

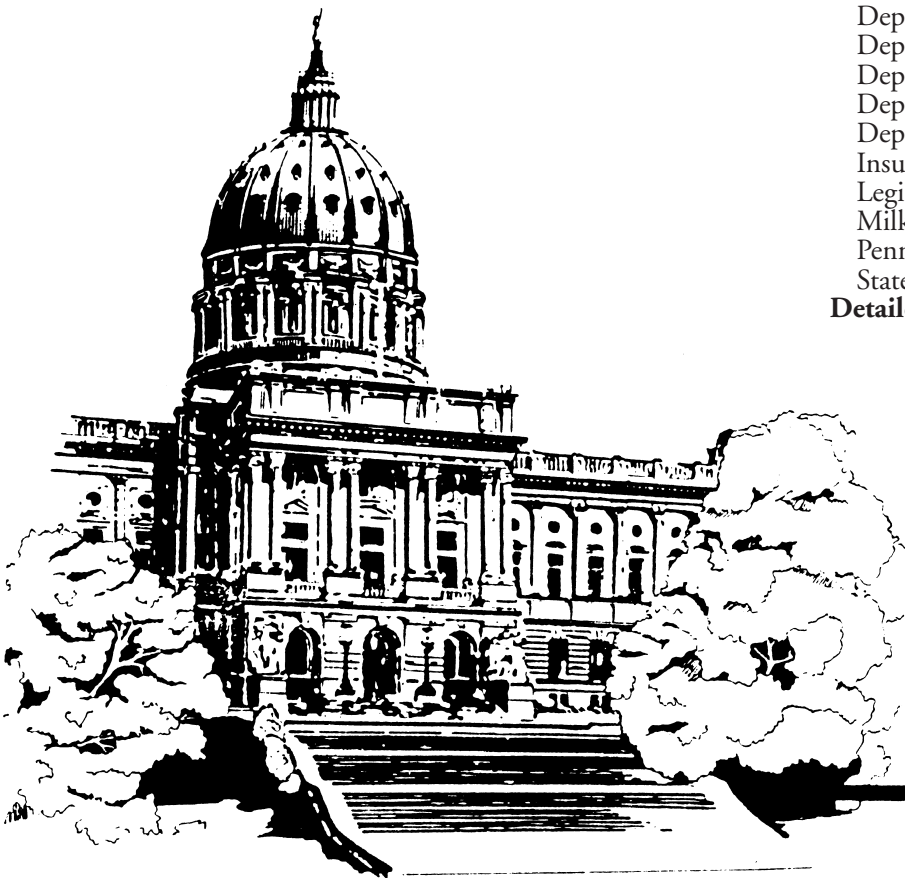
# PENNSYLVANIA BULLETIN

Volume 47  
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**Agencies in this issue**

The General Assembly  
The Courts  
Delaware River Basin Commission  
Department of Banking and Securities  
Department of Conservation and Natural Resources  
Department of Environmental Protection  
Department of Health  
Department of Human Services  
Department of Labor and Industry  
Department of Revenue  
Insurance Department  
Legislative Reference Bureau  
Milk Marketing Board  
Pennsylvania Public Utility Commission  
State Conservation Commission

**Detailed list of contents appears inside.**



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

**No. 506, January 2017**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2017.

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# THE GENERAL ASSEMBLY

## COMMISSION ON SENTENCING

### 2017 Meeting Schedule

The Commission on Sentencing (Commission) announces that the following dates have been selected for public meetings in 2017:

|                               |                   |   |
|-------------------------------|-------------------|---|
| Wednesday, March 15, 2017     | 6 p.m.            | Dinner Meeting<br>Harrisburg Hilton and Towers Hotel<br>One North Second Street<br>Harrisburg, PA                                     |
| Thursday, March 16, 2017      | 9 a.m.<br>11 a.m. | Policy Committee Meeting<br>Quarterly Commission Meeting<br>Pennsylvania Judicial Center<br>601 Commonwealth Avenue<br>Harrisburg, PA |
| Wednesday, May 31, 2017       | 6 p.m.            | Dinner Meeting<br>Harrisburg Hilton and Towers Hotel<br>One North Second Street<br>Harrisburg, PA                                     |
| Thursday, June 1, 2017        | 9 a.m.<br>11 a.m. | Policy Committee Meeting<br>Quarterly Commission Meeting<br>Pennsylvania Judicial Center<br>601 Commonwealth Avenue<br>Harrisburg, PA |
| Wednesday, September 13, 2017 |                   | Annual Planning Session<br>Commission Office<br>204 East Calder Way, 4th Floor<br>State College, PA                                   |
| Thursday, September 14, 2017  | 9 a.m.<br>11 a.m. | Policy Committee Meeting<br>Quarterly Commission Meeting<br>Commission Office<br>204 East Calder Way, 4th Floor<br>State College, PA  |
| Wednesday, December 6, 2017   | 6 p.m.            | Dinner Meeting<br>Harrisburg Hilton and Towers Hotel<br>One North Second Street<br>Harrisburg, PA                                     |
| Thursday, December 7, 2017    | 9 a.m.<br>11 a.m. | Policy Committee Meeting<br>Quarterly Commission Meeting<br>Pennsylvania Judicial Center<br>601 Commonwealth Avenue<br>Harrisburg, PA |

Meetings are open to the public. Questions regarding Commission meetings should be directed to Mark H. Bergstrom, Executive Director, (814) 863-4368, [mhb105@psu.edu](mailto:mhb105@psu.edu).

MARK H. BERGSTROM,  
*Executive Director*

[Pa.B. Doc. No. 17-94. Filed for public inspection January 20, 2017, 9:00 a.m.]



# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS [ 204 PA. CODE CH. 213 ]

#### Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts; No. 477 Judicial Administration Doc.

#### Order

#### *Per Curiam*

*And Now*, this 6th day of January, 2017, upon the recommendation of the Administrative Office of Pennsylvania Courts, the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* having been published for public comment before adoption at 45 Pa.B. 661 (February 7, 2015):

It is *Ordered* that:

- 1) The Policy is approved in the following form.
- 2) The Administrative Office of Pennsylvania Courts shall publish the Policy, accompanying Explanatory Report and chart entitled *Limits on Public Access to Unified Judicial System Case Records of the Appellate and Trial Courts* on the Unified Judicial System's website.
- 3) Every court and custodian's office, as defined in the Policy, shall continuously make available for public inspection a copy of the Policy in appropriate physical locations as well as on their website.
- 4) The continued necessity of existing local rules concerning topics addressed by the Policy shall be reviewed by the President Judge or his or her designee in light of the adoption of the Policy.
- 5) A local rule deemed necessary by the President Judge or his or her designee, and not inconsistent with the Policy, shall be submitted to the Administrative Office of Pennsylvania Courts for review no later than July 1, 2017.
- 6) Any local rule governing topics addressed by the Policy that is not reviewed by the Administrative Office of Pennsylvania Courts or adopted in accordance with Pa.R.J.A. No. 103(c) shall be vacated effective January 6, 2018.

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

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

#### CHAPTER 213. COURT RECORDS POLICIES

#### Subchapter D. PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA: CASE RECORDS OF THE APPELLATE AND TRIAL COURTS

Sec.

213.81. Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts.

#### § 213.81. Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts.

##### Section 1.0. Definitions.

A. "Abuse Victim" is a person for whom a protection order has been granted by a court pursuant to Pa.R.C.P. No. 1901 et seq. and 23 Pa.C.S. § 6101 et seq. or Pa.R.C.P. No. 1951 et seq. and 42 Pa.C.S § 62A01 et seq.

B. "Case Records" are (1) documents for any case filed with, accepted and maintained by a court or custodian; (2) dockets, indices, and documents (such as orders, opinions, judgments, decrees) for any case created and maintained by a court or custodian. This term does not include notes, memoranda, correspondence, drafts and work product of judges and court personnel. Unless otherwise provided in this policy, this definition applies equally to case records maintained in paper and electronic formats.

C. "Clerical errors" are errors or omissions appearing in a case record that are patently evident, as a result of court personnel's action or inaction.

D. "Court" includes the Supreme Court, Superior Court, Commonwealth Court, Courts of Common Pleas, and Philadelphia Municipal Court, excluding the Traffic Division of Philadelphia Municipal Court.

E. "Court Facility" is the location or locations where case records are filed or maintained.

F. "Custodian" is any person responsible for maintaining case records or for processing public requests for access to case records.

G. "Docket" is a chronological index of filings, actions, and events in a particular case, which may include identifying information of the parties and counsel, a brief description or summary of the filings, actions, and events, and other case information.

H. "Financial Account Numbers" include financial institution account numbers, debit and credit card numbers, and methods of authentication used to secure accounts such as personal identification numbers, user names and passwords.

I. "Financial Source Documents" are:

1. Tax returns and schedules;
2. W-2 forms and schedules including 1099 forms or similar documents;

3. Wage stubs, earning statements, or other similar documents;

4. Credit card statements;

5. Financial institution statements;

6. Check registers;

7. Checks or equivalent; and

8. Loan application documents.

J. "Medical/psychological records" are records relating to the past, present, or future physical or mental health or condition of an individual.

K. "Minor" is a person under the age of eighteen.

L. "Party" is one who commences an action or against whom relief is sought in a matter.

M. "Public" is any person, member of the media, business, non-profit entity, organization or association. The term does not include a party to a case; the attorney(s) of record in a case; Unified Judicial System officials or employees if acting in their official capacities; or any federal, state, or local government entity, and employees or officials of such an entity if acting in their official capacities.

N. "Remote Access" is the ability to electronically search, inspect, print or copy information in a case record without visiting the court facility where the case record is maintained or available, or requesting the case record from the court or custodian pursuant to Section 4.0.

#### Commentary

Regarding Subsection B, "documents for any case filed with, accepted and maintained by a court or custodian" are those not created by a court or custodian, such as pleadings and motions. Indices are tools for identifying specific cases.

Regarding Subsection C, examples of clerical errors are the docket entry links to the wrong document or court personnel misspells a name in the caption.

Regarding Subsection F, the definition of "custodian" does not include those entities listed in Pa.R.A.P. 3191 who receive copies of briefs filed in an appellate court.

Regarding Subsection J, this definition is derived from the definition of "health information" provided in 45 C.F.R. § 160.103 (HIPAA). Examples of case records that would fall within this exclusion are: drug and alcohol treatment records, psychological reports in custody matters, and DNA reports.

Regarding Subsection L, *amici curiae* are not parties. See Pa.R.A.P. 531.

Regarding Subsection M, Unified Judicial System officials or employees include: judicial officers and their personal staff, administrative staff and other central staff, prothonotaries, clerks of the courts, clerks of the orphans' court division, sheriffs, prison and correctional officials, and personnel of all the above.

#### Section 2.0. Statement of General Policy.

A. This policy shall govern access by the public to case records.

B. Security, possession, custody, and control of case records shall generally be the responsibility of the applicable custodian and designated staff.

C. Facilitating access by the public shall not substantially impede the orderly conduct of court business.

D. A court or custodian may not adopt more restrictive or expansive access protocols than provided for in this policy. Nothing in this policy requires a court or custodian to provide remote access to case records. However, if a court or custodian chooses to provide remote access to any of its case records, access shall be provided in accordance with Section 10.0.

#### Commentary

The Supreme Court of Pennsylvania has adopted other policies governing public access to Unified Judicial System case records: the *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania* that provides for access to the statewide case management systems' web docket sheets and requests for bulk data and the *Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts* that provides for access to case records of the magisterial district courts maintained in a paper format.

#### Section 3.0. Access to Case Records.

All case records shall be open to the public in accordance with this policy.

#### Section 4.0. Requesting Access to Case Records.

A. When desiring to inspect or copy case records, a member of the public shall make an oral or written request to the applicable custodian, unless otherwise provided by court order or rule. If the request is oral, the custodian may require a written request.

B. Requests shall identify or describe the records sought with specificity to enable the custodian to ascertain which records are being requested.

#### Commentary

Public access requests to the courts and custodians are routinely straightforward and often involve a limited number of records. Therefore, artificial administrative barriers should not be erected so as to inhibit making these requests in an efficient manner.

This policy provides the courts and custodians latitude to establish appropriate administrative protocols for viewing/obtaining case records remotely. However, the definition of "remote access" in Section 1.0 clarifies that a request under this section is neither necessary nor expected under this policy.

Nonetheless, Subsection A provides a custodian with the flexibility to require that a more complex request be submitted in writing to avoid misunderstandings and errors that can often result in more time being expended to provide the requested information than is necessary. This approach is not novel; submission of a written request form has been a longstanding practice under the Unified Judicial System's *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania* and *Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts*.

Subsection B does not require a requestor to identify a case by party or case number in order to have access to the files, but the request shall clearly identify or describe the records requested so that court personnel can fulfill the request.

Written requests should be substantially in the format designed and published by the Administrative Office of Pennsylvania Courts.

### Section 5.0. Responding to Requests for Access to Case Records.

A. A custodian shall fulfill a request for access to case records as promptly as possible under the circumstances existing at the time of the request.

B. If a custodian cannot fulfill the request promptly or at all, the custodian shall inform the requestor of the specific reason(s) why access to the information is being delayed or denied.

C. If a custodian denies a written request for access, the denial shall be in writing.

D. Relief from a custodian's written denial may be sought by filing a motion or application with the court for which the custodian maintains the records.

#### Commentary

Given that most public access requests for case records are straightforward and usually involve a particular case or matter, custodians should process the same in an expeditious fashion.

There are a number of factors that can affect how quickly a custodian may respond to a request. For example, the custodian's response may be slowed if the request is vague, involves retrieval of a large number of case records, or involves information that is stored off-site. Ultimately, the goal is to respond timely to requests for case records.

In those unusual instances in which access to the case records cannot be granted in an expeditious fashion, the custodian shall inform the requestor of the specific reason(s) why access to the information is being delayed or denied, which may include:

- the request involves such voluminous amounts of information that the custodian is unable to fulfill the same without substantially impeding the orderly conduct of the court or custodian's office;
- records in closed cases are located at an off-site facility;
- a particular file is in use by a judge or court staff. If a judge or court staff needs the file for an extended period of time, special procedures should be considered, such as making a duplicate file that is always available for public inspection;
- the requestor failed to pay the appropriate fees, as established pursuant to Section 6.0 of this policy, associated with the request;
- the requested information is restricted from access pursuant to applicable authority, or any combination of factors listed above.

An aggrieved party may seek relief from a denial of a written request for access consistent with applicable authority (for example, in an appellate court, Pa.R.A.P. 123 sets forth procedures for applications for relief under certain circumstances, or pertinent motion practice at the trial court level).

### Section 6.0. Fees.

A. Unless otherwise provided by applicable authority, fees for duplication by photocopying or printing from electronic media or microfilm shall not exceed \$0.25 per page.

B. A custodian shall establish a fee schedule that is (1) posted in the court facility in an area accessible to the public, and (2) posted on the custodian's website.

### Commentary

Reasonable fees may be imposed for providing public access to case records pursuant to this policy and in accordance with applicable authority. This section does not authorize fees for viewing records that are stored at the court facility.

To the extent that the custodian is not the court, approval of the fee schedule by the court may be necessary.

An example of applicable authority setting forth photocopying fees is 42 Pa.C.S. § 1725(c)(1)(ii) that provides the Clerk of Orphans' Court of the First Judicial District shall charge \$3 per page for a copy of any record. *See also* 42 P.S. § 21032.1 (providing authority for the establishment of fees in orphans' court in certain judicial districts). In addition, the copying fees for appellate court records are provided for in 204 Pa. Code § 155.1. However, copies of most appellate court opinions and orders are available for free on the Unified Judicial System's website, [www.pacourts.us](http://www.pacourts.us).

### Section 7.0. Confidential Information.

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

1. Social Security Numbers;
2. Financial Account Numbers, except an active financial account number may be identified by the last four digits when the financial account is the subject of the case and cannot otherwise be identified;
3. Driver License Numbers;
4. State Identification (SID) Numbers;
5. Minors' names and dates of birth except when a minor is charged as a defendant in a criminal matter (see 42 Pa.C.S. § 6355); and
6. Abuse victim's address and other contact information, including employer's name, address and work schedule, in family court actions as defined by Pa.R.C.P. No. 1931(a), except for victim's name.

This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority.

B. The Administrative Office of Pennsylvania Courts shall design and publish the Confidential Information Form.

C. Instead of using the Confidential Information Form, a court may adopt a rule or order permitting the filing of any document in two versions, a "Redacted Version" and "Unredacted Version." The "Redacted Version" shall not include any information set forth in Subsection A, while the "Unredacted Version" shall include the information. Redactions must be made in a manner that is visibly evident to the reader.

D. Parties and their attorneys shall be solely responsible for complying with the provisions of this section and shall certify their compliance to the court. The certification that shall accompany each filing shall be substantially in the following form: "I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing

confidential information and documents differently than non-confidential information and documents.”

E. A court or custodian is not required to review or redact any filed document for compliance with this section. A party’s or attorney’s failure to comply with this section shall not affect access to case records that are otherwise accessible.

