensed individuals without adequate medical supervision presents an unreasonable risk of serious harm and potential permanent scarring or disfigurement. The Board proposes this rulemaking, which will bring the Board's regulations in line with the majority of other states that have already promulgated regulations related to these devices.	Suzanne Zerbe (717) 783-1400
Child Abuse Reporting Requirements 49 Pa. Code §§ 16.101—16.107 (#16A-4941)	Fall 2016, as Proposed	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Medicine obtain required training in child abuse recognition and reporting.	Suzanne Zerbe (717) 783-1400
Schedule of Civil Penalties 49 Pa. Code Chapter 43b, § 43b.20 (#16A-4942)	Fall 2016, as Proposed	This proposed rulemaking provides for a schedule of civil penalties for licensees of the State Board of Medicine who fail to make reports required under section 903(1) and (4) of the Medical Care Availability and Reduction of Error Act (40 P.S. § 1303.903(1) and (4)), fail to timely complete mandatory continuing education, practice on an expired license, or have minor disciplinary action imposed by the proper licensing authority of another state. These additions are intended to take advantage of the efficiencies of the Act 48 citation process.	Suzanne Zerbe (717) 783-1400

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Prosthetists, Orthotists, Pedorthists and Orthotic Fitters 49 Pa. Code Chapters 16 and 18 (#16A-4943)	Summer 2016, as Final	The act of July 5, 2012 (P.L. 873, No. 90) (Act 90) and the act of July 2, 2014 (P.L. 941, No. 104) (Act 104) amended the Medical Practice Act of 1985, to require the State Board of Medicine to issue licenses to prosthetists, orthotists, pedorthists and orthotic fitters, to regulate the practice of these professions and to discipline licensees. This final-form rulemaking would implement Act 90 and Act 104.	Suzanne Zerbe (717) 783-1400
Acupuncture 49 Pa. Code §§ 18.13—18.15 (#16A-4944)	Winter 2016-17, as Proposed	This proposed rulemaking implements the act of September 24, 2014 (P.L. 2472, No. 134) which amended the Acupuncture Licensure Act (63 P.S. §§ 1801—1806.1) to require acupuncturists and practitioners of Oriental medicine to carry professional liability insurance and to permit these licensees to provide services without a diagnosis from a physician, podiatrist or dentist for asymptomatic patients.	Suzanne Zerbe (717) 783-1400
Physician Assistant Supervisory Agreement (#16A-4946)	Winter 2016-17, as Proposed	The rulemaking is needed to bring the Board's existing regulations relating to physician assistant supervisory agreements (written agreements) into conformity with changes made by the act of November 27, 2013 (P.L. 1143, No. 100) with regard to physician review and countersignature of patient charts for patients seen by physician assistants.	Suzanne Zerbe (717) 783-1400
<i>State Board of Nursing</i>			
General Revisions 49 Pa. Code Chapter 21 (#16A-5125)	Fall 2016, as Final	This rulemaking would revise the State Board of Nursing's regulations relating to the timeframes within which candidates for licensure as registered nurses, practical nurses and dietitian-nutritionists must first take and ultimately pass the appropriate licensing examination and updates and makes uniform application and examination provisions across the licensure categories.	Cindy Miller (717) 783-7142

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Nursing Education Programs 49 Pa. Code Chapter 21 (#16A-5129)	Winter 2016-17, as Proposed	This proposed rulemaking updates and synthesizes the Board's nursing education program approval requirements for pre- and post-licensure education programs for practical nurses, professional nurses and certified registered nurse practitioners into one subchapter.	Cindy Miller (717) 783-7142
Child Abuse Reporting Requirements 49 Pa. Code §§ 21.501—21.507 (#16A-5140)	Fall 2016, as Proposed	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Nursing obtain required training in child abuse recognition and reporting.	Cindy Miller (717) 783-7142
<i>State Board of Examiners of Nursing Home Administrators</i>			
Schedule of Civil Penalties 49 Pa. Code Chapter 43b, § 43b.17 (#16A-6213)	Fall 2016, as Proposed	This proposed rulemaking would amend the schedule of civil penalties for the State Board of Examiners of Nursing Home Administrators to implement Act 48 civil penalties for continuing education violations.	Chris Stuckey (717) 783-7155
Notice Requirements 49 Pa. Code §§ 39.92 and 39.93 (#16A-6217)	Fall 2016, as Final	This rulemaking clarifies notice requirements relating to convictions of crimes and return of suspended or revoked licenses.	Chris Stuckey (717) 783-7155

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Child Abuse Reporting Requirements 49 Pa. Code Chapter 39 (#16A-6218)	Fall 2016, as Proposed	This proposed regulation would establish regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL). Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. One of those amendments makes it clear that all licensees of health-related boards are mandatory reporters, which would include licensed nursing home administrators. This rulemaking implements the mandatory reporting requirements as recently amended, including the requirement that all applicants and licensees of the State Board of Examiners of Nursing Home Administrators obtain required training in child abuse recognition and reporting.	Chris Stuckey (717) 783-7155
<i>State Board of Occupational Therapy Education and Licensure</i>			
Child Abuse Reporting Requirements 49 Pa. Code Chapter 42 (#16A-679)	Fall 2016, as Proposed	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Occupational Therapy Education and Licensure obtain required training in child abuse recognition and reporting.	Carol Niner (717) 783-1389

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Code of Ethics 49 Pa. Code § 42.24 (#16A-6710)	Winter 2016-17, as Final	Beginning in 2011, the Board undertook a review of the language existing in § 42.24 and has compared it to various editions of the AOTA Occupational Therapy Code of Ethics. As a result of its review, the Board determined that it should update § 42.24 by adopting the 2015 AOTA Code of Ethics, which the Board finds to be the minimum standard of ethical conduct for occupational therapists and occupational therapy assistants in this Commonwealth. The AOTA Code of Ethics not only reflects the Board's own view of ethical practice, but will also keep the Commonwealth's ethical standards consistent with the National standards.	Carol Niner (717) 783-1389
General Revisions 49 Pa. Code Chapter 42 (#16A-6711)	Winter 2016-17, as Final	The act of July 5, 2012 (P.L. 1132, No. 138) (Act 138) amended the Occupational Therapy Practice Act to, among other things, require the maintenance of professional liability insurance by occupational therapists, provide for the imposition of civil penalties in accordance with the act of July 2, 1993 (P.L. 345, No. 48), permit the Board to participate in the Bureau's "impaired professionals program," and authorize the Board to establish additional requirements for licensure renewal designed to assure continued competency for occupational therapy assistants. This rulemaking implements the professional liability insurance and continued competency provisions of Act 138.	Carol Niner (717) 783-1389