F. If a filed document fails to comply with the requirements of this section, a court may, upon motion or its own initiative, with or without a hearing order the filed document sealed, redacted, amended or any combination thereof. A court may impose sanctions, including costs necessary to prepare a compliant document for filing in accordance with applicable authority.

G. This section shall apply to all documents for any case filed with a court or custodian on or after the effective date of this policy.

#### Commentary

There is authority requiring information listed in Subsection A to appear on certain documents. For example, Pa.R.C.P. No. 1910.27 provides for inclusion of the plaintiff’s and defendant’s social security number on a complaint for support.

This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority, for example, cases filed under the Juvenile Act that are already protected by 42 Pa.C.S. § 6307, and Pa.Rs.J.C.P. 160 and 1160.

Unless constrained by applicable authority, court personnel and jurists are advised to refrain from inserting confidential information in court-generated case records (e.g., orders, notices) when inclusion of such information is not essential to the resolution of litigation, appropriate to further the establishment of precedent or the development of law, or necessary for administrative purposes. For example, if a court’s opinion contains confidential information and, therefore, must be sealed or heavily redacted to avoid release of such information, this could impede the public’s access to court records and ability to understand the court’s decision.

Whether using a Confidential Information Form or filing a redacted and unredacted version of a document, the drafter shall indicate where in the document confidential information has been omitted. For example, the drafter could insert minors’ initials in the document, while listing full names on the Confidential Information Form. If more than one child has the same initials, a different moniker should be used (e.g., child one, child two, etc.).

While Pa.R.C.P. No. 1931 is suspended in most judicial districts, the reference to the rule is merely for definitional purposes.

With regard to Subsection D, the certification of compliance is required whether documents are filed in paper form or via an e-filing system.

With regard to Subsection E, a court or custodian is not required to review or redact documents filed by a party or attorney for compliance with this section. However, such activities are not prohibited.

Any party may make a motion to the court to cure any defect(s) in any filed document that does not comport with this section.

#### Section 8.0. Confidential Documents.

A. Unless required by applicable authority, the following documents are confidential and shall be filed with a court or custodian under a cover sheet designated “Confidential Document Form”:

1. Financial Source Documents;
2. Minors’ educational records;
3. Medical/Psychological records;
4. Children and Youth Services’ records;
5. Marital Property Inventory and Pre-Trial Statement as provided in Pa.R.C.P. No. 1920.33;
6. Income and Expense Statement as provided in Pa.R.C.P. No. 1910.27(c); and
7. Agreements between the parties as used in 23 Pa.C.S. § 3105.

This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority.

B. The Administrative Office of Pennsylvania Courts shall design and publish the Confidential Document Form.

C. Confidential documents submitted with the Confidential Document Form shall not be accessible to the public, except as ordered by a court. However, the Confidential Document Form or a copy of it shall be accessible to the public.

D. Parties and their attorneys shall be solely responsible for complying with the provisions of this section and shall certify their compliance to the court. The certification that shall accompany each filing shall be substantially in the following form “I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.”

E. A court or custodian is not required to review any filed document for compliance with this section. A party’s or attorney’s failure to comply with this section shall not affect access to case records that are otherwise accessible.

F. If confidential documents are not submitted with the Confidential Document Form, a court may, upon motion or its own initiative, with or without a hearing, order that any such documents be sealed. A court may also impose appropriate sanctions for failing to comply with this section.

G. This section shall apply to all documents for any case filed with a court or custodian on or after the effective date of this policy.

#### Commentary

This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority, such as Juvenile Act cases pursuant to 42 Pa.C.S. § 6307, and Pa.Rs.J.C.P. 160 and 1160.

Unless constrained by applicable authority, court personnel and jurists are advised to refrain from attaching confidential documents to court-generated case records (e.g., orders, notices) when inclusion of such information is not essential to the resolution of litigation, appropriate to further the establishment of precedent or the development of law, or necessary for administrative purposes. For example, if a court’s opinion contains confidential infor-

mation and, therefore, must be sealed or heavily redacted to avoid release of such information, this could impede the public's access to court records and ability to understand the court's decision.

Examples of "agreements between the parties" as used in Subsection (A)(7) include marital settlement agreements, post-nuptial, pre-nuptial, ante-nuptial, marital settlement, and property settlement. See 23 Pa.C.S. § 3105 for more information about agreements between parties.

With regard to Subsection D, the certification of compliance is required whether documents are filed in paper form or via an e-filing system.

With regard to Subsection E, if the party or party's attorney fails to use a cover sheet designated "Confidential Document Form" when filing a document deemed confidential pursuant to this section, the document may be released to the public.

Any party may make a motion to the court to cure any defect(s) in any filed document that does not comport with this section.

### **Section 9.0. Limits on Public Access to Case Records at a Court Facility.**

The following information shall not be accessible by the public at a court facility:

A. Case records in proceedings under 20 Pa.C.S. § 711(9), including but not limited to case records with regard to issues concerning recordation of birth and birth records, the alteration, amendment, or modification of such birth records, and the right to obtain a certified copy of the same, except for the docket and any court order or opinion;

B. Case records concerning incapacity proceedings filed pursuant to 20 Pa.C.S. §§ 5501—5555, except for the docket and any final decree adjudicating a person as incapacitated;

C. Any Confidential Information Form or any Unredacted Version of any document as set forth in Section 7.0;

D. Any document filed with a Confidential Document Form as set forth in Section 8.0;

E. Information sealed or protected pursuant to court order;

F. Information to which access is otherwise restricted by federal law, state law, or state court rule; and

G. Information presenting a risk to personal security, personal privacy, or the fair, impartial and orderly administration of justice, as determined by the Court Administrator of Pennsylvania with the approval of the Chief Justice. The Court Administrator shall publish notification of such determinations in the *Pennsylvania Bulletin* and on the Unified Judicial System's website.

### **Commentary**

Unless constrained by applicable authority, court personnel and jurists are advised to refrain from inserting confidential information in or attaching confidential documents to court-generated case records (e.g., orders, notices) when inclusion of such information is not essential to the resolution of litigation, appropriate to further the establishment of precedent or the development of law, or necessary for administrative purposes. For example, if a court's opinion contains confidential information and, therefore, must be sealed or heavily redacted to avoid

release of such information, this could impede the public's access to court records and ability to understand the court's decision.

With respect to Subsection F, Pennsylvania Rule of Appellate Procedure 104(a), Pa.R.A.P. 104(a), provides that the appellate courts may make and amend rules of court governing their practice. The Administrative Office of Pennsylvania Courts shall from time to time publish a list of applicable authorities that restrict public access to court records or information. This list shall be published on the Unified Judicial System's website and in the *Pennsylvania Bulletin*. In addition, all custodians shall post this list in their respective court facilities in areas accessible to the public and on the custodians' websites.

With respect to Subsection G, the Administrative Office of Pennsylvania Courts shall include any such determinations in the list of applicable authorities referenced above. The same provision appears in existing statewide public access policies adopted by the Supreme Court: *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania* and *Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts*. The provision is intended to be a safety valve to address a future, extraordinary, unknown issue of statewide importance that might escape timely redress otherwise. It cannot be used by parties or courts in an individual case.

### **Section 10.0. Limits on Remote Access to Case Records.**

A. The following information shall not be remotely accessible by the public:

1. The information set forth in Section 9.0;

2. In criminal cases, information that either specifically identifies or from which the identity of jurors, witnesses (other than expert witnesses), or victims could be ascertained, including names, addresses and phone numbers;

3. Transcripts lodged of record, excepting portions of transcripts when attached to a document filed with the court;

4. *In Forma Pauperis* petitions;

5. Case records in family court actions as defined in Pa.R.C.P. No. 1931(a), except for dockets, court orders and opinions;

6. Case records in actions governed by the Decedents, Estates and Fiduciaries Code, Adult Protective Services Act and the Older Adult Protective Services Act, except for dockets, court orders and opinions; and

7. Original and reproduced records filed in the Supreme Court, Superior Court or Commonwealth Court as set forth in Pa.R.A.P. 1921, 1951, 2151, 2152, and 2156.

B. With respect to Subsections A(5) and A(6), unless otherwise restricted pursuant to applicable authority, dockets available remotely shall contain only the following information:

1. A party's name;

2. The city, state, and ZIP code of a party's address;

3. Counsel of record's name and address;

4. Docket number;

5. Docket entries indicating generally what actions have been taken or are scheduled in a case;

6. Court orders and opinions;

7. Filing date of the case; and

8. Case type.

C. Case records remotely accessible by the public prior to the effective date of this policy shall be exempt from this section.

#### Commentary

Remote access to the electronic case record information residing in the Pennsylvania Appellate Court Case Management System (PACMS), the Common Pleas Case Management System (CPCMS) and the Magisterial District Judges System (MDJS) is provided via web dockets, available on <https://ujportal.pacourts.us/>, and is governed by the *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania*.

Depending upon individual court resources, some courts have posted online docket information concerning civil matters. If a court elects to post online docket information concerning family court actions and actions governed by the Decedents, Estates and Fiduciaries Code, Adult Protective Services Act and the Older Adult Protective Services Act, the docket may only include the information set forth in Subsection B. This information will provide the public with an overview of the case, its proceedings and other pertinent details, including the court's decision. Release of such information will enhance the public's trust and confidence in the courts by increasing awareness of the procedures utilized to adjudicate the claims before the courts as well as the material relied upon in reaching determinations. This provision does not impact what information is maintained on the docket available at the court facility.

Access to portions of transcripts when attached to a document filed with the court in family court actions is governed by Subsection A(5). While Pa.R.C.P. No. 1931 is suspended in most judicial districts, the reference to the rule is merely for definitional purposes.

#### Section 11.0. Correcting Clerical Errors in Case Records.

A. A party, or the party's attorney, seeking to correct a clerical error in a case record may submit a written request for correction.

1. A request to correct a clerical error in a case record of the Supreme Court, Superior Court or Commonwealth Court shall be submitted to the prothonotary of the proper appellate court.

2. A request to correct a clerical error in a case record of a court of common pleas or Philadelphia Municipal Court shall be submitted to the applicable custodian.

B. The request shall be made on a form designed and published by the Administrative Office of Pennsylvania Courts.

C. The requestor shall specifically set forth on the request form the information that is alleged to be a clerical error and shall provide sufficient facts, including supporting documentation, that corroborate the requestor's allegation that the information in question is in error.

D. The requestor shall provide copies of the request to all parties to the case.

E. Within 10 business days of receipt of a request, the custodian shall respond in writing to the requestor and all parties to the case in one of the following manners:

1. The request does not contain sufficient information and facts to determine what information is alleged to be in error, and no further action will be taken on the request.

2. The request does not concern a case record that is covered by this policy, and no further action will be taken on the request.

3. A clerical error does exist in the case record and the information in question has been corrected.

4. A clerical error does not exist in the case record.

5. The request has been received and an additional period not exceeding 30 business days is necessary to complete a review of the request.

F. A requestor may seek review of the custodian's response under Subsections E(1)—(4) within 10 business days of the mailing date of the response.

1. The request for review shall be submitted on a form that is designed and published by the Administrative Office of Pennsylvania Courts.

2. The request shall be reviewed by the judge(s) who presided over the case.

#### Commentary

Case records are as susceptible to clerical errors and omissions as any other public record. The power of the court to correct errors in its own records is inherent. E.g., *Jackson v. Hendrick*, 746 A.2d 574 (Pa. 2000). It is important to emphasize that this section does not provide a party who is dissatisfied with a court's decision, ruling or judgment a new avenue to appeal the same by merely alleging there is an error in the court's decision, ruling or judgment. Rather, this section permits a party to "fix" information that appears in a case record which is not, for one reason or another, correct.

Particularly in the context of Internet publication of court records, a streamlined process is appropriate for addressing clerical errors to allow for prompt resolution of oversights and omissions. For example, to the extent that a docket in a court's case management system incorrectly reflects a court's order, or a scanning error occurred with regard to an uploaded document, such clerical inaccuracies may be promptly corrected by the appropriate court staff, upon notification, without a court order. Since 2007, the *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania* has provided a similar procedure for any errors maintained on the web docket sheets of the PACMS, CPCMS and MDJS. The procedure has successfully addressed clerical errors on docket entries in a timely and administratively simple manner.

A party or party's attorney is not required to utilize the procedures set forth in this section before making a formal motion for correction of a case record in the first instance. Alleged inaccuracies in orders and judgments themselves must be brought to the attention of the court in accordance with existing procedures.

This section is not intended to provide relief for a party's or attorney's failure to comply with Sections 7.0 and 8.0 of this policy. Sections 7.0 and 8.0 already provide for remedial action in the event that non-compliance occurs.

With respect to this section, a custodian includes, but is not limited to, the county prothonotaries, clerks of orphans' court, and clerks of the court.

A log of all corrections made pursuant to this section may be maintained by the custodian, so that there is a record if an objection is made in the future. Such a log should remain confidential. It is suggested that custodians include a registry entry on the case docket when a request is received and a response is issued.

#### Section 12.0. Continuous Availability of Policy.

A copy of this policy shall be continuously available for public inspection in every court and custodian's office and posted on the Unified Judicial System's website.

**LIMITS ON PUBLIC ACCESS TO UNIFIED JUDICIAL SYSTEM CASE RECORD OF THE  
APPELLATE AND TRIAL COURTS**

| <i>Subject Area</i> | <i>Record Description</i>  | <i>Accessibility</i>  | <i>Authority</i>  |
|---------------------|--|---|---|
| Civil               | Jurors Notes.  | No Public Access. Collected and destroyed post-trial.   | Pa.R.C.P. No. 223.2.  |
| Commonwealth Court  | Child Line Registry Cases.   | No Public Access to documents in the case except Orders and Opinions wherein the court shall use initials of the minor child involved rather than full name.  | Admin. Order No. 126 Misc. Docket No. 3 (February 8, 2013). |
| Criminal            | Juror's Address.   | No Public Access.   | <i>Commonwealth v. Long</i> , 922 A.2d 892 (Pa. 2007).      |
| Criminal            | Sealed affidavit of probable cause for a search warrant.   | No Public Access while sealed. The affidavit may not be sealed for more than 60 days unless an extension is received. Extensions may not be longer than 30 days, but an unlimited number of extensions are available. Public may access the affidavit after it has been unsealed. | Pa.R.Crim.P. 211.   |
| Criminal            | Unexecuted Search Warrant.   | No Public Access until warrant is executed.   | Pa.R.Crim.P. 212(A).  |
| Criminal            | Arrest Warrant Information.  | A court may delay public access for good cause for up to 72 hours. In addition, a court may seal arrest warrant information for a longer period of time.  | Pa.R.Crim.P. 513(C), Pa.R.Crim.P. 513.1.                    |
| Criminal            | Motion filed by attorney for the Commonwealth to present the matter to an indicting grand jury and subsequent order. | No Public Access—the motion and order are sealed.   | Pa.R.Crim.P. 556.2.   |
| Criminal            | All indicting grand jury proceedings and related documents.  | No Public Access. Disclosure may be granted to attorney for the Commonwealth, defendant in a criminal case, witnesses, law enforcement personnel, and upon motion when necessary.   | Pa.R.Crim.P. 556.10.  |
| Criminal            | Sealed indictments.  | No Public Access.   | Pa.R.Crim.P. 556.11(E).                                     |
| Criminal            | Sealed records concerning mental health experts.   | No Public Access.   | Pa.R.Crim.P. 569.   |
| Criminal            | Sealed written statements pertaining to protective orders.   | No Public Access. The entire text of the statement shall be sealed and preserved in the records of the court to be made available to the appellate court(s) in the event of an appeal.  | Pa.R.Crim.P. 573(F).  |
| Criminal            | Sealed plea agreement.   | No Public Access.   | Pa.R.Crim.P. 590.   |
| Criminal            | Juror qualification forms.   | No Public Access.   | Pa.R.Crim.P. 625(A)(3).                                     |

| <i>Subject Area</i> | <i>Record Description</i>   | <i>Accessibility</i>   | <i>Authority</i>  |
|---------------------|---|--|---|
| Criminal            | Juror information questionnaires.   | No Public Access. Questionnaires are retained in a sealed file and shall be destroyed upon completion of the jurors' service, unless otherwise ordered by the trial judge.   | Pa.R.Crim.P. 632.   |
| Criminal            | Sealed verdict.   | No Public Access.  | Pa.R.Crim.P. 649.   |
| Criminal            | Notes taken by jurors.  | No Public Access.  | Pa.R.Crim.P. 644(B)(7).   |
| Criminal            | Pre-sentence reports and related psychiatric psychological reports.   | No Public Access.  | Pa.R.Crim.P. 703(A).  |
| Criminal            | Records revealing the names of human trafficking victims.   | No Public Access, unless otherwise ordered by a court in a prosecution involving a victim of human trafficking.  | 18 Pa.C.S. § 3019(a).   |
| Criminal            | Wiretap applications, final reports and orders.   | No Public Access except upon showing of good cause before a court of competent jurisdiction.   | 18 Pa.C.S. § 5715.  |
| Criminal            | Names of minor victims of sexual or physical abuse.   | No Public Access. Records revealing a victim's name are sealed. A minor victim who is 18 years of age or older at the time of the commencement of the prosecution may waive this protection and allow the court to release the name of the minor victim. | 42 Pa.C.S. § 5988.  |
| Domestic Relations  | Information regarding the registration, filing of a petition for, or issuance of a protection from abuse in either the issuing or enforcing State.  | No Public Access via internet publication, if such publication would be likely to publically reveal the identity or location of the protected party.   | 18 U.S.C. § 2265(d)(3).   |
| Domestic Relations  | Social security number of any individual subject to a divorce decree, support order, paternity determination, or acknowledgement of paternity, which is required in all records of those matters. | No Public Access.  | 23 Pa.C.S. § 4304.1(a)(3).  |
| Domestic Relations  | Child Support Records   | No Public Access, except for PACSES dockets, court orders and opinions.  | 42 U.S.C. §§ 654(26)(A), 654a(d)(1)(A); 45 CFR §§ 303.21(c)—(d), 307.13(a)(1); 23 Pa.C.S. § 4304.1(d); Sections 2.4 and 3.4 of the Cooperative Agreement. |