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Optometry			
General Revisions 49 Pa. Code Chapter 23 (#16A-5213)	Summer 2016, as Proposed	Section 3(b)(14) of the Optometric Practice and Licensure Act (act) gives the Board the authority to promulgate all rules and regulations necessary to carry out the purposes of the act. Section 5(b) of the act provides the minimal requirements for continuing education of 30 hours in a biennial period for licensed optometrists. The Board is proposing amendments to its existing regulations to ensure that clear guidance is given to licensees in prescribing contact lenses, reporting continuing education and the standards for accepting commercial support from the providers of continuing education.	Chris Stuckey (717) 783-7155
Child Abuse Reporting Requirements 49 Pa. Code §§ 23.111—23.116 (#16A-5215)	Fall 2016, as Proposed	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Optometry obtain required training in child abuse recognition and reporting.	Chris Stuckey (717) 783-7155
State Board of Osteopathic Medicine			
Child Abuse Reporting Requirements 49 Pa. Code §§ 25.401—25.416 (#16A-5326)	Fall 2016, as Proposed	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Osteopathic Medicine obtain required training in child abuse recognition and reporting.	Aaron Hollinger (717) 783-4858

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Prescribing 49 Pa. Code § 25.218 (#16A-5330)	Winter 2016-17, as Proposed	The State Board of Osteopathic Medicine proposes this rulemaking to set forth the minimum acceptable standards of practice that an osteopathic physician or physician assistant licensed by the Board must follow when prescribing, administering or dispensing controlled substances or one specific additional drug which shares serious potential for addiction and abuse (butalbital). Butalbital is a barbiturate that is known to have addictive and abuse potential and is prone to overuse by the consumer.	Aaron Hollinger (717) 783-4858
Acupuncture 49 Pa. Code §§ 25.231 and 25.301—25.314 (#16A-5331)	Winter 2016-17, as Proposed	This proposed rulemaking implements the act of September 24, 2014 (P.L. 2472, No. 134) which amended the Acupuncture Licensure Act (63 P.S. §§ 1801—1806.1) to require acupuncturists and practitioners of Oriental medicine to carry professional liability insurance and to permit these licensees to provide services without a diagnosis from a physician, podiatrist or dentist for asymptomatic patients. It also makes general updates to the regulations to be consistent with the regulations of the State Board of Medicine relating to acupuncture.	Aaron Hollinger (717) 783-4858
Physician Assistant Supervisory Agreements 49 Pa. Code Chapter 25, Subchapter C (#16A-5332)	Winter 2016-17, as Proposed	The rulemaking is needed to bring the Board's existing regulations relating to physician assistant supervisory agreements (written agreements) into conformity with changes made by the act of November 27, 2013 (P.L. 1145, No. 101) with regard to physician review and countersignature of patient charts for patients seen by physician assistants.	Aaron Hollinger (717) 783-4858
<i>State Board of Pharmacy</i>			
Compounding Practices 49 Pa. Code Chapter 27 (#16A-5419)	Summer 2016, as Proposed	Through careful review and with input from stakeholders, the State Board of Pharmacy proposes to update its regulations to incorporate developments and improvements in the profession's safe, sterile practices and procedures for the compounding of pharmaceutical products for patients.	Melanie Zimmerman (717) 783-7156

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Child Abuse Reporting Requirements 49 Pa. Code Chapter 27 (#16A-5430)	Fall 2016, as Proposed	This proposed regulation would establish regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL). Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. One of those amendments makes it clear that all licensees of health-related boards are mandatory reporters, which would include licensees of the State Board of Pharmacy. This rulemaking implements the mandatory reporting requirements as recently amended, including the requirement that all applicants and licensees of the Board obtain required training in child abuse recognition and reporting.	Melanie Zimmerman (717) 783-7156
Administration of Injectable Medications, Biologicals and Immunizations 49 Pa. Code §§ 27.401—27.407 (#16A-5431)	Fall 2016, as Proposed	In June of 2015, the Pharmacy Act was amended to reduce the age of patients that a pharmacist could administer influenza vaccines from 18 to 9 and to allow pharmacy interns to administer injectable medications, biologicals and immunizations. This rulemaking implements the 2015 amendments to the act.	Melanie Zimmerman (717) 783-7156
<i>State Board of Physical Therapy</i>			
Continuing Education Enforcement 49 Pa. Code §§ 40.67(f) and 40.192(f) (#16A-6515)	Fall 2016, as Final	In conjunction with the civil penalty schedule that follows, this rulemaking would amend the continuing education regulations with regard to enforcement. To obtain greater compliance with the underlying continuing education requirements, this rulemaking amends the Board's regulations to address curing the deficiency when a licensee is found to be in violation of the continuing education regulations.	Michelle Roberts (717) 783-7134

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Schedule of Civil Penalties 49 Pa. Code Chapter 43b (#16A-6516)	Fall 2016, as Final	This rulemaking would establish a schedule of civil penalties for the State Board of Physical Therapy to implement Act 48 civil penalties for practicing on a lapsed license and for continuing education violations. As is being done for other licensing boards with continuing education requirements, the Commissioner is proposing a civil penalty schedule for violation of the continuing education requirements for licensees of the Board, because the Commissioner and Board believe the Act 48 citation process will be a much more efficient method of handling these violations, while still ensuring licensees due process.	Michelle Roberts (717) 783-7134
Post-Act 38 Corrections 49 Pa. Code Chapter 40 (#16A-6517)	Winter 2016-17, as Final	The act of July 4, 2008 (P.L. 293, No. 38) (Act 38) substantially amended the act, including qualifications for licensure as a physical therapist, continuing education for all physical therapists and physical therapist assistants, professional liability insurance for all physical therapists, physician referral, and supervision of physical therapist assistants by physical therapists on a basis that may be less than direct on-premises supervision. Due to the extensive nature and breadth of these amendments, on December 22, 2012, at 42 Pa.B. 7652, the Board amended its regulations to implement Act 38. After final promulgation, the Board discovered various typographical errors to correct, necessary clarity edits and other items that were not, but could have been, addressed in the prior rulemaking. This rulemaking proposes to address those items.	Michelle Roberts (717) 783-7134

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Child Abuse Reporting Requirements 49 Pa. Code §§ 40.201—40.207 (#16A-6518)	Fall 2016, as Proposed	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Physical Therapy obtain required training in child abuse recognition and reporting.	Michelle Roberts (717) 783-7134
State Board of Podiatry			
General Revisions 49 Pa. Code Chapter 29 (#16A-448)	Fall 2016, as Proposed	This proposed regulation would be a general update addressing unprofessional conduct and code of ethics; return to practice after a period of absence; CE reporting, auditing and enforcement; licensure by reciprocity. It also removes outdated regulations and makes the regulations gender-neutral. The regulation is needed to keep the profession current and assure that the regulations reflect current practices.	Aaron Hollinger (717) 783-4858
Certificate of Authority to Perform Acupuncture 49 Pa. Code Chapter 29 (#16A-449)	Winter 2016-17, as Proposed	This proposed rulemaking would establish the fees and regulate the practice of acupuncture by podiatrists under the Acupuncture Registration Act. Through this rulemaking the State Board of Podiatry strives to ensure that podiatrists who perform acupuncture will have the proper training.	Aaron Hollinger (717) 783-4858

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Child Abuse Reporting Requirements 49 Pa. Code §§ 29.91—29.97 (#16A-4412)	Fall 2016, as Proposed	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Podiatry obtain required training in child abuse recognition and reporting.	Aaron Hollinger (717) 783-4858
Schedule of Civil Penalties—Podiatrists 49 Pa. Code Chapter 43b (#16A-4413)	Fall 2016, as Final	This proposed rulemaking would adopt a schedule of civil penalties for continuing education and lapsed license violations. This is the first time that the State Board of Podiatry will participate in the Act 48 citation program. The Commissioner and the Board believe that it is necessary to implement the civil penalties contained in this proposed rulemaking in order to streamline the disciplinary process.	Aaron Hollinger (717) 783-4858
<i>State Board of Psychology</i>			
Continuing Education 49 Pa. Code § 41.59 (#16A-6317)	Fall 2016, as Proposed	The Board, in its effort to continually review the efficacy of its regulations, has again reviewed the continuing education regulations and has determined that amendments are needed to update, revise and clarify the continuing education requirements. This proposed rulemaking would amend the requirements relating to home study, instruction and carry over.	Chris Stuckey (717) 783-7155
Code of Ethics 49 Pa. Code § 41.61 (#16A-6324)	Fall 2016, as Proposed	This proposed rulemaking would update the Board's Code of Conduct to adopt the American Psychological Association's (APA) Ethical Principles of Psychologists and Code of Conduct and various enumerated APA practice guidelines.	Chris Stuckey (717) 783-7155

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Qualifications 49 Pa. Code § 41.31 (#16A-6320)	Fall 2016, as Proposed	In 2010, the Board published amendments to the regulations relating to education, examination and experience requirements for licensure. Since then, the Board has determined that additional amendments are needed to provide greater clarity.	Chris Stuckey (717) 783-7155
Child Abuse Reporting Requirements 49 Pa. Code Chapter 41 (#16A-6322)	Fall 2016, as Proposed	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Psychology obtain required training in child abuse recognition and reporting.	Chris Stuckey (717) 783-7155
Volunteer Licenses 49 Pa. Code Chapter 41 (#16A-6325)	Winter 2016-17, as Proposed	This proposed rulemaking would implement the 2014 amendments to the Volunteer Health Services Act, which extended the coverage of the law to include mental health services.	Chris Stuckey (717) 783-7155
<i>State Board of Certified Real Estate Appraisers</i>			
Schedule of Civil Penalties— Real Estate Appraisers 49 Pa. Code § 43b.15a (#16A-7016)	Fall 2016, as Proposed	The proposed rulemaking will codify and amend the Board's current schedule of civil penalties. Since the publication of the schedule in 2004, there have been several amendments to the Real Estate Appraiser Certification Act (REACA) which have altered several provisions that were included in the current schedule of civil penalties. In addition, the experience of the Board during the intervening years has demonstrated that additional violations, for example, continuing education violations, are appropriately disposed by the Act 48 citation process.	Heidy Weirich (717) 783-4866

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Assessment Record Keeping and Reporting 49 Pa. Code §§ 36.201 and 36.265 (#16A-7018)	Fall 2016, as Proposed	The proposed rulemaking updates the Board's regulations to reflect current practice followed by assessment offices throughout the Commonwealth, and to assure consistency with Uniform Standards of Appraisal Practice (USPAP) and International Association of Assessing Officers (IAAO) standards of assessment practice.	Heidy Weirich (717) 783-4866
General Rulemaking for Appraisal Management Companies 49 Pa. Code Chapter 36 (#16A-7021)	Winter 2016-17, as Final	The proposal would govern the registration of appraisal management companies as required by the Appraisal Management Company Registration Act, 63 P.S. §§ 457.21—457.31. Temporary regulations pertaining to appraisal management companies expired on February 1, 2015.	Heidy Weirich (717) 783-4866
General Revisions for Certified Real Estate Appraisers 49 Pa. Code Chapter 36 (#16A-7022)	Fall 2016, as Proposed	This proposed rulemaking updates the Board's regulations to reflect mandated Federal changes made by the Appraisal Qualifications Board of the Appraisal Foundation, which is charged with establishing education and experience requirements for real estate appraisers under the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA).	Heidy Weirich (717) 783-4866
<i>State Real Estate Commission</i>			
Seller Property Disclosure Statement 49 Pa. Code § 35.335a (#16A-5623)	Fall 2016, as Final-Omitted	This final-form rulemaking amends the seller property disclosure statement to comport to amendments made to the Real Estate Seller Disclosure Law in 2015 to include disclosures relating to sink holes and storm water facilities.	Krista Lisenbach
Team Advertising 49 Pa. Code Chapter 35 (#16A-5616)	Fall 2016, as Proposed	This proposed rulemaking establishes standards for team advertising. A number of licensed real estate professionals advertise and operate in groups known as "teams." Teams are not defined or recognized under the Real Estate Licensure and Registration Act. These teams are not brokerages and could be easily confused by the public for a real estate broker in advertising. The Commission is now proposing these regulations to set binding standards for the advertisement of teams.	Krista Lisenbach

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>State Board of Social Workers, Marriage and Family Therapists and Professional Counselors</i>			
Child Abuse Reporting Requirements 49 Pa. Code Chapters 47, 48 and 49 (#16A-6919)	Fall 2016, as Proposed	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors obtain required training in child abuse recognition and reporting.	Sandra Matter (717) 783-1389
Licensed Bachelor Social Worker 49 Pa. Code Chapter 47 (#16A-6922)	Fall 2016, as Proposed	The proposed rulemaking would amend the Board's regulations to implement the act of October 22, 2014 (P.L. 2884, No. 179) (Act 179) which provides for the establishment of a bachelor level social worker's license. The proposal establishes fees, licensure requirements, continuing education requirements, and standards of practice for licensed bachelor social workers.	Sandra Matter (717) 783-1389
General Revisions 49 Pa. Code Chapters 47, 48 and 49 (#16A-6923)	Fall 2016, as Proposed	Beginning in 2012, and culminating with this proposed rulemaking, the Board has undertaken a comprehensive review of its regulations relating to qualifications for licensure, supervision of clinical experience, including the provision of supervision through electronic means, and continuing education. The purpose of this rulemaking is to eliminate outdated provisions, update standards to reflect modern technology, and to modernize the Board's processes relating to licensure.	Sandra Matter (717) 783-1389

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Volunteer Licenses 49 Pa. Code Chapters 47, 48 and 49 (#16A-6924)	Winter 2016-17, as Proposed	This proposed rulemaking would implement the 2014 amendments to the Volunteer Health Services Act which extended the coverage of the act to include the provision of mental health services. The rulemaking will allow licensees of the board to obtain volunteer licenses to permit them to provide mental health services through approved clinics or on referral from an approved organization without remuneration, provided they do not otherwise active practice.	Sandra Matter (717) 783-1389
<i>State Board of Examiners in Speech-Language Pathology and Audiology</i>			
General Revisions 49 Pa. Code Chapter 45 (#16A-6803)	Fall 2016, as Proposed	This proposed regulation would update the Board's existing regulations to delete or amend outdated provisions and to implement the act of July 2, 2014 (P.L. 971, No. 106) (Act 106 of 2014), which eliminated licensure of teachers of the hearing impaired and made other revisions to the Speech-Language Pathologists and Audiologists Licensure Act.	Sandra Matter (717) 783-1389
Child Abuse Reporting Requirements 49 Pa. Code §§ 45.401—45.407 (#16A-6805)	Fall 2016, as Proposed	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Examiners in Speech-Language Pathology and Audiology obtain required training in child abuse recognition and reporting.	Sandra Matter (717) 783-1389