| <i>Subject Area</i> | <i>Record Description</i>  | <i>Accessibility</i>   | <i>Authority</i>   |
|---------------------|--|--|--|
| Domestic Relations  | <p>(a) Subject to any inconsistent general rules and to the supervision and direction of the court, the domestic relations section shall have the power and duty to: . . .</p> <p>(10) Implement safeguards applicable to all confidential information received by the domestic relations section in order to protect the privacy rights of the parties, including: . . .</p> <p>(ii) prohibitions against the release of information on the whereabouts of one party or the child to another party against whom a protective order with respect to the former party or the child has been entered; and</p> <p>(iii) prohibitions against the release of information on the whereabouts of one party or the child to another person if the domestic relations section has reason to believe that the release of the information on the whereabouts of one party or the child to another person if the domestic relations section has reason to believe that the release of the information may result in physical or emotional harm to the party or the child.</p> | No Public Access.  | 23 Pa.C.S. § 4305(a)(10)(i)—(iii).                             |
| Domestic Relations  | List of weapons ordered to be relinquished by the defendant in an action for protection from abuse.  | No Public Access, except (A) upon an order of the court granted upon cause shown; (B) as necessary, by law enforcement and court personnel; or (C) after redaction of information listing any firearm, other weapon or ammunition. | 23 Pa.C.S. § 6108(a)(7)(v).                                    |
| Domestic Relations  | All records pertaining to a confidential address for individuals participating in the Office of Victim Advocate's Address Confidentiality Program.   | No Public Access, except for the substitute address provided by the Office of Victim Advocates.  | 23 Pa.C.S. § 6703(d); <i>see also</i> 23 Pa.C.S. § 5336(b)(1). |
| Juvenile Court      | Juvenile Dependency and Delinquency records.   | No Public Access; except as set forth in 42 Pa.C.S. § 6307, Pa.Rs.J.C.P. 160 and/or 1160, including with leave of court.   | 42 Pa.C.S. § 6307; Pa.Rs.J.C.P. 160, 1160.                     |

| <i>Subject Area</i>  | <i>Record Description</i>   | <i>Accessibility</i>  | <i>Authority</i>  |
|--|---|---|---|
| Orphans' Court   | Proceedings related to appointment of guardianship for incapacitated persons.   | Shall be closed to the public upon request of the alleged incapacitated person or his counsel. After the individual's death his/her estate may access the record of the guardianship proceedings. | 20 Pa.C.S. § 5511(a); <i>In re Estate of duPont</i> , 2 A.3d 516 (Pa. 2010).  |
| Orphans' Court   | Records required for foreign adoption decrees.  | No Public Access unless a court order is granted upon good cause.   | 23 Pa.C.S. § 2908(F); Pa.O.C.R. 15.7.   |
| Orphans' Court   | Adoption records.   | No Public Access unless otherwise ordered.  | 23 Pa.C.S. § 2915; <i>see also</i> 23 Pa.C.S. § 2906; Pa.O.C.R. 15.7.   |
| Orphans' Court (Family Court in Philadelphia County or Juvenile Court Section of Family Division in Allegheny County Pa.R.J.A. 2157) | Applications of a minor for judicial approval of decision to have an abortion, under the Abortion Control Act, as well as proceedings and the name of the minor.  | No Public Access; sealed dockets, and documents shall be maintained in a closed file marked "confidential" and identified by case number only.  | 18 Pa.C.S. § 3206(f); Pa.O.C.R. 16.2 and 16.6. Note also Pa.R.J.A. No. 2157 and Pa.R.A.P. 3801.                     |
| General  | For certain offenses graded as a misdemeanor of the second or third degree, any information relating to the conviction, arrest, indictment or other information leading to the conviction, arrest, indictment or other information. | No public access. The court shall not release the information to an individual, noncriminal justice agency or an internet website.  | * Act 5 of 2016 effective November 14, 2016 which in part creates 18 Pa.C.S. § 9122.1 and amends 18 Pa.C.S. § 9121. |
| General  | Records concerning persons in treatment under the Mental Health Procedures Act.   | Limited Public Access in compliance with the Mental Health Procedures Act and controlling case law.   | 50 P.S. § 7111.   |
| General  | Court documents, rules, or orders in Gaming Law proceedings.  | Any party may request proceeding and record to be sealed if in best interest of any person or Commonwealth.   | 4 Pa.C.S. § 1518.2(b).  |
| General  | Proceedings and records involving juveniles charged with a summary offense before the minor judiciary, the Philadelphia Municipal Court or a Court of Common Pleas.   | No Public Access.   | 42 Pa.C.S. §§ 6303(c), 6307(c), and 6336(g).  |

\* Note this may not be a complete listing; the public and court staff are directed to consult federal and state statutes, court rules or case law.

### EXPLANATORY REPORT

#### Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts

##### General Introduction

Recognizing the importance of the public's access to the courts and with the Supreme Court's approval, the Administrative Office of Pennsylvania Courts (AOPC) has developed statewide policies governing access to court records. Protocols have been implemented for access to electronic case records in the Judiciary's statewide case management systems, magisterial district court case records, and financial records of the Unified Judicial System (UJS). In 2013, the AOPC embarked on the next

phase of policy development designed to address access to case records of the trial and appellate courts.

This latest effort is necessitated by the confluence of several factors. The proliferation of e-filing systems and related decisions to post (or not post) case records online (as part of document imaging or e-filing systems) on a county-by-county basis has resulted in disjointed accessibility to the UJS's trial court case records. A county may post all divorce and custody records online for viewing, perhaps for free, and a neighboring county may not. Online posting of sensitive information contained in case records, such as social security numbers, currently depends upon geography. Surveys conducted by the AOPC also revealed the treatment of sensitive information con-

tained in paper case records maintained by the filing offices varies widely. For example, whether a social security number is available to a member of the public who wishes to view the records of a particular case in a filing office depends upon local practices.

The implementation of e-filing in Pennsylvania's appellate courts and future initiatives at other court levels is also a catalyst for policy development. While appellate court opinions, orders and dockets have been online via the UJS's website for over a decade, the e-filing of appellate briefs and related legal papers raises basic questions that should be considered when a court undertakes such a project, for instance: What sensitive information must be redacted? Who is responsible for ensuring the appropriate information is redacted?

At the state and local level, the Judiciary is moving forward into the digital age, and it clearly needs to give thoughtful consideration to its systems and procedures to ensure equal access to the UJS's trial and appellate case records. Disparate filing and access protocols certainly impede the statewide practice of law in the Commonwealth. Litigants and third parties, some of whom are unrepresented or are not voluntary participants in the judicial process, may be left in the dark as to whether their private, personal identifiers and intimate details of their lives will be released (online) for public viewing.

Government and the private sector collect extensive amounts of personal data concerning individuals' finances, unique identifiers, medical history and so on. Many of these types of data are relevant to the cases that are before the courts for decision, and some data is provided in court filings even though irrelevant to the matter before the court. Therefore, like other branches of government and the private sector, the courts are constantly considering issues regarding the need for openness and transparency and the concern for personal privacy and security.

With regard to the courts, however, the constitutional and common law presumption of openness has to be carefully weighed against relevant practical, administrative considerations when crafting solutions to avert breaches of privacy and security. Striking the right balance is not an easy task.

The public's right to access court proceedings and records is grounded in the First and Sixth Amendments of the U.S. Constitution, Article I §§ 7, 9, and 11 of the Pennsylvania Constitution, and the common law. While there is overlap between the common law and constitutional analyses, there is a distinction between the two. Specifically, the constitutional provisions provide a greater right of access than the common law.<sup>1</sup> However, these constitutional and common law rights are not absolute and may be qualified by overriding interests. A more extensive discussion of the right to access is contained in the Explanatory Report of the *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania*.<sup>2</sup>

Therefore, with the approval of the Supreme Court, the Court Administrator of Pennsylvania convened a working group to study and develop a proposed policy for public comment. Under the experienced and dedicated leadership of Commonwealth Court Judge Renée Cohn Jubelirer and Montgomery County Court of Common Pleas Judge Lois E. Murphy, the working group under-

took its charge with an open mind and an aim to appropriately balance the competing interests at hand. The group consisted of judges, appellate court filing office personnel, local court personnel, two Prothonotaries/Clerks of Courts, one Register of Wills/Clerk of Orphans' Court, and representatives from the Pennsylvania Bar Association and the rules committees of the Supreme Court, as well as AOPC staff.

Before developing a proposed policy, the working group studied and discussed the different types of records pertaining to criminal, domestic relations, civil, juvenile, orphans' court and appellate matters filed in the courts. Tackling each case type individually, the working group considered existing legal restrictions and other jurisdictions' access policies on the release of data and documents. In formulating whether information and documents should be considered confidential, the group also determined how access would be limited. There are categories of information that are completely restricted, such as social security numbers, and categories that are restricted from online viewing by the public but remain available for public inspection at a court facility, such as original and reproduced records filed in the appellate courts.

The working group published its proposal for a 60-day public comment period<sup>3</sup> and received thirty-two submissions. The comments reflected diverse, and sometimes conflicting, viewpoints, which helped the working group define the issues and find solutions. In doing so, the working group endeavored to find as much "common ground" as it could in reviewing and addressing the various comments.

In crafting its proposal, the group was guided at all times by the long-standing tradition of access to court records and the important interests it serves, as follows:

to assure the public that justice is done evenhandedly and fairly; to discourage perjury and the misconduct of participants; to prevent decisions based on secret bias or partiality; to prevent individuals from feeling that the law should be taken into the hands of private citizens; to satisfy the natural desire to see justice done; to provide for community catharsis; to promote public confidence in government and assurance that the system of judicial remedy does in fact work; to promote the stability of government by allowing access to its workings, thus assuring citizens that government and the courts are worthy of their continued loyalty and support; to promote an understanding of our system of government and courts. *Commonwealth v. Fenstermaker*, 530 A.2d 414, 417 (Pa. 1987) (citing *Commonwealth v. Contankos*, 453 A.2d 578, 579-80 (Pa. 1982)).

However, the group also recognized that transparency of judicial records and proceedings must be balanced with other considerations in this Internet age. The group attempted to strike the appropriate balance between access and interests involving the administration of justice, personal privacy and security—particularly with regard to online records. Also essential to the group's evaluation were practical considerations, such as the methods of redaction to be implemented and identification of various "best practices" that should be instituted statewide.

The working group provides the following relevant Commentary for the sections of the policy.

<sup>1</sup> See *Commonwealth v. Long*, 922 A.2d 892 (Pa. 2007).

<sup>2</sup> Explanatory Report is found at: <http://www.pacourts.us/assets/files/page-381/file-833.pdf?cb=1413983484884>

<sup>3</sup> <http://www.pabulletin.com/secure/data/vol45/45-6/222.html>

### Section 1

The definitions incorporate elements of those found in existing UJS public access policies and other authorities.

This policy governs access to (1) official paper case records of appellate courts, courts of common pleas, and Philadelphia Municipal Court, (2) images of scanned or e-filed documents residing in the three statewide case management systems, (3) images of scanned or e-filed documents residing in the case management systems of the judicial districts, and (4) case record information posted online by judicial districts via their own “local” case management systems. This approach ensures a more equitable and systematic approach to the case records filed in and maintained for the trial and appellate courts.

It is important to note how this policy intersects with existing UJS policies, namely the *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania* (hereinafter referred to as “*Electronic Policy*”) and *MDC Paper Policy*. The *Electronic Policy* governs access to the electronic case record information, excluding images of scanned documents, residing in the three statewide case management systems: Pennsylvania Appellate Courts Case Management System, Common Pleas Case Management System and the Magisterial District Judge System. Put simply, the *Electronic Policy* governs what information resides on the public web docket sheets accessible via the UJS web portal or is released to a member of the public requesting electronic case record information from one of the systems.

The *MDC Paper Policy* governs access to the paper case records on file in a magisterial district courts.

The definition of “financial source document” is derived from the definition of “sealed financial source documents” used in Minnesota (Minn.G.R.Prac. Rule 11.01) and Washington (WA.R.Gen. Rule 22(b)).

### Section 2

This section’s provisions are similar to those contained in the *MDC Paper Policy*, which have been successfully implemented.

### Section 4

Requestors may be unable to complete a written request, if required by a court. In such circumstances, access should not be denied but may be delayed until the custodian or designated staff is available to assist the requestor. If the request is granted, it may be necessary for the custodian or designated staff to sit with the requestor and monitor the use of the file to ensure its integrity. This is consistent with the responsibility placed upon the custodian and designated staff for the security, possession, custody and control of case records in Section 2.0(B). Such a practice is also consistent with the requirement that addressing requests for access cannot impede the administration of justice or the orderly operation of a court, pursuant to Section 2.0(C).

This section’s provisions are similar to those contained in the *MDC Paper Policy*.

### Section 5

While implementing the provisions of this policy should not unduly burden the courts and custodians or impinge upon the delivery of justice, it is reasonable for the public to expect that courts and custodians shall respond to requests for access in a consistent fashion. This section brings uniformity, in general, as to when and how courts and custodians must respond to requests. Similar sections are found in the *Electronic Policy* and *MDC Paper Policy*.

### Section 6

Judicial districts have adopted different approaches to imposition of fees, especially with regard to remote access to court records. Some impose a fee for providing remote access because the costs associated with building and maintaining such systems are often substantial. Given that remote access is a value-added service, not a requirement, it is thought that those who avail themselves of this service should be charged for the convenience of maintaining these systems.

Others do not impose fees for remote access because providing this service reduces the “foot traffic” in the filing offices for public access requests. This, in turn, frees staff to attend to other business matters, resulting in a financial benefit by reducing costs associated with dealing with the requests over the counter. The AOPC has provided “free” online access to public web docket sheets for cases filed in the appellate courts, criminal divisions of the courts of common pleas and Philadelphia Municipal Court, as well as the magisterial district courts for years. In 2014, 59 million of those web dockets sheets were accessed online.

It is interesting to note that the two largest judicial districts in the Commonwealth are at opposite ends of the spectrum (i.e., one has posted virtually all dockets and documents for free, and the other posts some dockets for free but not documents). While the working group recognizes that other factors play into these determinations (such as, technological capabilities, statutorily mandated fees), judicial districts should ensure that fees do not become a barrier to public access. Completion of statewide case management systems in all levels of court will likely bring about standardization in remote access to case records.

The working group notes that this section’s provisions are similar to those contained in the *MDC Paper Policy*.

### Section 7

The concept of restricting access to particular, sensitive identifiers is not novel. The *Electronic Policy* and *MDC Paper Policy* restrict access to social security numbers and financial account numbers, for example. The federal courts, and many state court systems, have restricted access to the types of identifiers that are listed in Section 7.0.

The *Electronic Policy* and *MDC Paper Policy* provide that access to social security numbers is shielded from release. Moreover, there are scores of authorities at both the federal and state level that protect the release of this information. While some of these authorities are not applicable to court records, they require access to this information in government records be limited or wholly restricted. For example: 65 P.S. § 67.708(b)(6)(i)(A), 74 P.S. § 201, 42 U.S.C.A. § 405(c)(2)(C)(viii), F.R.Civ.P. 5.2(a)(1), F.R.Crim.P. 49.1(a)(1), Alaska (AK R Admin Rule 37.8(a)(3)), Arizona (AZ ST S CT Rule 123(c)(3)), Arkansas (Sup. Ct. Admin. Order 19(VII)(a)(4)), Florida (FL ST J ADMIN Rule 2.420(d)(1)(B)(iii)), Idaho (ID R Admin Rule 32(e)(2)), Indiana (Ind. St. Admin. Rule 9(G)(1)(d)), Maryland (MD. Rules 16-1007), Michigan (Administrative Order 2006-2), Minnesota (Minn.Gen.R.Prac. Rule 11.01(a)), Mississippi (Administrative Order dated August 27, 2008 paragraph 8), Nebraska (Neb Ct R § 1-808(a) and Neb. Rev. Stat § 84-712.05(17)), New Jersey (NJ R GEN APPLICATION Rule 1:38-7(a)), North Dakota (N.D.R.Ct. Rule 3.4(a)(1) and A.R. 41(5)(B)(10)(a)), Ohio (OH ST Sup Rules 44(h) and 45(d)), South Dakota (SDCL § 15-15A-8), Texas (TX ST J ADMIN Rule 12.5(d)), Utah (UT R J

ADMIN Rules 4-202.02(4)(i) and 4-202-03(3)), Vermont (VT R PUB ACC CT REC § 6(b)(29)), Washington (WA. R. Gen. Rule 31(3)(1)(a)) and West Virginia (WV R RAP Rule 40(e)(3)).

With regard to financial account numbers, the *Electronic Policy* and *MDC Paper Policy* provide that this information is not accessible. Many other jurisdictions have taken a similar approach. For example: F.R.Civ.P. 5.2(a)(1), F.R.Crim.P. 49.1(a)(1), Alaska (AK R Admin Rule 37.8(a)(5)), Arizona (AZ ST S CT Rule 123(c)(3)), Arkansas (Sup. Ct. Admin. Order 19(VII)(a)(4)), Florida (FL ST J ADMIN Rule 2.420(d)(1)(B)(iii)), Idaho (ID R Admin Rule 32(e)(2)), Indiana (Ind. St. Admin. Rule 9(G)(1)(f)), Minnesota (Minn.Gen.R.Prac. Rule 11.01(a)), Nebraska (Neb Ct R § 1-808(a) and Neb. Rev. Stat § 84-712.05(17)), New Jersey (NJ R GEN APPLICATION Rule 1:38-7(a)), North Dakota (N.D.R.Ct. Rule 3.4(a)(1) and A.R. 41(5)(B)(10)(a)), Ohio (OH ST Sup Rules 44(h) and 45(d)), South Dakota (SDCL § 15-15A-8), Vermont (VT R PUB ACC CT REC § 6(b)(29)), Washington (WA. R. Gen. Rule 31(3)(1)(b)) and West Virginia (WV R RAP Rule 40(e)(4)).

Concerning driver license numbers, the *Electronic Policy* provides that driver license numbers should be protected. Moreover, there are many authorities at both the federal and state level that protect the release of this information. While some of these authorities are not applicable to court records, they require access to this information in government records be limited or wholly restricted. For example: 65 P.S. § 67.708(b)(6)(i)(A), 75 Pa.C.S. § 6114, 18 U.S.C. §§ 2721—2725, Alaska (AK R Admin Rule 37.8(a)(4)), Idaho (ID R Admin Rule 32(e)(2)), New Jersey (NJ R GEN APPLICATION Rule 1:38-7(a)), Utah (UT R J ADMIN Rules 4-202.02(4)(i) and 4-202-03(3)), Vermont (VT R PUB ACC CT REC § 6(b)(29)) and Washington (WA. R. Gen. Rule 31(3)(1)(c)).

State Identification Numbers (“SID”) have been defined as “[a] unique number assigned to each individual whose fingerprints are placed into the Central Repository of the State Police. The SID is used to track individuals for crimes which they commit, no matter how many subsequent fingerprint cards are submitted.” See 37 Pa. Code § 58.1. The *Electronic Policy* prohibits the release of SID. Furthermore, in *Warrington Crew v. Pa. Dept. of Corrections*, (Pa. Cmwlth., No. 1006 C.D. 2010, filed Nov. 19, 2010)<sup>4</sup>, the Commonwealth Court upheld a ruling by the Office of Open Records that a SID number is exempt from disclosure through a right-to-know request because such numbers qualify as a confidential personal identification number.

Other jurisdictions provide similar protections to minors’ names, dates of births, or both. For example: F.R.Civ.P. 5.2(a)(1), F.R.Crim.P. 49.1(a)(1), Alaska (AK R Admin Rule 37.8(a)(6)), North Dakota (N.D.R.Ct. Rule 3.4(a)(3) and A.R.41(5)(B)(10)(c)), Utah (UT R J ADMIN Rules 4-202.02(4)(l) and 4-202-03(3)) and West Virginia (WV R RAP Rule 40(e)(1)).

With regard to abuse victims’ address and other contact information, Pennsylvania through the enactment of various statutes has recognized the privacy and security needs of victims of abuse. For example, Pennsylvania’s Domestic and Sexual Violence Victim Address Confidentiality Act (23 Pa.C.S. §§ 6701—6713) provides a mechanism whereby victims of domestic and sexual violence can shield their physical address (even in court documents)

and hence protect their ability to remain free from abuse. The Pennsylvania Right To Know Law (65 P.S. §§ 67.101—67.1304) recognizes the potential risk of harm which can be caused by the disclosure by the government of certain personal information. For example, 65 P.S. § 67.708(b)(1)(ii) prohibits the disclosure that “would be reasonably likely to result in a substantial and demonstrable risk of physical harm to or the personal security of an individual.” Moreover, 23 Pa.C.S. § 5336(b) prohibits the disclosure of the address of a victim of abuse in a custody matter to the other parent or party. 23 Pa.C.S. § 4305(a)(10)(ii) and (iii) provides that the domestic relations section shall have the power and duty to:

“implement safeguards applicable to all confidential information received by the domestic relations section in order to protect the privacy rights of the parties, including: prohibitions against the release of information on the whereabouts of one party or the child to another party against whom a protective order with respect to the former party or the child has been entered; and prohibitions against the release of information on the whereabouts of one party or the child to another person if the domestic relations section has reason to believe that the release of the information may result in the physical or emotional harm to the party or the child.”

In addition, other jurisdictions have taken a measure to protect similarly situated individuals, such as: Alaska (AK R Admin Rule 37.8(a)(2)), Florida (FL ST J ADMIN Rule 2.420(d)(1)(B)(iii)), Indiana (Ind. St. Admin. Rule 9(G)(1)(e)(i)), New Jersey (NJ R GEN APPLICATION Rule 1:38-3(c)(12)), and Utah (UT R J ADMIN Rules 4-202.02(8)(E)(i) and 4-202-03(7)).

To maintain the confidentiality of the information listed in subsection (A), parties and their attorneys can set forth the listed information on a Confidential Information Form, designed and published by the AOPC. This is akin to the procedure set forth in the *MDC Paper Policy*; the Confidential Information Form used by that policy is posted on the UJS’s website at [www.pacourts.us](http://www.pacourts.us).

Alternatively, parties and their attorneys can file two versions of each document with the court/custodian—one with sensitive information redacted (“redacted copy”) and the other with no information redacted (“unredacted copy”). The redacted copy shall omit any information not accessible under this policy in a visibly evident manner, and be available for public inspection. The unredacted copy shall not be accessible by the public. At least one other jurisdiction has implemented a similar approach. See WA. R. Gen. R. 22(e)(2) (Washington). Some contend that a redacted copy of a document will be more readable than an unredacted copy containing monikers as placeholders for sensitive information not included in the document. This approach was also identified as a more amenable solution given the current design of the statewide e-filing initiative.

While a court or custodian is not required to review any pleading, document, or other legal paper for compliance with this section, such activity is not prohibited. If a court or custodian wishes to accept the burden of reviewing such documents and redacting the same, such a process must be applied uniformly across all documents or cases. This provision, however, does not alter or expand upon existing legal authority limiting a custodian’s authority to reject a document for filing. See *Nagy v. Best Home Services, Inc.*, 829 A.2d 1166 (Pa. Super. 2003).

<sup>4</sup> Pursuant to Section 414(a) of the Commonwealth Court’s Internal Operating Procedures, an unreported panel decision issued by the Court after January 15, 2008 may be cited “for its persuasive value, but not as binding precedent.” 210 Pa. Code § 69.414(a).

Courts that permit e-filing should consider the development of a compliance “checkbox” whereby e-filers could indicate their compliance with this policy.

This section only applies to documents filed with a court or custodian on or after the effective date of this policy. There will be a period of transition prior to full implementation of this policy; that is, some documents filed with a court or custodian prior to the effective date of this policy will contain information that the policy restricts from public access. To expect full and complete implementation of this policy by applying it retroactively to those documents filed prior to the effective day of this policy is impractical and burdensome.

However, it is important to remember with regard to pre-policy records, a party or attorney always has the option to file a motion with the court to seal, in whole or part, a document or file. This includes the ability to request sealing and/or redaction of only some information that resides on a document in the court file (e.g., a social security number on a document).

#### Section 8

The protocol of submitting to a court or custodian certain documents under a cover sheet so that the documents are not accessible to the public has been instituted in other jurisdictions, such as Minnesota (Minn.G.R.Prac. Rule 11.03), South Dakota (SDCL § 15-15A-8), and Washington (WA.R.Gen. Rule 22(b)(8) and (g)). One manner in which to implement this protocol (e.g., the need to separate a confidential document within a file accessible to the public) is to maintain a confidential electronic folder or confidential documents file within the case file, thus ensuring that the file folder with the non-public information can be easily separated from the public case file, when access is requested.

Concerning financial source documents, other jurisdictions have similar provisions regarding such documents including Minnesota (Minn.G.R.Prac. Rule 11.03), South Dakota (SDCL § 15-15A-8), and Washington (WA.R.Gen. Rule 22(b)(8) and (g)).

Similar protocols with regard to minors’ education records are found in other jurisdictions, such as Nebraska (Neb Ct R § 1-808(a) and Neb. Rev. Stat § 84-712.05(1)) and Wyoming (WY R Gov Access Ct Rule 6(a) and WY ST § 16-4-203(d)(viii)).

With regard to medical records, other jurisdictions have similar provisions including Indiana (Ind. St. Admin. Rule 9(G)(1)(b)(xi)), Maryland (MD. Rules 16-1006(i)), Nebraska (Neb Ct R § 1-808(a) and Neb. Rev. Stat § 84-712.05(2)), Utah (UT R J ADMIN Rules 4-202.02(4)(k) and 4-202-03(3)), Vermont (VT R PUB ACC CT REC § 6(b)(17)), West Virginia (WV R RAP Rule 40(e)(1)) and Wyoming (WY R Gov Access Ct Rule 6(t)).

Section 7111 of the Mental Health Procedures Act, 50 P.S. § 7111, provides that all documentation concerning an individual’s mental health treatment is to be kept confidential and may not be released or disclosed to anyone, absent the patient’s written consent, with certain exceptions including a court’s review in the course of legal proceedings authorized under the Mental Health Procedures Act (50 P.S. § 7101). While it is unclear if this provision is applicable to the public accessing an individual’s mental health treatment records in the court’s possession, the working group believes this provision provides guidance on the subject. Thus, such records should not be available to the public except pursuant to a court order. See *Zane v. Friends Hospital*, 575 Pa. 236, 836 A.2d 25 (2003). Other jurisdictions have similar protocols, such as

Maryland (MD. Rules 16-1006(i)), New Mexico (NMRA Rule 1-079(c)(5)), Utah (UT R J ADMIN Rules 4-202.02(4)(k) and 4-202-03(3)), Vermont (VT R PUB ACC CT REC § 6(b)(17)) and Wyoming (WY R Gov Access Ct Rule 6(p)).

Children and Youth Services’ records introduced in juvenile dependency or delinquency matters are not open to public inspection. See 42 Pa.C.S. § 6307 as well as Pa.Rs.J.C.P. 160 and 1160. Introduction of such records in a different proceeding (e.g., a custody matter) should not change the confidentiality of these records; thus, the records should be treated similarly. These records are treated similarly by other jurisdictions, such as Florida (FL ST J ADMIN Rule 2.420(d)(1)(B)(i)), Indiana (Ind. St. Admin. Rule 9(G)(1)(b)(iii)) and New Jersey (NJ R GEN APPLICATION Rule 1:38-3(d)(12) and (15)).

The extent of financially sensitive information required by Pa.R.C.P. No. 1910.27(c) and 1920.33 that must be listed on income and expense statements, marital property inventories and pre-trial statements rivals information contained in a financial source document. Therefore, these documents should also be treated as confidential. Vermont has a similar protocol (VT R PUB ACC CT REC § 6(b)(33) and 15 V.S.A. § 662).

Courts that permit e-filing should consider the development of a compliance “checkbox” whereby e-filers could indicate their compliance with this policy.

This section only applies to documents filed with a court or custodian on or after the effective date of this policy. There will be a period of transition prior to full implementation of this policy; that is, some documents filed with a court or custodian prior to the effective date of this policy will contain information that the policy restricts from public access. To expect full and complete implementation of this policy by applying it retroactively to those documents filed prior to the effective day of this policy is impractical and burdensome.

However, it is important to remember with regard to pre-policy records, a party or attorney always has the option to file a motion with the court to seal, in whole or part, a document or file. This includes the ability to request sealing and/or redaction of only some information that resides on a document in the court file (e.g., a social security number on a document).

#### Section 9

This section safeguards certain sensitive information that is already protected by existing authority or was deemed to require protection by the working group from access at the court facility. The latter category included two specific types of records: birth records and incapacity proceeding records.

Access to a birth certificate from the Department of Health, particularly an amended birth certificate, such as in an adoption case, is limited pursuant to various statutes. 35 P.S. §§ 450.603, 2915 and 2931. Unrestricted access to records filed in proceedings about birth records could have the unintended effect of circumventing the purposes of the confidentiality provisions of the above statutory framework. Moreover, at least one jurisdiction, Florida (FL ST J ADMIN Rule 2.420(d)(1)(B)(vi)), provides similar protections to these records. However, concerned that the lack of transparency may erode the public’s trust and confidence, dockets and any court order, decree or judgment in these cases are exempted by the policy. Releasing the dockets as well as any order, decree or judgment disposing of the case is believed to strike the appropriate balance between access to the court’s deci-

sion, and hence the public's understanding of the judicial function, and personal privacy.

Given the extent of financial and sensitive information that is provided in order that a court may determine whether a person is incapacitated and, if so, that must subsequently be reported in a guardian's report, these records are not be accessible. Similar provisions are found in many other jurisdictions including: California (Cal. Rules of Court, Rule 2.503(c)(3)), Florida (F.S.A. §§ 744.1076 and 744.3701), Georgia (Ga. Code Ann. § 29-9-18), Idaho (ID. R. Admin. Rule 32), Maryland (MD. Rules 16-1006), New Jersey (NJ R GEN APPLICATION Rule 1:38-3(e)), New Mexico (NMRA Rule 1-079(c)(7)), South Dakota (SDCL § 15-15A-7(3)(m)), Utah (UT R J Admin. Rule 4-202.02(4)(L)(ii)), Washington (WA.R.Gen. Rule 22(e)) and Wyoming (WY R Gov Access Ct Rule 6(g)). For the reasons of transparency, the case docket and any court order, decree or judgment for these cases is exempted pursuant to this policy.

The provisions of Subsection G are consistent with those contained in the *Electronic Policy, MDC Paper Policy* and Rule of Judicial Administration 509. The Judiciary's commitment to the principle of open and accessible case records is reflected in the inclusion of a publication requirement.

#### Section 10

Any information to which access is limited pursuant to Sections 7, 8 or 9 is also not accessible remotely pursuant to Subsection A(1). As to Subsections A(2) through A(7), it is important to note that this information will remain available at the courthouse or court facility where access has been traditionally afforded. There is a difference between maintaining "public" records for viewing/copying at the courthouse and "publishing" records on the Internet. Thus, there is certain information for which at the present time courthouse access remains the appropriate forum.

Concerning Subsection A(2)'s restriction on remote access to information that identifies jurors, witnesses, and victims in criminal cases, similar provision exist in the *Electronic Policy* and have been implemented by other jurisdictions, including Alaska (AK R ADMIN Rule 37.8(a)(1) and (2)), Indiana (Ind. St. Admin. Rule 9(G)(1)(e)), Mississippi (Administrative Order dated August 27, 2008 paragraph 8), Nebraska (NE R CT § 1-808(b)(3)), Texas (TX ST J ADMIN Rule 12.5(d)) and Utah (UT R J ADMIN Rules 4-202.02(8)(e) and 4-202-03(7)).

As pertains to Subsection A(5), in considering family court records (i.e., divorce, custody, and support), individual courts have implemented protocols to shield some of these records from access. Sensitive to these concerns, prohibiting online posting of any family court records (save for a docket, court orders and opinions), along with the requirements that certain information and documents filed with the court or custodian be restricted from access via the use of a Confidential Information Form, redacted filings or a Confidential Document Form, removes a significant amount of the personal, sensitive information from access, while allowing public access to ensure accountability and transparency of the judicial system.

With regard to Subsection A(6), New Mexico has a similar protocol protecting Older Adult Protective Services Act matters (NMRA Rule 1-079(c)(4)). For the reasons expressed above, remote access should be afforded to dockets, court orders and opinions in these cases, to the extent that the judicial districts have developed systems and procedures that facilitate such access.

While case records remotely accessible to the public prior to the effective date of this policy may remain online in unredacted form, judicial districts are not prohibited from taking steps to safeguard sensitive case records designated by this section. To expect full and complete implementation of the policy by applying it retroactively to records remotely accessible prior to the effective date of this policy is impractical and burdensome.

However, it is important to remember with regard to pre-policy records, a party or attorney always has the option to file a motion with the court to seal, in whole or part, a document or file. This includes the ability to request sealing and/or redaction of only some information that resides on a document in the court file (e.g., a social security number on a document).

It is essential that courts and custodians in designing systems, such as those for document imaging, e-filing, or both consider the requirements of this policy and ensure such systems are in compliance. This is imperative as the Judiciary moves toward statewide e-filing for all levels of courts.