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>State Board of Veterinary Medicine</i>			
Licensure of Euthanasia Technicians 49 Pa. Code Chapter 31 (#16A-5726)	Summer 2016, as Proposed	This proposed rulemaking is necessary to implement the act of October 24, 2012 (P.L. 1452, No. 182) (Act 182 of 2012) which amended the Animal Destruction Method Authorization Law to require the State Board of Veterinary Medicine to register animal welfare organizations and to license euthanasia technicians to permit the organizations to purchase controlled substances and employ euthanasia technicians for the humane euthanasia of small domestic animals.	Michelle Roberts (717) 783-7134
<i>State Employees' Retirement System (SERS)</i>			
Time for Recomputation of Annuity 4 Pa. Code § 247.5.1 (#31-14)	October 2016, as Final	This rulemaking would provide guidance on when an annuitant is permitted to change their optional payment plan. There is no time frame in the statute for this election to occur causing administrative difficulties including possibly permitting anti-selection of death benefits, requiring members to make a declaration under discontinued disability benefits and negating an option change absent another qualifying event. This would impose a time limit for annuitants to change the optional payment plan authorized by the second to the last sentence of 71 Pa.C.S. § 5907(j). The proposed deadline is seven years after the death, divorce or marriage triggering such right or upon occurrence of a superseding triggering event under § 5907(j), whichever occurs first. After receiving the approval of the Office of General Counsel, Governor's Policy Office and Office of Budget, SERS delivered the final-form regulation packages to the House State Government Committee, the Senate Finance Committee, and IRRC on June 2, 2016. The final-form regulation is listed on IRRC's Public Meeting Agenda for its July 21, 2016 meeting and is identified as "Deemed Approved."	M. Catherine Nolan, Esq. (717) 237-0392 Sharon Smith, Legislative Specialist (717) 237-0227 Jay Pagni, Director of Communications and Policy (717) 237-0236

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Member Contributions for the Purchase of Credit for Previous State Service or to Become a Full Coverage Member 4 Pa. Code § 245.4 (#31-14)	October 2016, as Final	This rulemaking would clarify the effects of the reinstatement or purchase of previous State service. An appellate and a Board decision have offered partial guidance in this area. This would enable consistent application of the statute and would reduce litigation of purchase of service issues. Member contributions for the purchase of credit for previous State service or to become a full coverage member. Any SERS member or multiple service member of the Public School Employees' Retirement System ("PSERS") who applies to purchase credit for previous optional State service, must purchase credit for all such service simultaneously and it would also extend the payroll deduction payment period from the currently customary three years to six years. After receiving the approval of the Office of General Counsel, Governor's Policy Office and Office of Budget, SERS delivered the final-form regulation packages to the House State Government Committee, the Senate Finance Committee, and IRRC on June 2, 2016. The final-form regulation is listed on IRRC's Public Meeting Agenda for its July 21, 2016 meeting and is identified as "Deemed Approved."	M. Catherine Nolan, Esq. (717) 237-0392 Sharon Smith, Legislative Specialist (717) 237-0227 Jay Pagni, Director of Communications and Policy (717) 237-0236
<i>Department of Transportation (DOT)</i>			
Temporary Registration Cards and Plates 67 Pa. Code Chapter 43	Winter 2016, as Proposed	This rulemaking will effectuate consistent validity periods applicable to temporary registration cards and cardboard temporary registration plates for a vehicle which is acquired in Pennsylvania for in- and out-of-state registration and use.	Anita Wasko (717) 787-2171 Jeffrey Spotts (717) 787-5299
School Bus Drivers—Physical and Mental Criteria 67 Pa. Code Chapter 71	Winter 2016, as Final	This rulemaking will update the medical standards for school bus drivers that have brain disease, cognitive impairment or a mental/emotional disorder.	Laura Krol (717) 346-1907 Jeffrey Spotts (717) 787-5299
School Bus Drivers—Vision Standards and Loss of Consciousness Requirements 67 Pa. Code Chapter 71	Winter 2016, as Final	This rulemaking will update the medical standards for school bus drivers who have a loss of consciousness of unknown or uncategorized etiology and establish field of vision requirements.	Laura Krol (717) 346-1907 Jeffrey Spotts (717) 787-5299

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Photographic Driver's License 67 Pa. Code Chapter 73	Winter 2016, as Proposed	This rulemaking will update the standards and procedures for initial issuance, renewal, replacement and duplicate issuance of a driver's license.	Kara N. Templeton (717) 787-2977 Jeffrey Spotts (717) 787-5299
Physical and Mental Criteria Relating to the Licensing of Drivers 67 Pa. Code Chapter 83	Winter 2016, as Final	This rulemaking will update the medical standards for license holders that have brain disease, cognitive impairment or a mental/emotional disorder.	Laura Krol (717) 346-1907 Jeffrey Spotts (717) 787-5299
Vision Standards and Loss of Consciousness Requirements Relating to the Licensing of Drivers 67 Pa. Code Chapter 83	Winter 2016, as Final	This rulemaking will update the medical standards for license holders who have a loss of consciousness of unknown or uncategorized etiology and establish field of vision requirements.	Laura Krol (717) 346-1907 Jeffrey Spotts (717) 787-5299
Actual Name on Certificate of Title, Driver's License, and Identification Card 67 Pa. Code Chapter 85	Fall 2016, as Proposed	This rulemaking will expand the options married individuals have with respect to their surname as listed on such documents as a vehicle title, driver's license or identification card from the Department.	Chris Miller (717) 787-2977 Jeffrey Spotts (717) 787-5299
Identification Cards 67 Pa. Code Chapter 91	Winter 2016, as Proposed	This rulemaking will update the standards and procedures for initial issuance, renewal, replacement and duplicate issuance of a Department issued identification card.	Kara N. Templeton (717) 787-2977 Jeffrey Spotts (717) 787-5299
Authorizing Appropriately Attired Persons to Direct, Control or Regulate Traffic 67 Pa. Code Chapter 101	Summer 2016, as Final	This rulemaking amends existing regulations to be consistent with Department regulations at 67 Pa. Code 212 and Federal law (see, e.g., 23 C.F.R. Part 634).	Glenn Rowe, P.E. (717) 783-6479 Jeffrey Spotts (717) 787-5299
Mechanical Electrical and Electronic Speed Timing Devices 67 Pa. Code Chapter 105	Summer 2016, as Final	This rulemaking will update existing regulations to reflect changes in equipment technology relating to calibration and maintenance of speed timing devices used for law enforcement purposes and to delete references to obsolete equipment and calibration procedures.	Kay Kishbaugh (717) 787-2171 Jeffrey Spotts (717) 787-5299
Vehicle Equipment and Inspection 67 Pa. Code Chapter 175	Summer 2016, as Proposed	This rulemaking updates vehicle equipment and inspection standards to better reflect current technologies, consistent with recommendations made by the Department's Inspection Advisory Board.	Kay Kishbaugh (717) 787-2171 Jeffrey Spotts (717) 787-5299
Hauling in Excess of Posted Weight Limit 67 Pa. Code Chapter 189	Winter 2016, as Final	This rulemaking will update regulations to be consistent with amendments to the Vehicle Code under Act 89 of 2013.	Halley Cole, P.E. (717) 783-6146 Jeffrey Spotts (717) 787-5299

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Official Traffic Control Devices 67 Pa. Code Chapter 212	Winter 2016, as Proposed	This rulemaking is needed to adopt revisions to the Manual on Uniform Traffic Control Devices (MUTCD) as applicable in Pennsylvania; to update references to Department publications; and to establish that the Secretary may determine the Department will install, operate, or maintain traffic signals, including certain traffic signal corridors (in lieu of local entities), as authorized by Act 89 of 2013.	Glenn Rowe, P.E. (717) 783-6479 Jeffrey Spotts (717) 787-5299
Intrastate Motor Carrier Safety 67 Pa. Code Chapter 231	Fall 2016, as Proposed	This rulemaking is necessary to waive hours of service and other requirements for mass transportation organizations and their drivers, while establishing new requirements consistent with the public interest.	Danielle Spila (717) 787-1208 Jeffrey Spotts (717) 787-5299
Hazardous Material Transportation 67 Pa. Code Chapter 403	Summer 2016, as Proposed	This rulemaking will remove outdated or superfluous language in the Department's Hazardous Materials regulations and ensure consistency with Federal regulations.	Glenn Rowe, P.E. (717) 783-6479 Jeffrey Spotts (717) 787-5299

[Pa.B. Doc. No. 16-1182. Filed for public inspection July 8, 2016, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

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.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
125-187	Pennsylvania Gaming Control Board Fortune Asia Poker; Table Game Rules of Play	6/22/16	8/18/16

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 16-1183. Filed for public inspection July 8, 2016, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Renewal of Designation as a Certified Reinsurer

ACE INA Overseas Insurance Company Ltd. has applied for renewal of its designation as a certified reinsurer in this Commonwealth. The application was received on June 28, 2016, and was made under section

319.1(a) of The Insurance Company Law of 1921 (40 P.S. § 442.1(a)) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the

application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Nicholas S. Murray, Financial Analysis Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, nmurray@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-1184. Filed for public inspection July 8, 2016, 9:00 a.m.]

Application for Renewal of Designation as a Certified Reinsurer

ACE Reinsurance (Switzerland), Ltd. has applied for renewal of its designation as a certified reinsurer in this Commonwealth. The application was received on June 28, 2016, and was made under section 319.1(a) of The Insurance Company Law of 1921 (40 P.S. § 442.1(a)) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Nicholas S. Murray, Financial Analysis Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, nmurray@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-1185. Filed for public inspection July 8, 2016, 9:00 a.m.]

Application for Renewal of Designation as a Certified Reinsurer

Chubb Tempest Reinsurance Ltd. (f/k/a ACE Tempest Reinsurance Ltd.) has applied for renewal of its designation as a certified reinsurer in this Commonwealth. The application was received on June 16, 2016, and was made under section 319.1(a) of The Insurance Company Law of 1921 (40 P.S. § 442.1(a)) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts

to inform the Department of the exact basis of the statement. Written statements should be directed to Nicholas S. Murray, Financial Analysis Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, nmurray@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-1186. Filed for public inspection July 8, 2016, 9:00 a.m.]

Application for Renewal of Designation as a Certified Reinsurer

Equator Reinsurance Limited has applied for renewal of its designation as a certified reinsurer in this Commonwealth. The application was received on June 23, 2016, and was made under section 319.1(a) of The Insurance Company Law of 1921 (40 P.S. § 442.1(a)) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Neel Vaidya, Financial Analysis Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, nvaidya@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-1187. Filed for public inspection July 8, 2016, 9:00 a.m.]

Steven R. Martorano; Order to Show Cause; Doc. No. SC16-05-014

A prehearing telephone conference initiated by the Insurance Department is scheduled for August 4, 2016, at 9:30 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before August 2, 2016. A hearing shall occur on August 18, 2016, at 9:30 a.m. in the Administrative Hearings Office, Capitol Associates Buildings, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

On or before July 14, 2016, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and addresses of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case.

Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other: (1) a copy of any listed document not previously supplied; and (2) a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of documents and expert reports need not be filed with the Administrative Hearings Office. A party will be precluded at hearing from using a document not listed and supplied unless the use was not reasonably foreseeable. Experts may testify only on matters substantially contemplated by reports supplied to the other party in accordance with this paragraph.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 20, 2016, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answers to petitions to intervene, if any, shall be filed on or before August 2, 2016.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-1188. Filed for public inspection July 8, 2016, 9:00 a.m.]

Private Passenger Motor Vehicle Liability Insurance Policies; Limited and Full Tort Data Reporting; Notice 2016-08

To: All Insurers Writing Private Passenger Motor Vehicle Insurance Policies in Pennsylvania

From: Mark Lersch, Property and Casualty Bureau Director, Office of Insurance Product Regulation

The purpose of this notice is to alert private passenger motor vehicle insurers that the Insurance Department (Department) intends to collect certain ratemaking data by tort election of the policyholder and tort election of the claimant in its future annual Act 6 of 1990 private passenger auto data calls.

Background

Section 8 of Act 6 of 1990 amended Title 75 of Pennsylvania's consolidated statutes by adding Section 1705 "Election of tort options." Section 1705 (75 Pa.C.S. § 1705) requires insurers to provide their named insureds with the option to elect either full tort benefits or limited tort benefits on private passenger motor vehicle liability insurance policies.

As described in the notices required by Section 1705, the limited tort option provides the named insured with "the right to choose a form of insurance that limits your right and the right of members of your household to seek financial compensation for injuries caused by other drivers."

Alternatively, the full tort option provides "the right to choose a form of insurance under which you maintain an unrestricted right for you and the members of your household to seek financial compensation for injuries caused by other drivers."

Section 19 of Act 6 of 1990 amended Title 75 of Pennsylvania's consolidated statutes by adding, among other sections, Section 1799.7 "Rates." Section 1799.7(g) "Calculation of rates" (75 Pa.C.S. § 1799.7(g)) requires:

"In all rate filings subsequent to the initial filing required by subsection (a), insurers shall allocate expenses, losses and income according to the coverages which generate such expenses, losses and income, provided that each insurer shall provide its limited tort electors with premium savings that equal, in the aggregate, reductions in the insurer's losses created by limited tort electors under the system of tort options established in section 1705."

Department Notice 2003-07 communicated the results of the last Department study of the savings associated with limited tort election under Pennsylvania's system of tort options and required a 40% discount on bodily injury, uninsured motorist coverage, underinsured motorist coverage and first party benefits for insureds that choose the limited tort option.

Requirements

As the Department intends to study the savings associated with limited tort election in the future, it is hereby notifying all insurers writing private passenger motor vehicle insurance policies in Pennsylvania that if they are not already doing so, they should track and record standard ratemaking data by the tort election of the policyholder and, for bodily injury coverage, the tort election of the claimant.

For purposes of this notice, "standard ratemaking data" includes incurred claims, paid claims, incurred losses, paid losses, incurred ALAE or DCC expense and paid ALAE or DCC expense.