As for systems currently in existence, the policy may require changes to current protocols and processes.

#### Section 11

A similar provision is included in the *Electronic Policy*. This policy delineates a procedure by which an individual may correct a clerical error that appears in a case record accessible remotely. As noted in the Explanatory Report to the *Electronic Policy*, these provisions borrow heavily from the correction provisions in the Criminal History Record Information Act. For the same reasons outlined in the Explanatory Report, a similar protocol was included in this policy.

#### Best Practices

The following are various "best practices" that should be considered by the courts, parties and their attorneys to promote the successful implementation of this policy.

1. The Judiciary should remain cognizant of this policy in the development of e-filing and case management systems, procedures and forms. The following "best practices" should be considered as courts develop systems for e-filing:

a. Access to the courts should be promoted by the e-filing processes;

b. Court control over its own records should be preserved;

c. Systems should have consistent functionality, compatible protocols and rules to facilitate statewide practice;

d. Processes for *pro se* litigants should be defined to provide equal and secure access to the system;

e. Issues involving public access to e-documents, and the sensitive data that may be contained therein, should be fully studied before the e-filing system is developed (e.g., separate e-filing of exhibits from other documents);

f. Payment of any required filing fees should be accomplished via electronic methods;

g. Bi-directional exchange of data should be facilitated between e-filing and case management systems; and

h. Maximum flexibility in the design of a system should be sought to accommodate future evolutions of technology.

2. Compliance with this policy and the Judiciary's commitment to open records may be assisted by various technological and administrative solutions, such as:

a. Implementation of redaction and "optical character recognition" software may assist parties and their attorneys in complying with the policy. Some judicial districts also employ redaction software to protect sensitive data as a "best practice."

b. Due consideration and routine review by custodians should be given to the standards for record retention as applied to those records in paper form and electronic form.

[Pa.B. Doc. No. 17-95. Filed for public inspection January 20, 2017, 9:00 a.m.]

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CH. 5 ]

### Proposed Revision of the Comment to Pa.R.Crim.P. 578

The Criminal Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the revision of the Comment to Rule 578 (Omnibus Pretrial Motion for Relief) 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  
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All communications in reference to the proposal should be received by no later than Friday, February 24, 2017. 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*

CHARLES A. EHRLICH,  
*Chair*

PENNSYLVANIA BULLETIN, VOL. 47, NO. 3, JANUARY 21, 2017

## Annex A

### TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

#### PART G(1). Motion Procedures

#### Rule 578. Omnibus Pretrial Motion for Relief.

Unless otherwise required in the interests of justice, all pretrial requests for relief shall be included in one omnibus motion.

#### Comment

Types of relief appropriate for the omnibus pretrial motions include the following requests:

\* \* \* \* \*

(11) for transfer from criminal proceedings to juvenile proceedings pursuant to 42 Pa.C.S. § 6322[ . ];

(12) proposing or opposing the admissibility of scientific or expert evidence.

The omnibus pretrial motion rule is not intended to limit other types of motions, oral or written, made pretrial or during trial, including those traditionally called motions *in limine*, which may affect the admissibility of evidence or the resolution of other matters. The earliest feasible submissions and rulings on such motions are encouraged.

**See Pa.Rs.E. 702 and 703 regarding the admissibility of scientific or expert testimony. Pa.R.E 702 codifies Pennsylvania's adherence to the test to determine the admissibility of expert evidence first established in *Frye v. United States*, 293 F. 1013 (App. D.C. 1923) and adopted by the Pennsylvania Supreme Court in *Commonwealth v. Topa*, 369 A.2d 1277 (Pa. 1977). Given the potential complexity when the admissibility of such evidence is challenged, such challenges should be raised in advance of trial as part of the omnibus pretrial motion if possible. However, nothing in this rule precludes such challenges being raised in a motion *in limine* when circumstances necessitate it.**

See Rule 556.4 for challenges to the array of an indicting grand jury and for motions to dismiss an information filed after a grand jury indicts a defendant.

**Official Note:** Formerly Rule 304, adopted June 30, 1964, effective January 1, 1965; amended and renumbered Rule 306 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; amended October 21, 1983, effective January 1, 1984; Comment revised October 25, 1990, effective January 1, 1991; Comment revised August 12, 1993, effective September 1, 1993; renumbered Rule 578 and Comment revised March 1, 2000, effective April 1, 2001; Comment revised June 21, 2012, effective in 180 days; Comment revised July 31, 2012, effective November 1, 2012; **Comment revised , 2017, effective , 2017.**

*Committee Explanatory Reports:*

\* \* \* \* \*

Final Report explaining the July 31, 2012 Comment revision adding motions for transfer published with the Court's Order at 42 Pa.B. 5340 (August 18, 2012).

**Report explaining the proposed Comment revision regarding pretrial challenges to the admissibility of expert evidence published for comment at 47 Pa.B. 307 (January 21, 2017).**



## REPORT

*Proposed Revision of the Comment to  
Pa.R.Crim.P. 578***Rule 578: Pretrial Resolution of Admissibility of  
Expert Testimony**

The Committee recently examined the question of the pretrial determination of the admissibility of expert testimony. This was prompted by a dissenting opinion penned by Justice Dougherty in the case of *Commonwealth v. Safka*, 141 A.3d 1239 (Pa. 2016). *Safka* was a vehicular manslaughter case in which there was a dispute over the admissibility of evidence of the vehicle's speed from the vehicle's Event Data Recorder (EDR). Although there was no pretrial challenge to this evidence, the defense, at trial, questioned the reliability and accuracy of the data retrieved from the EDR. After provisionally admitting the EDR evidence, following closings, the trial judge *sua sponte*, reopened the record for the limited purpose of providing the parties the opportunity to present expert testimony to address the reliability of the manner in which data was recorded in the EDR. The Commonwealth subsequently produced an expert on the question and the trial judge confirmed the original tentative decision to admit the EDR evidence.

On appeal to the Supreme Court, the majority upheld the trial court and Superior Court decisions, finding that it was not improper for the trial court, *sua sponte*, to allow the Commonwealth to establish the reliability of the scientific evidence after the Commonwealth had rested, particularly when the parties are permitted to seek a reopening under similar circumstances. In his dissent, Justice Dougherty maintained that, since the Commonwealth bears the burden of establishing the reliability of its evidence, the record should not have been reopened on this issue. More importantly from a procedural standpoint, he noted that this issue could have been avoided had the EDR's reliability been challenged earlier than at trial as it had been. Acknowledging that the defense did nothing improper under the current rules, he recommended that the Committee examine rule changes that would encourage the pretrial resolution of these types of challenges.

*Frye v. United States*, 293 F. 1013 (App. D.C. 1923) is the seminal case establishing the test for the admissibility of scientific evidence. The *Frye* test requires the proponent of scientific evidence to establish that the theory and method used by the expert witness were generally accepted within the relevant scientific community. Although modified in a number of jurisdictions by acceptance of the holding in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) and *Kumho Tire Co. v. Carmichael*, 526 U.S. 137 (1999), Pennsylvania still adheres generally to the *Frye* test and this standard is recognized in Rule of Evidence 702. Rule of Evidence 703 also enumerates the bases for expert opinion testimony.

Neither of these rules of evidence addresses procedures for raising such challenges. Rule of Civil Procedure 207.1 provides specific procedures for raising challenges to scientific evidence. However, as Justice Dougherty notes, the civil rule does not provide for specific timing but is primarily a content rule. In fact, paragraph (b) of Rule 207.1 states that a party is not required to raise the admissibility of expert testimony pre-trial unless the court so orders. There is language in the Official Note to Rule 207.1 providing some guidance as to the pretrial determination of such issues:

In deciding whether to address prior to trial the admissibility of the testimony of an expert witness, the following factors are among those which the court should consider: the dispositive nature or significance of the issue to the case, the complexity of the issue involved in the testimony of the expert witness, the degree of novelty of the proposed evidence, the complexity of the case, the anticipated length of trial, the potential for delay of trial, and the feasibility of the court evaluating the expert witness' testimony when offered at trial.

However, this guidance is directed toward the judge in deciding the issue and not toward the parties regarding the time for raising such issues.

The Rules of Criminal Procedure do not provide specific procedures for raising *Frye* issues. *Frye* challenges generally are raised as motions *in limine* but the rules do not provide for any specific timing for raising these motions. Rules 578 and 579 require an omnibus pretrial motion to be served within 30 days of arraignment and a court to determine all pretrial motions before trial. However, motions *in limine* are distinguished from the omnibus pre-trial motion (and its timing provisions) in the Rule 578 Comment.

The Committee noted that the federal system encourages the pretrial determination of challenges to expert testimony. For example, the Third Circuit has emphasized the importance of conducting *in limine* hearings under Fed. R. Evid. 104 (resolution of preliminary questions) when making reliability determinations required by Fed. R. Evid. 702 and *Daubert. Padillas v. Stork-Gamco, Inc.*, 186 F.3d 412, 417 (3d Cir. 1999). However, this is based heavily on the gatekeeping function that is placed on the trial court by *Daubert* and such motions may still be brought during trial. *See, e.g., Smoot v. Mazda Motors of America, Inc.*, 469 F.3d 675, 676 (7th Cir. 2006).

Based on a review of the foregoing, the Committee concluded that the rules should encourage the pre-trial determination of the admissibility of expert testimony. However, the Committee believes that it would not be effective to create a specific deadline by which time the motion must be filed, given the wide variations of the types of evidence involved and the circumstances under which the evidence is discovered. The Committee decided that the question would be best addressed by adding a general provision to encourage pre-trial determination of these issues. The Committee is proposing a revision to the Comment to Rule 578 that contains a list of suggested types of pretrial motions to be included in the omnibus pretrial motion by adding to that list those motions that would "establish a challenge to the admissibility of scientific or expert evidence."

One of the issues that the Committee discussed was the question of whether or not adding these types of motions to the Rule 578 Comment list of suggested motions would now tie them to the time limitations for omnibus pretrial motions. The Committee first noted that the time limitations for filing omnibus motions often are treated more flexibly by most courts, given the wide variations of issues raised. More specifically, the Committee believes that if there is a legitimate question concerning the reliability of scientific evidence, a trial judge would permit it to be raised even if it was after the Rule 578 time limit. The Committee discussed removing the Rule 578 Comment language referring to motions *in limine* but decided that there are motions *in limine* unrelated to *Frye* issues that should continue to be exempt and did not want to confuse the issue.

The Committee ultimately agreed to add language to the Comment that would state that the pre-trial determination of *Frye* issues should be encouraged but that raising these issues in a later motion *in limine* is permissible as well. The Committee concluded that a cross-reference in the Rule 578 Comment to Rules of Evidence 702 and 703, which address more substantive aspects of the admissibility of expert testimony, would be helpful. Additionally, the Comment should also contain a cross-reference to *Frye* and the chief Pennsylvania cases applying it.

[Pa.B. Doc. No. 17-96. Filed for public inspection January 20, 2017, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### BEAVER COUNTY

#### Local Rules of Administration Governing Court Reporting and Transcripts; No. 10013 of 2016

##### Administrative Order

It is hereby Ordered and Directed that, effective thirty (30) days following publication in the *Pennsylvania Bulletin*, the Court of Common Pleas of Beaver County adopts the following Local Rules Governing Court Reporting and Transcripts for the 36th Judicial District.

The Beaver County District Court Administrator is Ordered and Directed to:

1. file one (1) copy of the Local Rules with the Administrative Office of Pennsylvania Courts via email to [adminrules@pacourts.us](mailto:adminrules@pacourts.us).
2. file two (2) paper copies and one (1) electronic copy of the Local Rules in a Microsoft Word format only to [bulletin@palrb.us](mailto:bulletin@palrb.us) with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. publish the Local Rules on the Court of Common Pleas of Beaver County website at <http://www.beavercounty.pa.gov/courts>.
4. incorporate the Local Rules into the Local Rules of this Court within thirty (30) days after publication of the Local Rules in the *Pennsylvania Bulletin*.
5. file one (1) copy of the Local Rules in all appropriate filing offices and the Beaver County Law Library for public inspection and copying.

##### Local Rules of Judicial Administration

#### LR4007. Requests for Transcripts.

A. Rough draft transcripts shall not be available in this Court.

B. In accordance with Pa.R.J.A. 4007, the party requesting either a full or partial transcript of any proceeding shall file the original request, on the "Transcript Request Form" which has been adopted by the Court Administrator of Pennsylvania, with the District Court Administrator's Office, and the requesting party is also required to serve copies of the completed "Transcript Request Form" on:

1. Chambers of the Judge who presided over the proceeding to be transcribed;
2. the office of the Court Reporters;

3. all counsel involved in the proceeding, and

4. all parties who were not represented by counsel in the proceeding, who appeared as self-represented litigant(s).

C. Any request for transcript shall only be processed and approved by Order of the presiding Judge.

D. Upon receipt of a Transcript Request Form approved by the presiding Judge, the District Court Administrator shall obtain an estimate of transcription costs from the Court Reporters and shall communicate the estimated costs of transcription to the requesting party. The requesting party shall be required to deposit a partial payment representing ninety (90%) percent of the estimated cost, which shall be totally nonrefundable. Payments shall be made payable to and shall be delivered to the appropriate filing office involved in the proceeding (i.e., Prothonotary, Clerk of Courts, Register of Wills, Clerk of the Orphans' Court) for deposit.

E. Upon receipt of the required deposit, the appropriate filing office will notify the office of the Court Reporters. The Court Reporters' Supervisor will then direct preparation of the transcript.

F. The office of the Court Reporters will notify the requesting party and the office Supervisor upon completion of the transcript, together with the balance due, if any.

G. Final balance due shall be made payable to and shall be delivered to the appropriate filing office. Upon payment of the balance owed, the Court Reporter will obtain the signature of the presiding Judge on the original transcript and file the original transcript in the appropriate filing office with the original Court records. The Court Reporter shall then deliver copies as required by Local Rule 4008.1.

H. Any requests for a transcript pursuant to Local Rule 4008.1(B) alleging an inability to pay, in full or in part, due to economic hardship, must be directed to the presiding Judge for determination, as set forth at Local Rule 4008.1(B).

#### LR4008. Transcript Costs Payable by the Commonwealth or a Subdivision Thereof.

##### A. Costs payable (paper format only)

1. For an ordinary transcript—\$1.75 per page;
2. For an expedited transcript—\$2.75 per page; and
3. For a daily transcript—\$3.75 per page.

#### LR4008.1. Transcript Costs Payable by Requesting Party, Other Than the Commonwealth or a Subdivision Thereof.

##### A. Costs payable (paper format only)

1. For an ordinary transcript—\$2.75 per page;
2. For an expedited transcript—\$3.75 per page; and
3. For a daily transcript—\$4.75 per page.

##### B. Economic hardship—minimum standards

1. Transcript costs for ordinary transcripts, in matters under appeal or where the transcript is necessary to advance the litigation, shall be waived for a litigant who has been permitted by the Court to proceed in forma pauperis or whose income is less than 125 percent of the poverty line as defined by the U.S. Department of Health and Human Services (HHS) poverty guidelines for the current year.

2. Transcript costs for ordinary transcripts, in matters under appeal or where the transcript is necessary to advance the litigation, shall be reduced by one-half (1/2) for a litigant whose income is less than 200 percent of the poverty line as defined by the HHS poverty guidelines for the current year.

3. Transcript costs for ordinary transcripts in matters that are not subject to an appeal, where the transcript is not necessary to advance the litigation, may be waived at the Court's discretion for parties who qualify for economic hardship under subdivision (B)(1) or (B)(2), but only upon good cause shown.

4. The application to waive all or a portion of costs for ordinary transcripts shall be supported by an affidavit substantially in the form required by Rule 240(h) of the Pennsylvania Rules of Civil Procedure. Such application should be prepared in the form of a Petition to Waive All or a Portion of the Transcript Costs, submitted with the Request for Transcript and approved by the presiding Judge.

*C. Assignment and allocation of transcripts costs*

1. *Assignment of costs.* The requesting party, or party required by general rule to file a transcript, shall be responsible for the cost of the transcript. Costs shall not be assessed against any party for transcripts prepared at the initiation of the Court.

2. *Allocation of costs.* When more than one party requests the transcript, or are required by general rule to file the transcript, the cost shall be divided equally among the parties.

*D. Copies of transcript*

A request for a copy of any transcript previously ordered, transcribed and filed of record shall be provided at a cost of \$0.75 per page, paper format only.

Said Local Rules of Judicial Administration shall be effective in the 36th Judicial District of the Commonwealth of Pennsylvania thirty (30) days after publication in the *Pennsylvania Bulletin* and upon publication on the Beaver County website.

*By the Court*

JOHN D. McBRIDE,  
*President Judge*

[Pa.B. Doc. No. 17-97. Filed for public inspection January 20, 2017, 9:00 a.m.]

**DELAWARE COUNTY  
Local Rule 227.3; Doc. No. MD-411-2016**

*And Now*, this 29th day of December, 2016, It is hereby Ordered and Decreed that the existing Local Rule 227.3 is amended and shall be entirely replaced by New Local Rule 227.3 in accordance with the following language effective January 1, 2017.