The Department will begin requiring this information from the 20 largest writers of private passenger motor vehicle insurance, as measured by Pennsylvania direct written premium, on an accident year basis with its future annual Act 6 of 1990 private passenger auto data calls. The first such data call will be due on October 15, 2017, and will require accident year ending December 31, 2016, data. Subsequent annual development on accident year data (beginning with accident year ending December 31, 2016) will be collected in future annual data calls (for example due October 15, 2018, and each October 15 thereafter).

Even though only the 20 largest writers of private passenger motor vehicle insurance will be required to report this information with future data calls, it is suggested that all insurers collect and record this information. Additionally, a company that was initially outside but that grows into the top 20 will be required to report the historical development data (beginning with accident year ending December 31, 2016) along with all top 20 companies.

For bodily injury coverage, insurers should anticipate providing standard ratemaking data as follows:

For policyholders selecting limited tort:

- A.) Claimants selecting limited tort
- B.) Claimants selecting full tort

For policyholders selecting full tort:

- A.) Claimants selecting limited tort
- B.) Claimants selecting full tort

For all coverages except bodily injury, insurers should anticipate providing standard ratemaking data by the tort selection of the policyholder only. It is anticipated that this request will be isolated to first party benefits, uninsured motorist coverage and underinsured motorist coverage as these are the coverages (along with bodily injury) that receive the limited tort discount in accordance with Department Notice 2003-07.

Questions regarding this notice may be directed to Michael McKenney, Property and Casualty Actuarial Supervisor, (717) 705-0166, mmckenney@pa.gov.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-1189. Filed for public inspection July 8, 2016, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurer has requested a telephone hearing as authorized by the act of June 17, 1998 (P.L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile insurance policy. The telephone hearing will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held with both parties participating by telephone in the Insurance Department's regional office in Harrisburg, PA.

The following telephone hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Viking Insurance Company of Wisconsin; File No. 16-188-197403; Adrian Gallardo; Doc. No. P16-06-009; July 27, 2016, 9:30 a.m.

Parties may testify with or without counsel and offer relevant testimony and other relevant evidence, or both. Each party must have previously exchanged documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the telephone hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated

representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-1190. Filed for public inspection July 8, 2016, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

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 July 25, 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-2016-2552116. Discount Transportation, LLC (933 Iroquois Court, Harrisburg, Dauphin County, PA 17109) a limited liability company of the Commonwealth of Pennsylvania—for the right to transport as a common carrier, by motor vehicle, persons in paratransit service, from Berks County, to points in Pennsylvania, and return. *Attorney:* Randall G. Hurst, Esquire, Mette, Evans & Woodside, 3401 North Front Street, P.O. Box 5950, Harrisburg, PA 17110-0950.

A-2016-2552118. Elegant Taxi, LLC (25 East Broad Street, West Hazleton, Luzerne County, PA 18202) a limited liability company of the Commonwealth of Pennsylvania—for the right to transport, as a common carrier, by motor vehicle, persons in call or demand service, within 25 air statute miles from the City of Hazleton, Luzerne County; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2016-2551126. The Connections Group, Inc. (4919 Knox Street, Philadelphia, Philadelphia County, PA 19144) a corporation of the Commonwealth of Pennsylvania—for the right to transport, as a common carrier, by motor vehicle, persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in the Counties of Bucks, Chester, Delaware, Montgomery and Philadelphia.

A-2016-2552701. Med-Trans, Inc. (100 Mountain Laurel Court, Parkesburg, Chester County, PA 19365) for the right to transport as a common carrier, by motor vehicle,

persons in paratransit service, in wheelchair vans which are staffed with a person having a minimum of first aid and CPR certifications, from points in the Counties of Chester, Lancaster and Philadelphia, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority. *Subject to the following conditions:* That no right, power or privilege is granted to originate service in Adamstown Borough, Akron Borough, Brecknock Township, Caernarvon Township, Terre Hill Borough, Denver Borough, East Cocalico Township, Ephrata Borough, Ephrata Township, Clay Township, West Cocalico Township, West Earl Township, Manheim Township and west of the Conestoga River in Earl Township, all located in Lancaster County. *Attorney:* Christina M. Mellott, Esquire, Page, Wolfberg & Wirth, LLC, 5010 East Trindle Road, Suite 202, Mechanicsburg, PA 17050.

Application of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under the application.

A-2016-2552816. Trans-Med Ambulance, Inc. (14 Marion Street, Luzerne, Luzerne County, PA 18709) a corporation of the Commonwealth of Pennsylvania—persons in paratransit service from points in the Counties of Lackawanna, Luzerne, Lycoming, Monroe, Montour and Wyoming, to points in Pennsylvania, and return.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.

A-2016-2552661. American Office Installers, Inc. (820 Route 910, Cheswick, Allegheny County, PA 15024) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania. *Attorney:* William A. Gray, Esquire, Vuono & Gray, LLC, 310 Grant Street, Suite 2310, Pittsburgh, PA 15219-2383.

Application of the following for the approval of the right and privilege to *discontinue/abandon* operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

A-2016-2551656. Harold Leroy Shipman, t/d/b/a Shipman Van Service (1233 Cherrytown Road, Dornsife, PA 17823) persons in paratransit service, from points in the Counties of Dauphin and Northumberland, to points in Pennsylvania, and return, limited to the transportation of persons whose personal convictions prevent them from owning or operating motor vehicles.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-1191. Filed for public inspection July 8, 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 July 25, 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. Randy S. Keller; Docket No. C-2016-2544671

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 Prosecutory Staff hereby represents as follows:

1. That Randy S. Keller, Respondent maintains a principal place of business at 1015 Jackman Avenue, Apt. 104, Pittsburgh, Pennsylvania, 15202.

2. That on Friday, May 6, 2016, at 11:50 PM, PUC Enforcement Officers Ryan Balestra and Christopher Urey observed the Respondent's 2008 Lincoln sedan, bearing PA registration number HTH6600, operating on Carson Street in the south side of Pittsburgh in the evening. The vehicle had a taxi dome light mounted on the roof that displayed the word "TAXI."

3. That Respondent, by affixing a taxi dome light to the roof of the vehicle, violated 52 Pa. Code § 29.314(d). Dome lights are only permitted on vehicles operated by call and demand carriers.

4. That Respondent, by holding out to provide passenger service between points in Pennsylvania while not having operating authority with this Commission, violated the Public Utility Code, 66 Pa.C.S. § 1101. The penalty for this violation is \$1,000.00 and suspension of the registration of the vehicle referenced in paragraph 2, by the Pennsylvania Department of Transportation.

Wherefore, the Bureau of Investigation and Enforcement Prosecutory Staff hereby request that the Commission fine Randy S. Keller, the sum of one thousand dollars (\$1,000.00) for the illegal activity described in this Complaint. In addition, Respondent's vehicle registration at license number HTH6600 will be suspended by the Pennsylvania Department of Transportation.

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, 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: 5/19/2016

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within twenty (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 Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or may be sent by overnight delivery to:

400 North Street, 2nd Floor
Harrisburg, PA 17120

Additionally, please serve a copy on:

Michael L. Swindler, Deputy Chief Prosecutor
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, e-mailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

C. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order. Payment 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 your payment, the complaint proceeding shall be closed.

D. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.

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 optional fine set forth above.

F. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Dewayne Rosser; Docket No. C-2016-2545905

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 Prosecutory Staff hereby represents as follows:

1. That Dewayne Rosser, Respondent, resides at 400 Agatha Street 2nd Floor Front, Pitcairn, Pennsylvania, 15120.

2. That on May 16, 2016, at 5:27 PM, PUC Enforcement Officer Christopher Urey observed the respondent's 2004 Chrysler sedan, bearing PA registration number JZL5963, operating at the Smithfield Street & Boulevard of the Allies in downtown Pittsburgh, Pennsylvania, Allegheny County. The vehicle had a sign posted in the window advertising car service and listed a phone number. Respondent does not hold a certificate of authority with this Commission.

3. That Respondent, by holding out to provide passenger service between points in Pennsylvania while not having operating authority with this Commission, violated the Public Utility Code, 66 Pa.C.S. § 1101. The penalty for this violation is \$1,000.00 and suspension of the registration of the vehicle referenced in paragraph 2, by the Pennsylvania Department of Transportation.

Wherefore, the Bureau of Investigation and Enforcement Prosecutory Staff hereby request that the Commission fine Dewayne Rosser, the sum of one thousand dollars (\$1,000.00) for the illegal activity described in this Complaint. In addition, Respondent's vehicle registration at license number JZL5963 will be suspended by the Pennsylvania Department of Transportation.

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, 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: 5/24/2016

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within twenty (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 Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Or may be sent by overnight delivery to:

400 North Street, 2nd Floor
 Harrisburg, PA 17120

Additionally, please serve a copy on:

Michael L. Swindler, Deputy Chief Prosecutor
 Bureau of Investigation and Enforcement
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Or, e-mailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

C. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order. Payment 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 your payment, the complaint proceeding shall be closed.

D. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.

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 optional fine set forth above.

F. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Maximo Services, LLC; Docket No. C-2016-2522439

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 del-

egated 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 Maximo Services, LLC, (respondent) is under suspension effective December 14, 2015 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 207 E Broad Street, Hazleton, PA 18201.

3. That respondent was issued a Certificate of Public Convenience by this Commission on November 19, 2014, at A-2014-2424796.

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-2014-2424796 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: 6/14/2016

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. 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. 16-1192. Filed for public inspection July 8, 2016, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Authorization of Wheelchair Accessible Taxicab Medallions; Doc. No. 16-001

Order

By the Authority:

The Philadelphia Parking Authority (the "Authority"), regulates all taxicab and limousine service in the City of Philadelphia (the "City").¹ The purpose of this Order is to authorize the sale of new taxicab medallions.²

Therefore,

It Is Ordered That:

1. The Director of the Authority's Taxicab and Limousine Division ("TLD"), or his designee (the "Director"), is authorized to administer the sale of 41 new Philadelphia taxicab medallions currently authorized by the Act.

2. Each of the 41 medallions authorized for sale by this Order is hereby designated a WAV medallion, in perpetuity.

3. Each of the medallions authorized for sale by this Order will be identified by the letters "WP" (Wheelchair Philadelphia), which shall precede the unique number assigned to the medallion.

4. Each medallion authorized by this Order will be sold separately by sealed competitive bid, as provided by the Authority's regulations.

5. Each sealed bid³ for a medallion must be filed with the TLD Clerk, by hand delivery, at the TLD's headquarters at 2415 South Swanson Street, Philadelphia, PA 19148.

6. In order to be considered filed, a medallion bid must be time stamped by the TLD's Clerk.

7. The Clerk may only time stamp a medallion bid as follows:

a) Between 8:30 a.m. and 4:30 p.m. on the business day preceding the date of the scheduled medallion sale; or

b) Between 8:30 a.m. and 9:30 a.m. on the day of the scheduled medallion sale.

8. The upset price for each medallion will be \$10,000. The Board does not set this minimum bid based upon an understanding of fair market value, but as a basis to

¹ See 53 Pa.C.S. § 5701 et seq., as amended, (the "Act").

² See 53 Pa.C.S. §§ 5711(c)(2) and 5717(a).

³ See 53 Pa. Code § 1013.35.

permit the market to set the appropriate value of this new class of medallion and to speed the introduction of this vital form of transportation service.

9. The Director may, in his discretion, remove any medallion from a scheduled bid opening date. In this case, the sale of that medallion will be rescheduled for sale as provided in this Order.

10. The Director may, in his discretion, remove any medallion from a scheduled bid opening date and place the medallion before this Board for a new sale authorization, pursuant to such terms and conditions as the Board may then impose.

11. The sealed bids for the medallions will be opened by the Director at the TLD's headquarters at 10:00 a.m. at 2415 South Swanson Street, Philadelphia, PA 19148 as follows:

a) On October 5, 2016: Medallion Nos. WP-1622, WP-1623, WP-1626, WP-1628, WP-1632, WP-1633 and WP-1634.

b) On October 12, 2016: Medallion Nos. WP-1635, WP-1636, WP-1637, WP-1638, WP-1639, WP-1640 and WP-1641.

c) On October 19, 2016: Medallion Nos. WP-1642, WP-1643, WP-1644, WP-1647, WP-1648 and WP-1649.

d) On October 26, 2016: Medallion Nos. WP-1651, WP-1652, WP-1653, WP-1654, WP-1655 and WP-1656.

e) On November 2, 2016: Medallion Nos. WP-1657, WP-1658, WP-1659, WP-1660 and WP-1661.

f) On November 10, 2016: Medallion Nos. WP-1662, WP-1663, WP-1664, WP-1665, WP-1666 and WP-1667.

g) On November 16, 2016: Medallion Nos. WP-1668, WP-1669, WP-1670, and WP-1671.

12. Medallions scheduled for bid in October, but rescheduled by the Director, may be scheduled for sale on November 30, 2016.

13. Medallions scheduled for bid in November, but rescheduled by the Director, may be scheduled for sale on December 7, 2016.

14. Upon removal of a medallion from a scheduled bid date, the Director shall promptly identify the alternate bid date that will apply to that medallion as provided for in this Order on the Authority's Internet website and through a notice published in the *Pennsylvania Bulletin*.

15. The mandatory closing date for every medallion assigned to a successful bidder is 60 days from the date of the successful bid, unless extended by the Director for good cause. The Director may not extend the closing date beyond 40 days from the mandatory closing date. In the event the closing on the sale of a medallion authorized by this Order does not occur within 100 days of the successful bid, this authorization to sell that medallion is voided pending further order of the Board.

16. The contact person for this Order is James R. Ney, Director, Taxicab and Limousine Division, (215)-683-9417.

17. The Executive Director shall cause this Order to be deposited with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

VINCENT J. FENERTY, Jr.,
Executive Director

[Pa.B. Doc. No. 16-1193. Filed for public inspection July 8, 2016, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 16-073.1, Mill & Overlay Asphalt Paving at Pier 82, until 2 p.m. on Thursday, August 11, 2016. Information (including mandatory prebid information) can be obtained from www.philaport.com under "Our Port" then "Procurement" or call (215) 426-2600.