**Rule \*227.3. Transcript of Testimony.**

The party requesting transcription of the record or any portion thereof in a motion for post-trial relief, or where the transcript is needed to advance the litigation, shall pay the cost thereof. Where any other party files an objection requesting that an additional portion of the record be transcribed, the trial judge, in the absence of agreement by the parties, shall in his discretion and to the extent this matter is not covered in the Pennsylvania

Rules of Judicial Administration 4000, et seq., assign the cost of such additional transcription to any or all parties or to the county.

The designation of the portion of the record to be transcribed required by Pa.R.J.A. 4000, et seq. shall include the date the trial started and the courtroom where the trial was held utilizing the state standardized form. A copy of this designation shall be submitted contemporaneously with the filing of the motion for post-trial relief to the Office of the Director of the Recording Center.

*By the Court*

CHAD F. KENNEY,  
*President Judge*

[Pa.B. Doc. No. 17-98. Filed for public inspection January 20, 2017, 9:00 a.m.]

**DELAWARE COUNTY  
Local Rule 4009; Doc. No. MD-411-2016**

*And Now*, this 29th day of December, 2016, the Court hereby adopts Delaware County Local Rule of Judicial Administration 4009—Court Reporting and Transcripts—Fees and Procedures. This Local Rule shall become effective on January 1, 2017.

**Rule \*4009. Court Reporting and Transcripts. Fees and Procedures.**

*(A) Transcript Costs*

(1) The costs payable by a requesting party, other than the Commonwealth or a subdivision thereof, for a transcript in an electronic format shall not exceed:

- a. For an ordinary transcript, \$2.50 per page;
- b. For an expedited transcript, \$3.50 per page;
- c. For a Daily transcript, \$4.50 per page.

(2) When the transcript is prepared in bound paper format, the costs shall be in accordance with paragraph (1) relating to electronic format plus a surcharge of \$0.25 per page.

(3) *Copies of Transcript:* A request for a copy of any transcript previously ordered, transcribed and filed of record shall be provided according to the following schedule:

- a. \$0.75 per page bound, paper format; and
- b. \$0.50 per page electronic copy.

*(B) Requests for Transcripts Procedure*

(1) All Requests for Transcripts shall be set forth on the State Standardized Form and the party requesting a full or partial transcript of a trial or other proceeding shall file the original request with the Electronic Recording Center.

(2) When a litigant requests a transcript,

a. The litigant ordering the transcript shall make a 50% deposit of the estimated cost and make payment at the Court Financial Office.

b. The Electronic Recording Center shall order the Transcription upon receiving a copy of the receipt from Court Financial Office that the deposit was made.

c. The Electronic Recording Center shall notify the ordering party of the completion of the transcript. Payment of the remaining balance must be made at the Court Financial Office.

(C) *Economic Hardship*. Procedures for Requesting a Full or partial Fee Waiver for Transcript Costs Due to Economic Hardship.

(1) Transcript costs for ordinary transcripts in matters under appeal or where the transcript is necessary to advance the litigation shall be waived for a litigant who has been permitted by the Court to proceed in forma pauperis. Litigants who have been approved for representation by Legal Aid Services are not required to prove economic hardship. Legal Aid clients shall be entitled to obtain ordinary transcripts at no cost. However, they must provide Court Services with a letter of certification from Legal Aid Services that the litigant meets financial eligibility and that the matter is under appeal or that the transcript being requested is necessary to advance the current litigation.

*By the Court*

CHAD F. KENNEY,  
*President Judge*

[Pa.B. Doc. No. 17-99. Filed for public inspection January 20, 2017, 9:00 a.m.]

## LEHIGH COUNTY

### Adoption of Local Rule of Judicial Administration 4009—Court Reporting and Transcripts—Fees and Procedures

#### Administrative Order

*And Now*, this 6th day of January 2017, *It Is Ordered That* Lehigh County Local Rule of Judicial Administration 4009 is hereby *Adopted*, effective 30 days after publication in the *Pennsylvania Bulletin*.

*It Is Further Ordered That* the Court Administrator of Lehigh County shall file: one (1) certified copy of this Order and Lehigh County Rule of Judicial Administration 4009 with the Administrative Office of Pennsylvania Courts; and two (2) certified copies with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. This Local Rule shall also be published on the Court's website and incorporated into the complete set of Lehigh County Local Rules.

*By the Court*

EDWARD D. REIBMAN,  
*President Judge*

### Rule 4009. Court Reporting and Transcripts—Fees and Procedures.

#### (A) *Procedures for requesting a transcript:*

(1) All requests for transcripts shall be set forth on the standardized form, Request for Transcript or Copy Form, available at [www.lccpa.org](http://www.lccpa.org).

(2) For an ordinary transcript, the party requesting a full or partial transcript of a trial or other court proceeding shall file the original Request for Transcript Form with the appropriate filing office (i.e., Clerk of Judicial Records—Civil Division, Clerk of Judicial Records—Criminal Division, Orphans' Court, or the Domestic Rela-

tions Section) based upon the specific case type. The requesting party shall also serve copies of the Request for Transcript Form upon:

- (a) the Judge presiding over the matter; and
- (b) the Court Reporter

by delivering two (2) copies of the Request for Transcript Form to the Court Administrator's Office located in Room 614; and

(c) opposing counsel or the opposing party, if not represented.

(3) The Court Reporter shall prepare the transcript upon:

- (a) the approval of the Presiding Judge; and

(b) payment of the deposit by the requesting party to the appropriate filing office in accordance with the order of the Presiding Judge.

(4) The Court Reporter shall file the transcript and serve the requesting party with a copy of the transcript upon payment of the balance owed by the requesting party to the appropriate filing office in accordance with the order of the Presiding Judge.

(5) If a party is requesting daily, expedited or same day transcripts, or provisions for secure electronic feed, the request for such transcripts or service shall be filed with the appropriate filing office at least ten (10) days prior to the scheduled proceeding. Copies of the written request shall be delivered in accordance with subsection (2). Such requests will be accommodated only upon approval of the Presiding Judge and the Court Reporter.

#### (B) *Economic hardship*

(1) Pursuant to Pa.R.J.A. 4008(B), a request to waive or reduce transcript fees shall be noted on the Request for Transcript Form and include a fully completed In Forma Pauperis Petition pursuant to Pennsylvania Rule of Civil Procedure 240, even if IFP status was previously granted on the case.

(2) Litigants who have been approved for representation by Legal Aid Services are not required to further prove economic hardship pursuant to section (B)(1) above; however, they must attach to their Request for Transcript Form a letter of certification from Legal Aid Services that the litigant meets financial eligibility and that the matter is under appeal or that the transcript being requested is necessary to advance the current litigation.

#### (C) *Fees—original transcript—requesting party*

(1) The fees payable by the party, other than the Commonwealth or a subdivision thereof, initially requesting the transcript in an electronic format shall be as follows:

- (a) for an ordinary transcript, \$2.50 per page;

(b) for an expedited transcript, \$3.50 per page, if the Court Reporter is able to accommodate the request and the Presiding Judge approves; and

(c) for a daily transcript, \$4.50 per page, if the Court Reporter is able to accommodate the request and the Presiding Judge approves; and

(d) for same day delivery, \$6.50 per page, if the Court Reporter is able to accommodate the request and the Presiding Judge approves.

(2) When the transcript is prepared in bound paper format, the costs shall be in accordance with paragraph (1) relating to electronic format plus a surcharge of \$0.25 per page.

(D) *Fees—copies of transcript*

A request for a copy of any transcript, made prior to filing the transcript of record, in excess of the copy provided for in section (A)(4) of this Rule, shall be provided according to the following schedule:

- (1) \$0.75 per page paper format; and
- (2) \$0.50 per page electronic copy.

(E) *Fees—copies of transcript—previously ordered, transcribed and filed of record*

A request for a copy of any transcript previously ordered, transcribed and filed of record shall be provided according to the following schedule:

- (1) \$0.75 per page paper format; and
- (2) \$0.50 per page electronic copy.

(F) *Fees—additional costs*

The Presiding Judge may impose a reasonable surcharge in cases such as mass tort, medical malpractice, or other unusually complex litigation where there is a need for Court Reporters to significantly expand their dictionary. Such surcharges are at the discretion of the Presiding Judge.

(G) *Fees—secure electronic feed*

The Presiding Judge may impose a reasonable surcharge in cases involving a secure electronic feed during the proceeding. Such surcharge is at the discretion of the Presiding Judge.

(H) *Payment of fees*

All fees shall be made payable to the “County of Lehigh” and shall be delivered to the appropriate filing office (i.e., Clerk of Judicial Records—Civil Division, Clerk of Judicial Records—Criminal Division, Orphans’ Court, or the Domestic Relations Section) based on the case type. No fees shall be paid directly to the Court Reporter or Transcriptionist.

(I) *Rule as exclusive method to obtain, reproduce, distribute, or copy transcript of portion thereof*

No person shall obtain, reproduce, distribute, or copy any transcript or portion thereof except in accordance with this rule.

[Pa.B. Doc. No. 17-100. Filed for public inspection January 20, 2017, 9:00 a.m.]

## SCHUYLKILL COUNTY

### Amendment of Local Civil Rules 1001.0 and 1018.1; S-2228-16

#### Order of Court

And Now, this 29th day of December, 2016, at 3:00 p.m., the Court hereby adopts the following amended Local Rules of Civil Procedure for use in the Court of Common Pleas of Schuylkill County, Pennsylvania, Twenty-First Judicial District, Commonwealth of Pennsylvania, effective 30 days after publication in the *Pennsylvania Bulletin*.

The Schuylkill County District Court Administrator is Ordered and Directed to do the following:

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

2) File two (2) paper copies of this Order and Rule and a computer diskette containing the text of the local rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3) Publish a copy of the local rule on the Schuylkill County Court website at [www.co.schuylkill.pa.us](http://www.co.schuylkill.pa.us).

4) Incorporate the local rule into the set of local rules on [www.co.schuylkill.pa.us](http://www.co.schuylkill.pa.us) within thirty (30) days after publication in the *Pennsylvania Bulletin*.

5) File one (1) copy of the local rule in the Office of the Schuylkill County Prothonotary for public inspection and copying.

6) Forward one (1) copy to the Law Library of Schuylkill County for publication in the *Schuylkill Legal Record*.

By the Court

WILLIAM E. BALDWIN,  
*President Judge*

### Schuylkill County Rules of Civil Procedure

#### Rule 1001.0(b). Mediation.

(b) *Procedure for Mediation in Non-Jury Civil Trials, Civil Jury Trial and Cases Subject to Arbitration.* Parties and their attorneys in all civil cases which will result in a non-jury civil trial, civil jury trial or arbitration may mutually elect to pursue mediation at any point before a case is listed for trial or arbitration.

#### Rule 1018.1(d). Notice to Defend. Form.

#### NOTICE CONCERNING MEDIATION OF ACTIONS PENDING BEFORE THE COURT OF COMMON PLEAS OF SCHUYLKILL COUNTY

The Judges of the Court of Common Pleas of Schuylkill County believe that mediation of lawsuits is a very important component of dispute resolution. Virtually all lawsuits can benefit in some manner from mediation.

The Court has adopted Schuylkill County Local Rule 1001.0 to encourage the use of mediation. This early alert enables litigants to determine the best time during the life of their lawsuit for a mediation session. The intent of this early alert is to help the parties act upon the requirement to consider good faith mediation at the optimal time.

The Schuylkill County Bar Association provides mediation services and can be reached at (570) 628-1235.

[Pa.B. Doc. No. 17-101. Filed for public inspection January 20, 2017, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Current Schedule of Continuing Legal Education Courses Required for Reinstatement under §§ 89.275 and 89.279 of the Disciplinary Board Rules

Disciplinary Board Rule § 89.279 provides that a formerly admitted attorney who has been disbarred or

suspended for more than one year or on administrative suspension, retired status or inactive status for more than three years shall within one year preceding the filing of the petition for reinstatement take courses meeting the requirements of the current schedule published by the Office of the Secretary.

Evidence that a formerly admitted attorney has attended the required courses and lectures or has viewed videotapes of them shall be considered in determining whether the formerly admitted attorney possesses the required competency and learning in law, but shall not be conclusive on the issue.

*Schedule Effective January 1, 2017*

Every formerly admitted attorney who petitions for reinstatement under these rules shall take the following:

A minimum of thirty-six (36) hours of accredited PA CLE courses with a minimum twelve (12) of those hours in the area of Ethics. Eighteen (18) credits may be taken in pre-approved, interactive, Internet or computer based CLE programs.

Any petitions filed on or after December 1, 2011, by formerly admitted attorneys who have been disbarred or suspended for more than one year shall include the Bridge the Gap course taken through an accredited PA CLE provider as part of the thirty-six hours of credits.

*Note:* Accredited PA CLE courses taken for reinstatement may be used to meet CLE requirements once reinstated.

JULIA M. FRANKSTON-MORRIS, Esq.,  
Secretary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 17-102. Filed for public inspection January 20, 2017, 9:00 a.m.]

**Notice of Suspension**

Notice is hereby given that Stephen Harold Lankenau, a/k/a S. Harold Lankenau, (# 162055), having been suspended from the practice of law in the state of Delaware, the Supreme Court of Pennsylvania issued an Order on January 3, 2017, suspending Stephen Harold Lankenau, a/k/a S. Harold Lankenau for a period of eighteen months from the Bar of this Commonwealth, effective February 2, 2017. In accordance with Rule 217(f), Pa.R.D.E. since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

JULIA M. FRANKSTON-MORRIS, Esq.,  
Secretary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 17-103. Filed for public inspection January 20, 2017, 9:00 a.m.]

**Notice of Suspension**

Notice is hereby given that Matthew Michael Carucci, (# 94640), having been suspended from the practice of law in the state of Delaware, the Supreme Court of Pennsylvania issued an Order on January 4, 2017, suspending Matthew Michael Carucci from the Bar of this Commonwealth for a period of eighteen months, retroactive to March 24, 2014. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

JULIA M. FRANKSTON-MORRIS, Esq.,  
Secretary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 17-104. Filed for public inspection January 20, 2017, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### DELAWARE RIVER BASIN COMMISSION

[ 25 PA. CODE CH. 901 ]

#### Amendments to the Rules of Practice and Procedure Concerning Regulatory Program Fees and to the Basin Regulations—Water Supply Charges Concerning Rates

*Proposed:* *Pennsylvania Bulletin* (46 Pa.B. 2967 (June 11, 2016))

*Adopted:* December 14, 2016 by the Delaware River Basin Commission, Pamela M. Bush, Esq., Commission Secretary.

*Filed:* January 10, 2017 as a final regulation.

*Effective:* January 1, 2017.

*Summary:* By Resolution No. 2016-9 on December 14, 2016, the Delaware River Basin Commission amended its *Rules of Practice and Procedure* and *Basin Regulations—Water Supply Charges*, respectively, to adopt a new project review fee structure and provide for automatic inflation adjustments. These changes were also incorporated into the Commission's Comprehensive Plan.

*Contact:* Richard C. Gore, Director of Administration and Finance, 609-883-9500, ext. 201.

*Supplementary Information: Background.* The Delaware River Basin Commission ("DRBC" or "Commission") is a Federal-interstate compact agency charged with managing the water resources of the Delaware River Basin on a regional basis without regard to political boundaries. Its members are the governors of the four basin states—Delaware, New Jersey, New York and Pennsylvania—and on behalf of the federal government, the North Atlantic Division Commander of the U.S. Army Corps of Engineers.

By Resolution No. 2016-9 on December 14, 2016 the Commission approved a comprehensive revision of its project review fee structure, including an automatic annual indexed inflation adjustment for most fees. An inflation adjustment was also approved for DRBC's water supply charges rates applicable to consumptive and non-consumptive surface water withdrawals. The changes to DRBC's regulatory program fees are designed to provide a more predictable and sustainable source of revenues and to close the annual gap in funding needed to support DRBC's project review program. They also adjust the fees program to better align with the One Process/One Permit Program instituted earlier in 2016. The changes to DRBC's water supply charges regulations are designed to help revenues assigned to DRBC's Water Supply Storage Facilities Fund keep pace with inflation.

*Public Process.* A Notice of Proposed Rulemaking and Public Hearing was posted to the Commission's website on May 9, 2016. A detailed set of questions and answers about the proposal ("FAQs") and a press release accompanied the May 9, 2016 web posting. On May 10, 2016, an email alert, including a link to the notice and supporting documents, was transmitted to all parties subscribed to DRBC's list serve. Notice of the proposed rules was published in the *Federal Register* at 81 FR 35662, June 3,

2016 and appeared in the *Delaware Register of Regulations*, 19 DE Reg., 1052, June 1, 2016; *New Jersey Register*, 48 N.J.R. 949, June 6, 2016; *New York State Register*, May 25, 2016 (page 1); and *Pennsylvania Bulletin*, 46 Pa.B. 2967, June 11, 2016. DRBC staff hosted a public informational meeting on the proposal on Wednesday, June 15, 2016 in Washington Crossing, Pa., including presentations by staff and informal questions and answers. The FAQs posted on the Commission's website were thereafter supplemented with questions and responses offered during the informational meeting. A public hearing on the proposed amendments took place at the Commission's office building in West Trenton, N.J. on July 27, 2016 and written comments were accepted through August 12, 2016.

In response to the written and oral comments submitted on the draft rules, staff developed a detailed comment and response document, including modest changes to the rule text. After careful consideration and consultation with staff on the comments and proposed changes to the draft rules, the Commissioners determined that the changes were appropriate, responsive to the public's concerns and a logical outgrowth of the rules as proposed. The changes and the staff response to comments were adopted by unanimous vote of the Commissioners to approve Resolution No. 2016-9 at the Commission's public business meeting on December 14, 2016.

*Additional materials.* The following additional materials can be found on the Commission's web site, [www.drbc.net](http://www.drbc.net):

- Resolution No. 2016-9, at [http://www.nj.gov/drbc/library/documents/Res2016-09\\_Fee-Rule.pdf](http://www.nj.gov/drbc/library/documents/Res2016-09_Fee-Rule.pdf). Attachments to the resolution include a redline version of the regulatory program fees rule text, showing changes between the draft and final versions of the new rule; and a redline version of the schedule of water charges, comparing the text that has been in place since 2011 with the text of this final rule.

- The detailed comment and response document prepared by staff and adopted by the Commission when it approved the final rule on December 14, 2016, at [http://www.nj.gov/drbc/library/documents/regs/CR\\_fees-rule-making121416.pdf](http://www.nj.gov/drbc/library/documents/regs/CR_fees-rule-making121416.pdf).

- A questions and answers document ("FAQs") prepared by staff to explain the purpose and effect of the rule changes, at [http://www.nj.gov/drbc/library/documents/FAQ\\_fees-charges121416.pdf](http://www.nj.gov/drbc/library/documents/FAQ_fees-charges121416.pdf).

- The Commission's press release dated December 14, 2016, announcing adoption of the project review fees restructuring and amendment of the schedule of water charges, at [http://www.nj.gov/drbc/home/newsroom/news/approved/20161214\\_newsrel\\_fees.html](http://www.nj.gov/drbc/home/newsroom/news/approved/20161214_newsrel_fees.html).

- Updated versions of the *Rules of Practice and Procedure* and the *Basin Regulations—Water Supply Charges*, at <http://www.nj.gov/drbc/about/regulations/>.

For the reasons set forth in the preamble, the Delaware River Basin Commission amends parts 401 and 420 of title 18 of the *Code of Federal Regulations* as set forth below.

The Commission's rule adoption amends the *Pennsylvania Administrative Code*, Title 25, Part V, Chapter 901 as follows. New text is denoted by bold face type. Deleted text is denoted by bold face type in brackets.

### § 901.1. Rules of Practice and Procedure

The rules of practice and procedure as set forth in 18 CFR 401 (2017 [ 2016 ]) are hereby incorporated by reference and made a part of this title.

### § 901.3. Water supply charges.

The Basin Regulations—Water Supply Charges as set forth in 18 CFR Part 420 (2017 [ 1994 ]) are hereby incorporated by reference and made part of this title.

The rule text in its entirety as it is to appear in the *Code of Federal Regulations* is set forth below. Bracketed text is descriptive and not part of the rule text.

#### Part 401—Rules of Practice and Procedure

[Subpart C has been amended by the addition of a new § 401.43 to read as follows:]

#### § 401.43 Regulatory program fees.

(a) *Purpose.* The purpose of this section is to provide an adequate, stable and reliable stream of revenue to cover the cost of the Commission's regulatory program activities, an important means by which the Commission coordinates management of the shared water resources of the Basin. Activities to be covered by the fees include the review of applications for projects that are subject to review under the Delaware River Basin Compact and implementing regulations; and ongoing activities associated with such projects, including but not limited to, effluent and ambient monitoring, data analysis, hydrodynamic and water quality modeling, and coordination with state and federal agencies.

(b) *Types of fees.* The following types of fees are established by this section:

(1) *Docket application fee.* Except as set forth in paragraph (b)(1)(iii) of this section, the docket application fee shall apply to:

(i) *Project requiring a DRBC-issued docket or permit.* Any project that, in accordance with the Delaware River Basin Compact and DRBC regulations, requires a Commission-issued docket or permit, whether it be a new or existing project for which the Commission has not yet issued an approval or a project for which the renewal of a previous Commission approval is required.

(ii) *Project requiring inclusion in the comprehensive plan.* Any project that in accordance with section 11 or section 13.1 of the *Delaware River Basin Compact* and DRBC regulations must be added to the Comprehensive Plan (also, "Plan"). In addition to any new project required to be included in the Plan, such projects include existing projects that in accordance with section 13.1 of the *Compact* are required to be included in the Plan and which were not previously added to the Plan. Any existing project that is changed substantially from the project as described in the Plan shall be deemed to be a new and different project for purposes of this section.

(iii) *Exemptions.* The docket application fee shall not apply to:

(A) Any project for which the Signatory Party Agency serves as lead under the One Permit Program rule (§ 401.42), unless such project must be added by the Commission to the Comprehensive Plan.

(B) Any project for which an agency, authority or commission of a signatory to the Compact is the primary sponsor. Projects sponsored by political subdivisions of the signatory states shall not be included in this exemption. For purposes of this section "political subdivisions" shall

include without limitation municipalities, municipal utility authorities, municipal development corporations, and all other entities not directly under the budgetary and administrative control of the Commission's members.

(2) *Annual monitoring and coordination fee*—(i) Except as provided in paragraph (ii) below, an annual monitoring and coordination fee shall apply to each active water allocation or wastewater discharge approval issued pursuant to the *Compact* and implementing regulations, regardless of whether the approval was issued by the Commission in the form of a docket, permit or other instrument, or by a Signatory Party Agency under the One Permit Program rule (§ 401.42). The fee shall be based on the amount of a project's approved monthly water allocation and/or approved daily discharge capacity.

(ii) For any withdrawal or diversion covered in part by a certificate of entitlement issued pursuant to 18 CFR § 420.31-32 of the water supply charges regulations, the annual monitoring and coordination fee shall be based on the allocated amount, if any, in excess of the quantity specified in the entitlement.

(3) *Alternative review fee.* In instances where the Commission's activities and related costs associated with the review of an existing or proposed project are expected to involve extraordinary time and expense, an alternative review fee equal to the Commission's actual costs may be imposed. The Executive Director shall inform the project sponsor in writing when the alternative review fee is to be applied and may require advance payment in the amount of the Commission's projected costs. Instances in which the alternative review fee may apply include, but are not limited to, matters in which:

(i) DRBC staff perform a detailed pre-application review, including but not limited to the performance or review of modeling and/or analysis to identify target limits for wastewater discharges.

(ii) DRBC staff perform or review complex modeling in connection with the design of a wastewater discharge diffuser system.

(iii) DRBC manages a public process for which the degree of public involvement results in extraordinary effort and expense, including but not limited to, costs associated with multiple stakeholder meetings, special public hearings, and/or voluminous public comment.

(iv) DRBC conducts or is required to engage third parties to conduct additional analyses or evaluations of a project in response to a court order.

(4) *Additional fees*—(i) *Emergency approval.* A request for an emergency certificate under § 401.40 to waive or amend a docket condition shall be subject to a minimum fee in accordance with paragraph (e) of this section. An alternative review fee also may be charged in accordance with paragraph (b)(3) of this section.

(ii) *Late filed renewal application.* Any renewal application submitted fewer than 120 calendar days in advance of the expiration date or after such other date specified in the docket or permit or letter of the Executive Director for filing a renewal application shall be subject to a late filed renewal application charge in excess of the otherwise applicable fee.



(iii) *Modification of a DRBC approval.* Following Commission action on a project, each project revision or modification that the Executive Director deems substantial shall require an additional docket application fee calculated in accordance with paragraph (e) of this section and subject to an alternative review fee in accordance with paragraph (b)(3) of this section.

(iv) *Name change.* Each project with a docket or permit issued by the DRBC or by a Signatory Party Agency pursuant to the One Permit Program rule (§ 401.42) will be charged an administrative fee as set forth in paragraph (e) of this section.

(v) *Change of ownership.* Each project that undergoes a “change in ownership” as that term is defined at 18 CFR 420.31(e)(2) will be charged an administrative fee as set forth in paragraph (e) of this section.

(c) *Indexed adjustment.* On July 1 of every year, beginning July 1, 2017, all fees established by this section will increase commensurate with any increase in the annual April 12-month Consumer Price Index (CPI) for Philadelphia, published by the U.S. Bureau of Labor Statistics

during that year.<sup>1</sup> In any year in which the April 12-month CPI for Philadelphia declines or shows no change, the docket application fee and annual monitoring and coordination fee will remain unchanged. Following any indexed adjustment made under this paragraph (c), a revised fee schedule will be published in the Federal Register by July 1 and posted on the Commission’s website. Interested parties may also obtain the fee schedule by contacting the Commission directly during business hours.

(d) *Late payment charge.* When any fee established by this section remains unpaid 30 calendar days after the payment due date provided on the Commission’s invoice, an incremental charge equal to 2% of the amount owed shall be automatically assessed. Such charge shall be assessed every 30 days thereafter until the total amount owed, including any late payment charges has been paid in full.

(e) *Fee schedules.* The fees described in this section shall be as follows:

<sup>1</sup> Consumer Price Index—U/Series ID: CWURA102SA0/Not Seasonally Adjusted/ Area: Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD/Item: All items/Base Period: 1982-84=100.

TABLE 1 TO § 401.43—DOCKET APPLICATION FILING FEE

| <i>Project Type</i>  | <i>Docket Application Fee</i>  | <i>Fee Maximum</i>  |
|----------------------|--|---|
| Water Allocation     | \$400 per million gallons/month of allocation <sup>1</sup> , not to exceed \$15,000 <sup>1</sup> . Fee is doubled for any portion to be exported from the basin. | Greater of: \$15,000 <sup>1</sup> or Alternative Review Fee |
| Wastewater Discharge | Private projects: \$1,000 <sup>1</sup><br>Public projects: \$500 <sup>1</sup>  | Alternative Review Fee                                      |
| Other                | 0.4% of project cost up to \$10,000,000 plus 0.12% of project cost above \$10,000,000 (if applicable), not to exceed \$75,000 <sup>1</sup>                       | Greater of: \$75,000 <sup>1</sup> or Alternative Review Fee |

<sup>1</sup> Subject to annual adjustment in accordance with paragraph (c) of this section.

TABLE 2 TO § 401.43—ANNUAL MONITORING AND COORDINATION FEE

|                      | <i>Annual Fee</i>    | <i>Allocation</i>                |
|----------------------|----------------------|----------------------------------|
| Water Allocation     | \$300 <sup>1</sup>   | < 4.99 mgm                       |
|                      | \$450 <sup>1</sup>   | 5.00 to 49.99 mgm                |
|                      | \$650 <sup>1</sup>   | 50.00 to 499.99 mgm              |
|                      | \$825 <sup>1</sup>   | 500.00 to 9,999.99 mgm           |
|                      | \$1,000 <sup>1</sup> | > or = to 10,000 mgm             |
|                      | <i>Annual Fee</i>    | <i>Discharge Design Capacity</i> |
| Wastewater Discharge | \$300 <sup>1</sup>   | < 0.05 mgd                       |
|                      | \$610 <sup>1</sup>   | 0.05 to 1 mgd                    |
|                      | \$820 <sup>1</sup>   | 1 to 10 mgd                      |
|                      | \$1,000 <sup>1</sup> | > 10 mgd                         |

<sup>1</sup> Subject to annual adjustment in accordance with paragraph (c) of this section.

TABLE 3 TO § 401.43—ADDITIONAL FEES

| <i>Proposed Action</i>                 | <i>Fee</i>   | <i>Fee Maximum</i>     |
|--|--|------------------------|
| Emergency Approval Under 18 CFR 401.40 | \$5,000  | Alternative Review Fee |
| Late Filed Renewal Surcharge           | \$2,000  | —                      |
| Modification of a DRBC Approval        | At Executive Director's discretion, Docket Application Fee for the appropriate project type. | Alternative Review Fee |
| Name change                            | \$1,000 <sup>1</sup>   | —                      |
| Change of Ownership                    | \$1,500 <sup>1</sup>   | —                      |

<sup>1</sup> Subject to annual adjustment in accordance with paragraph (c) of this section.

### Part 420—Basin Regulations—Water Supply Charges

[18 CFR 420.41 has been revised to read as follows:]

#### § 420.41 Schedule of water charges.

The schedule of water charges established in accordance with § 420.22 shall be as follows:

(a) \$80 per million gallons for consumptive use, subject to paragraph (c) of this section; and

(b) \$0.80 per million gallons for non-consumptive use, subject to paragraph (c) of this section.

(c) On July 1 of every year, beginning July 1, 2017, the rates established by this section will increase commensurate with any increase in the annual April 12-month Consumer Price Index (CPI) for Philadelphia, published by the U.S. Bureau of Labor Statistics during that year.<sup>1</sup> In any year in which the April 12-month CPI for Philadelphia declines or shows no change, the water charges rates will remain unchanged. Following any indexed adjustment made under this paragraph (c), revised consumptive and non-consumptive use rates will be published in the Federal Register by July 1 and posted on the Commis-

<sup>1</sup> Consumer Price Index—U/Series ID: CWURA102SA0/Not Seasonally Adjusted/Area: Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD/Item: All items/Base Period: 1982-84=100.

sion's website. Interested parties may also obtain the rates by contacting the Commission directly during business hours.

*Dated:* December 29, 2016.

PAMELA M. BUSH, Esq.,  
*Secretary*

**Fiscal Note:** Fiscal Note 68-59 remains valid for the final adoption of the subject regulations.

#### Annex A

### TITLE 25. ENVIRONMENTAL PROTECTION PART V. DELAWARE RIVER BASIN COMMISSION CHAPTER 901. GENERAL PROVISIONS

#### § 901.1. Rules of Practice and Procedure.

The rules of practice and procedure as set forth in 18 CFR Part 401 (2017) are hereby incorporated by reference and made a part of this title.

#### § 901.3. Water supply charges.

The Basin Regulations—Water Supply Charges as set forth in 18 CFR Part 420 (2017) are hereby incorporated by reference and made a part of this title.

[Pa.B. Doc. No. 17-105. Filed for public inspection January 20, 2017, 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 January 10, 2017.

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

### BANKING INSTITUTIONS

#### Section 112 Acquisitions

| <i>Date</i> | <i>Name and Location of Applicant</i>  | <i>Action</i> |
|-------------|--|---------------|
| 1-5-2017    | Hamilton Bancorp, Inc.<br>Ephrata<br>Lancaster County<br><br>Application for approval to acquire 100% of the common stock of Stonebridge Bank, West Chester. | Withdrawn     |

#### Holding Company Acquisitions

| <i>Date</i> | <i>Name and Location of Applicant</i>  | <i>Action</i> |
|-------------|--|---------------|
| 1-5-2017    | Hamilton Bancorp, Inc.<br>Ephrata<br>Lancaster County<br><br>Application for approval to acquire 100% of Stonebridge Bank, West Chester. | Withdrawn     |

### Branch Applications

#### De Novo Branches

| <i>Date</i> | <i>Name and Location of Applicant</i>                                | <i>Location of Branch</i>                               | <i>Action</i> |
|-------------|--|---|---------------|
| 1-4-2017    | Citizens Bank of Pennsylvania<br>Philadelphia<br>Philadelphia County | 2067 Interchange Road<br>Erie<br>Erie County            | Filed         |
| 1-6-2017    | Orrstown Bank<br>Shippensburg<br>Cumberland County                   | 301 West Main Street<br>New Holland<br>Lancaster County | Filed         |
| 1-6-2017    | Orrstown Bank<br>Shippensburg<br>Cumberland County                   | 1601 Manheim Pike<br>Lancaster<br>Lancaster County      | Filed         |

### CREDIT UNIONS

No activity.

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

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 17-106. Filed for public inspection January 20, 2017, 9:00 a.m.]

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of February 2017

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of February, 2017, is 5 1/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub.L. No. 96-221). Further preemption was instituted with the signing of Pub.L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which such individual owns and which such individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 2.81 to which was added 2.50 percentage points for a total of 5.31 that by law is rounded off to the nearest quarter at 5 1/4%.

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 17-107. Filed for public inspection January 20, 2017, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Community Conservation Partnerships Program Grants Available

The Department of Conservation and Natural Resources (Department) announces the 2017 open application period for the Community Conservation Partnerships Program Grants administered by the Bureau of Recreation and Conservation (Bureau). The open application period opens January 23, 2017, and will end at 4 p.m. on April 12, 2017. Depending on the funding source, eligible applicants include municipalities and appropriate non-profit organizations in this Commonwealth.

Applications must be submitted electronically through the Department's Grants Portal. No paper, faxed or e-mailed applications will be accepted. Grant information, project guidance documents, program policies, applications and instructions are available online at <http://www.dcnr.state.pa.us/brc/grants>. For assistance with the Department's Grants Portal, contact the Department's Grants Customer Service Center, (800) 326-7734, [DCNR-Grants@pa.gov](mailto:DCNR-Grants@pa.gov).