JACK DEMPSEY,
Deputy Executive Director

[Pa.B. Doc. No. 16-1194. Filed for public inspection July 8, 2016, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Actions Taken at June Meeting

As part of its regular business meeting held on June 16, 2016, in Lancaster, PA, the Susquehanna River Basin Commission (Commission) took the following actions: 1) approved or tabled the applications of certain water resources projects; 2) accepted a settlement instead of penalty from New Enterprise Stone & Lime Co., Inc.; and 3) took additional actions as set forth in the following Supplementary Information.

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. Also see the Commission web site at www.srbc.net.

Supplementary Information

In addition to the actions taken on projects identified in the previous summary and the listings as follows, the following items were also presented or acted upon at the business meeting: 1) election of the member from the State of Maryland as Chair of the Commission and the member from the Federal Government as the Vice Chair of the Commission for the period of July 1, 2016, to June 30, 2017; 2) adoption of the Fiscal Year (FY) 2017-2018 Water Resources Program; 3) adoption of amendment of the Comprehensive Plan for the Water Resources of the Susquehanna River Basin; 4) adoption of FY 2017 Regulatory Program Fee Schedule, effective July 1, 2016; 5) adoption of a preliminary FY 2018 budget for the period July 1, 2017, to June 30, 2018; 6) adoption of the Policy for Sustainable Water Resources Fund; 7) adoption of the Guidelines for Terminating Review of a Project Application; 8) adoption of the Guidelines for Expiring Project Approvals; 9) approval/ratification of an agreement, purchase of information technology equipment and several contracts; and 10) a report on delegated settlements with the following project sponsors, under SRBC Resolution 2014-15: Vestal Hills Hospitality, in the amount of \$2,000; SWN Production Company, LLC, in the amount of \$7,000; Inflection Energy (PA), LLC, in the amount of \$3,000; and Cedar Rock Materials Corp./Bower Quarry, in the amount of \$3,000.

Compliance Matter

The Commission approved a settlement instead of civil penalty for the following project:

1. New Enterprise Stone & Lime Co., Inc., Valley Quarries, Inc.—Shippensburg Quarry, Shippensburg Borough, Cumberland County, PA.—\$30,000.

Project Applications Approved

The Commission approved the following project applications:

1. Project Sponsor and Facility: Black Bear Waters, LLC (Lycoming Creek), Lewis Township, Lycoming County, PA. Renewal of surface water withdrawal of up to 0.900 mgd (peak day) (Docket No. 20120303).

2. Project Sponsor and Facility: Blossburg Municipal Authority, Bloss Township, Tioga County, PA. Renewal of groundwater withdrawal of up to 0.288 mgd (30-day average) from Route 15 Well (Docket No. 20120304).

3. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Martins Creek), Harford Township, Susquehanna County, PA. Surface water withdrawal of up to 0.500 mgd (peak day).

4. Project Sponsor and Facility: Todd and Gemma Campbell (Susquehanna River), Athens Township, Bradford County, PA. Renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20120609).

5. Project Sponsor and Facility: Mount Joy Borough Authority, East Donegal Township, Lancaster County, PA. Modification to increase withdrawal limit from Well 1 by an additional 0.073 mgd (30-day average), for a total Well 1 withdrawal limit of 1.300 mgd (30-day average) (Docket No. 20110617).

6. Project Sponsor: New Enterprise Stone & Lime Co., Inc. Project Facility: Burkholder Quarry, Earl Township, Lancaster County, PA. Groundwater withdrawal of up to 0.005 mgd (30-day average) from Sump 4.

7. Project Sponsor: New Enterprise Stone & Lime Co., Inc. Project Facility: Burkholder Quarry, Earl and Ephrata Townships, Lancaster County, PA. Modification to increase consumptive water use by an additional 0.07 mgd (peak day), for a total consumptive water use of up to 0.220 mgd (peak day) and to add an additional new source (Sump 4) (Docket No. 20040307).

8. Project Sponsor and Facility: Renovo Energy Center, LLC (West Branch Susquehanna River), Renovo Borough, Clinton County, PA. Surface water withdrawal of up to 0.612 mgd (peak day).

9. Project Sponsor and Facility: Renovo Energy Center, LLC, Renovo Borough, Clinton County, PA. Consumptive water use of up to 0.217 mgd (peak day).

10. Project Sponsor: SUEZ Water Pennsylvania, Inc. Project Facility: Newberry System, Newberry Township, York County, PA. Groundwater withdrawal of up to 0.108 mgd (30-day average) from the Coppersmith Well.

11. Project Sponsor: SUEZ Water Pennsylvania, Inc. Project Facility: Newberry System, Newberry Township, York County, PA. Groundwater withdrawal of up to 0.200 mgd (30-day average) from Conley 1 Well.

12. Project Sponsor and Facility: Sugar Hollow Trout Park and Hatchery, Eaton Township, Wyoming County, PA. Renewal of groundwater withdrawal of up to 0.864 mgd (30-day average) from Wells 1, 2, and 3 (the Hatchery Wellfield) (Docket No. 20100913).

13. Project Sponsor and Facility: Tioga Downs Race-track, LLC, Town of Nichols, Tioga County, NY. Groundwater withdrawal of up to 0.099 mgd (30-day average) from the Racetrack Well.

14. Project Sponsor and Facility: Tioga Downs Race-track, LLC, Town of Nichols, Tioga County, NY. Consumptive water use of up to 0.099 mgd (peak day).

Project Applications Tabled

The Commission tabled action on the following project applications:

1. Project Sponsor and Facility: Elizabethtown Area Water Authority, Elizabethtown Borough, Lancaster County, PA. Application for groundwater withdrawal of up to 0.201 mgd (30-day average) from Well 1.

2. Project Sponsor and Facility: Elizabethtown Area Water Authority, Elizabethtown Borough, Lancaster County, PA. Application for groundwater withdrawal of up to 0.106 mgd (30-day average) from Well 3.

3. Project Sponsor and Facility: Elizabethtown Area Water Authority, Elizabethtown Borough, Lancaster County, PA. Application for groundwater withdrawal of up to 0.130 mgd (30-day average) from Well 4.

4. Project Sponsor and Facility: Elizabethtown Area Water Authority, Mount Joy Township, Lancaster County, PA. Application for groundwater withdrawal of up to 0.187 mgd (30-day average) from Well 8.

5. Project Sponsor and Facility: Elizabethtown Area Water Authority, Mount Joy Township, Lancaster County, PA. Application for groundwater withdrawal of up to 0.216 mgd (30-day average) from Well 9.

6. Project Sponsor: Exelon Generation Company, LLC. Project Facility: Muddy Run Pumped Storage Project, Drumore and Martic Townships, Lancaster County, PA. Application for an existing hydroelectric facility.

7. Project Sponsor and Facility: Manbel Devco I, LP, Manheim Township, Lancaster County, PA. Application for groundwater withdrawal of up to 4.320 mgd (30-day average) from the Belmont Quarry.

Project Application Withdrawn by Project Sponsor

The following project sponsor withdrew its project application:

1. Project Sponsor and Facility: EQT Production Company (Pine Creek), Porter Township, Lycoming County, PA. Application for surface water withdrawal of up to 1.000 mgd (peak day).

Authority: Pub.L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

Dated: June 24, 2016.

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 16-1195. Filed for public inspection July 8, 2016, 9:00 a.m.]