Grant assistance from the Department helps communities and organizations in this Commonwealth plan, acquire and develop recreation, park and trail facilities, and conserve open space. New in 2017 is the Riparian Forest

Buffer Grant Program from which grants will be awarded to municipal entities, educational institutions and nonprofits to establish riparian forest buffers along the Commonwealth's waterways.

The Bureau administers the Community Conservation Partnerships Program, which combines several State and Federal funding sources including the Keystone Recreation, Park and Conservation Fund, the Environmental Stewardship Fund, the Pennsylvania Recreation Trails Program, the Land and Water Conservation Fund, the Snowmobile Restricted Account and the All-Terrain Vehicle Restricted Account.

The Statewide Comprehensive Outdoor Recreation Plan 2014—2019 at [www.paoutdoorrecplan.com](http://www.paoutdoorrecplan.com) identifies the Commonwealth's outdoor recreation priorities. Projects will be selected, in part, on how well they align with these priorities. The priorities include:

*Community parks and recreation:* Priority projects in this category include planning and development projects that focus on rehabilitation of existing parks or promote health and wellness through innovative partnerships.

*Land conservation:* Priority projects in this category include land conservation projects that protect critical habitat, forested watersheds, wetlands and riparian corridors, or create critical connections between public lands.

*Rivers implementation:* Priority projects in this category include projects that enhance public access to the Commonwealth's waterways or projects that improve the Commonwealth's watersheds including the planting of riparian forest buffers.

*Trails:* Priority projects in this category include projects that close priority trail gaps as well as projects that rehabilitate or upgrade existing trails.

Bureau staff are available to assist agencies with developing a competitive grant application. Staff contact information can be found on the Bureau's web site at <http://www.dcnr.state.pa.us/brc/aboutus/index.htm>.

In addition, prerecorded webinars can be downloaded at <http://www.dcnr.state.pa.us/brc/grants/brcinteractivemapping1/trainingandworkshops/recordedwebinars/index.htm>.

CINDY ADAMS DUNN,  
*Secretary*

[Pa.B. Doc. No. 17-108. Filed for public inspection January 20, 2017, 9:00 a.m.]

### Revisions to Schedule of Prices for State Parks

#### A. Summary and Background

Under section 314 of the Conservation and Natural Resources Act (71 P.S. § 1340.314) and 17 Pa. Code § 11.224 (relating to prices), the Department of Conservation and Natural Resources (Department), Bureau of State Parks (Bureau), will revise its price schedule for State Park activities, uses and privileges effective February 1, 2017. The new schedule, which is in section D, includes revisions to the schedule to add a transaction fee range and a base price for campsites fee range.

The new schedule includes a price increase for non-Commonwealth residents for the base night of camping.

The new schedule reflects a price increase for the transaction fee to continue to defray the cost of using the upgraded reservation system.

The revisions to the schedule provide a range to be used for larger multifamily overnight facilities. This range currently applies to the Hufman and Copper Kettle facilities at Laurel Hill State Park. This range could also be utilized at other large family group facilities in the future.

The revisions to the schedule provide a reduced range for whitewater rafting launching due to collecting a transaction fee for each reservation. The revision also includes a range/fee for the use of facilities to recharge electric cars.

The revisions to the schedule also provide a weekend/holiday daily admission range to be used at pools. This reflects current trends in the surrounding communities where a higher rate is charged on peak days. This assists operationally as well as increases revenue generation.

The new price schedule, which is comparable to those of state parks in neighboring states, is needed to increase revenue to the Bureau. In addition to offsetting inflation, it narrows the gap between State Parks and private

facilities, resulting in a more favorable competitive climate for the private sector.

For comparison purposes, the current price schedule along with the new price schedule can be found at the State Parks web site at <http://www.dcnr.state.pa.us/stateparks/prices/index.htm>. It can also be obtained by calling State Parks Reservations and Information at (888) PA-PARKS. When the new price schedule becomes effective, it will be posted on the previously listed State Parks web site.

*B. Contact Person*

Any questions may be directed to Ryan Dysinger, Assistant Director, Bureau of State Parks, Rachel Carson State Office Building, P.O. Box 8551, Harrisburg, PA 17105-8551, (717) 787-6640, [rdysinger@pa.gov](mailto:rdysinger@pa.gov). Persons with a disability may use the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users).

*C. Effective Date*

The effective date of the new price schedule is February 1, 2017.

*D. Price Schedule*

| <i>Facility Type Unit</i>                         | <i>Unit</i>                  | <i>Resident</i> | <i>Nonresident</i> |
|---|------------------------------|-----------------|--------------------|
| Base Price for Campsites                          | Per Night                    | \$15—\$25       | \$20—\$30          |
| Transaction Fee                                   | Per Reservation/Registration | \$5—\$8         | \$5—\$8            |
| Boating Whitewater Hard Boat and Soft Boat Launch | Per Reservation              | \$2—\$6         | \$2—\$6            |
| Electric Car Recharge Fee                         | Per Charge                   | \$6.50—\$16.50  | \$6.50—\$16.50     |
| Weekend/Holiday Daily Admission for Pools         | Per Swimmer                  | \$4—\$25        | \$4—\$25           |
| Weekend/Holiday Late Arrival Admission Rate       | Per Swimmer                  | \$2—\$15        | \$2—\$15           |

| <i>Multifamily Overnight Unit</i> | <i>Unit</i>               | <i>Resident Peak Season</i> | <i>Resident Nonpeak Season</i> | <i>Nonresident Peak Season</i> | <i>Nonresident Nonpeak Season</i> |
|-----------------------------------|---------------------------|-----------------------------|--------------------------------|--------------------------------|-----------------------------------|
|                                   | Per Week                  | \$1,338.68—<br>\$1,740.28   | \$1,216.04—<br>\$1,580.85      | \$1,463.21—<br>\$1,902.17      | \$1,340.57—<br>\$1,742.74         |
|                                   | Per Night Friday-Saturday | N/A                         | \$247.17—\$321.32              | N/A                            | \$284.91—\$370.38                 |
|                                   | Per Night Sunday-Thursday | N/A                         | \$194.87—\$253.29              | N/A                            | \$256.60—\$333.58                 |

CINDY ADAMS DUNN,  
*Secretary*

[Pa.B. Doc. No. 17-109. Filed for public inspection January 20, 2017, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

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

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

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

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

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

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

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

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

#### I. NPDES Renewal Applications

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>   | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed #)</i>             | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|--|--------------------------------------|--|----------------------------|
| PA0263940<br>(Sewage)       | Brittney L & Tanner J Golembeski<br>SRSTP<br>15702 Dickson Road<br>Meadville, PA 16403 | Crawford County<br>Woodcock Township | Unnamed Tributary to<br>Woodcock Creek<br>(16-A) | Yes                        |

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


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

**WQM Permit No. WQG01651601**, Sewage, **Palmer Frederick**, 187 White Thorn Road, New Alexandria, PA 15670.

This proposed facility is located in Salem Township, **Westmoreland County**.

Description of Proposed Action/Activity: Proposed SFTF to serve proposed banquet facility.

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

**WQM Permit No. 01591601**, Sewage, **Hudson Advisors Tioga LP**, 2450 Shenango Valley Freeway, Hermitage, PA 16148-2572.

This proposed facility is located in Richmond Township, **Tioga County**.

Description of Proposed Action/Activity: Construction of a small flow treatment facility for a new office facility to serve the PA State Police in Richmond Township.

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

**WQM Permit No. WQG01431701**, Sewage, **Todd Corner**, 210 N Liberty Road, Grove City, PA 16127.

This proposed facility is located in Liberty Township, **Mercer County**.

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

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


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

| Permit #  | Applicant Name & Address   | County     | Municipality     | Receiving Water/Use            |
|-----------|--|------------|------------------|--------------------------------|
| PAD210003 | All Phase Solutions, LLC<br>Mukesh Patel<br>34 SW 5th Avenue<br>Delray Beach, FL 33444 | Cumberland | Hampden Township | Trindle Spring Run<br>(HQ-CWF) |

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3574.*

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

| NPDES Permit No. | Applicant Name & Address           | County | Municipality                | Receiving Water/Use        |
|------------------|------------------------------------|--------|-----------------------------|----------------------------|
| PAD140009        | Lindsey Kiefer<br>2990 Ernest Lane | Centre | Ferguson Twp<br>College Twp | UNT—Spruce Creek<br>HQ-CWF |
| PAI041404002     | State College, PA 16801            |        |                             |                            |

*Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. (412) 442.4315.*

| Permit No. | Applicant & Address   | County           | Municipality       | Stream Name                |
|------------|---|------------------|--------------------|----------------------------|
| PAD020003  | Pittsburgh Field Club<br>121 Field Club Road<br>Pittsburgh, PA 15238                        | Allegheny County | Fox Chapel Borough | Squaw Run<br>(HQ-WWF)      |
| PAD020005  | Almono, LP, c/o Reed Smith<br>Reed Smith Centre<br>225 Fifth Avenue<br>Pittsburgh, PA 15222 | Allegheny County | City of Pittsburgh | Monongahela River<br>(WWF) |

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

*Crawford County Conservation District, Woodcock Creek Nature Center, 21742 German Road, Meadville, PA 16335.*

| NPDES Permit No. | Applicant Name & Address                                    | County   | Municipality | Receiving Water/Use                     |
|------------------|---|----------|--------------|---|
| PAD200001        | Douglas Luper<br>10599 Free Road<br>Conneaut Lake, PA 16316 | Crawford | Sadsbury Twp | Tributary to<br>Conneaut Lake<br>HQ WWF |

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**VII. List of NOIs for NPDES and/or Other General Permit Types**


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|        |       |
|--------|-------|
| PAG-12 | CAFOs |
|--------|-------|

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**CAFO Notices of Intent Received**


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*Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**NPDES Permit No. PAG124856, CAFO, Scattered Acres Farms**, 190 Tyson School Road, Catawissa, PA 17820-8212.

This proposed facility is located in Locust Township, **Columbia County**.

Description of size and scope of proposed operation/activity: The facility is comprised of approximately 4,360 swine and 184,500 broilers. There are a total of 953.46 AEU's.

The receiving stream, Unnamed Tributary of Roaring Creek, is in watershed 5-E and classified for: Cold Water Fishes and Migratory Fishes.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

### **PUBLIC WATER SUPPLY (PWS) PERMITS**

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

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

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

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

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

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**SAFE DRINKING WATER**


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**Applications Received Under the Pennsylvania Safe Drinking Water Act**


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

**Application No. 4016518**, Public Water Supply.

|                           |   |
|---------------------------|---|
| Applicant                 | <b>SUEZ Water Pennsylvania</b><br>4211 East Park Circle<br>Harrisburg, PA 17111   |
| Municipality              | Dallas Township   |
| County                    | <b>Luzerne</b>  |
| Responsible Official      | John D. Hollenbach, General Manager   |
| Type of Facility          | PWS   |
| Consulting Engineer       | Steven M. Metzler, P.E.<br>SUEZ Water Pennsylvania, Inc.<br>4211 East Park Circle<br>Harrisburg, PA 17111   |
| Application Received Date | December 23, 2016   |
| Description of Action     | This application proposes elimination of the restriction which prohibits pumping of the Gephart Well (in the SUEZ PA Dallas Water System) during the months of March and April. |

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 2216511 MA, Minor Amendment**, Public Water Supply.

|                       |   |
|-----------------------|---|
| Applicant             | <b>Lykens Borough Authority</b>   |
| Municipality          | Jackson Township  |
| County                | <b>Dauphin</b>  |
| Responsible Official  | Robert Schreffler, Chairman<br>200 Main Street<br>Lykens, PA 17048  |
| Type of Facility      | Public Water Supply   |
| Consulting Engineer   | Max E. Stoner, P.E.<br>Glace Associates, Inc.<br>3705 Trindle Rd<br>Camp Hill, PA 17011   |
| Application Received: | 12/29/2016  |
| Description of Action | Upgrade of the existing water filtration plant including the replacement of filter media and recoating of the interior and exterior of the tanks. |

**Permit No. 3817501 MA, Minor Amendment**, Public Water Supply.

|                      |   |
|----------------------|---|
| Applicant            | <b>Harper's Tavern</b>  |
| Municipality         | East Hanover Township   |
| County               | <b>Lebanon</b>  |
| Responsible Official | Joy L. Straw, Owner<br>10486 Jonestown Rd<br>Annville, PA 17003 |
| Type of Facility     | Public Water Supply   |



Consulting Engineer Bryon Killian, P.E.  
Entech Engineering Inc  
201 Penn Street  
Reading, PA 19602

Application Received: 1/4/2017

Description of Action Installation of a sodium hypochlorite feed system with 6, 80 gallon Clark retention tanks to achieve 4-Log treatment of viruses.

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

**Permit No. 3217501**, Public Water Supply.

Applicant **Indiana County Municipal Services Authority**  
602 Kolter Drive  
Indiana, PA 15701

[Township or Borough] Center Township

Responsible Official Michael Duffalo, Executive Director  
Indiana County Municipal Services Authority  
602 Kolter Drive  
Indiana, PA 15701

Type of Facility Lucerne water system

Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
PO Box 853  
Latrobe, PA 15650

Application Received Date January 5, 2017

Description of Action Installation of a new pump station; and painting and installation of a mixer at the water storage tank.

**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. 0416507MA, Minor Amendment.**

Applicant **Creswell Heights Joint Water Authority**  
3961 Jordan Street  
South Heights, PA 15081

[Township or Borough] South Heights Township

Responsible Official Daniel J. Losco, General Manager  
Creswell Heights Joint Water Authority  
3961 Jordan Street  
South Heights, PA 15081

Type of Facility Water system

Consulting Engineer KLH Engineers, Inc.  
5173 Campbells Run Road  
Pittsburgh, PA 15205

Application Received Date December 14, 2016

Description of Action Installation of back pressure sustaining altitude valves at the Harper and Longview booster stations.

**Application No. 3216504GWR, Minor Amendment.**

Applicant **Green Township Municipal Authority**  
PO Box 129  
Commodore, PA 15729

[Township or Borough] Green Township

Responsible Official Adam Fetterman, Water Plant Operator  
Green Township Municipal Authority  
PO Box 129  
Commodore, PA 15729

Type of Facility Barr Slope Water system

Consulting Engineer Keller Engineers, Inc.  
420 Allegheny Street  
Hollidaysburg, PA 16648

Application Received Date November 18, 2016

Description of Action Demonstration of 4-log treatment for groundwater sources.

**WATER ALLOCATIONS**

**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.*

**WA3-903A**, Water Allocations. **Rural Valley Water Works**, PO Box 345, Rural Valley, PA 16249, **Armstrong County**. The applicant is requesting the right to withdraw 72,000 gallons of water per day (peak day) from Springs # 1 & # 2.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995  
PREAMBLE 1**

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

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

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

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

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

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

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

**Buddies Nursery**, 7001 Ben Franklin Highway, Birdsboro, PA 19508, Exeter Township, **Berks County**. BAI Group, Inc., 341 10th Avenue, Suite 103, Royersford, PA 19468, on behalf of Aulenbach & Son, Inc., 395 Old River Road, Birdsboro, PA 19508 and Buddies Nursery, 7001 Ben Franklin Highway, Birdsboro, PA 19468 submitted a Notice of Intent to Remediate site soils contaminated with # 2 fuel oil from an aboveground storage tank. The site will be remediated to the Residential Statewide Health Standard and remain non-residential, light industrial. The Notice of Intent to Remediate was published in the *Reading Eagle* on December 9, 2016.

**Former Monro Muffler Brake & Service**, 3242 Paxton Street, Harrisburg, PA 17111, Swatara Township, **Dauphin County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of KFJ, Ltd., 59 General Warren Boulevard, Malvern, PA 19355, submitted a Notice of Intent to Remediate site soils contaminated with petroleum hydrocarbons. The site will be remediated to the Residential Statewide Health Standard. Future use of the site is to be used for commercial purposes. The Notice of Intent to Remediate was published in *The Patriot News* on December 13, 2016.

**Birdsboro Power LLC/Former Armorcast Tank Foundry**, 1 Armorcast Road, Birdsboro, PA 19508, Borough of Birdsboro, **Berks County**. AMO Environmental Decisions, Inc., 4327 Point Pleasant Pike, P.O. Box 410, Dansboro, PA 18916, on behalf of Kiewit Power Constructors Company, 9401 Renner Boulevard, Lenexa, KS 66219; Power Plant Management Services, LLC, 1 Armorcast Road, Birdsboro, PA 19508; and Armorcast, LP, 1219 Horsham Road, Ambler, PA 19002 submitted a Notice of Intent to Remediate site soils and groundwater contaminated with various constituents. The site will be remediated to the Residential Statewide Health Standard. Future use of the site is a 450 MW natural gas-fired power plant. The Notice of Intent to Remediate was published in *The Reading Eagle* on December 17, 2016.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**1935 Woodville Ave., Inc.** (former Rennekamp Lumber Company), City of Pittsburgh, **Allegheny County**. Independence Environmental Consulting, LLC, 1750 Kaylor Road, Hummelstown, PA 17036 on behalf of 1935 Woodville Ave, Inc., 4520 William Penn Highway, Monroeville, PA 15146 has submitted a Notice of Intent to Remediate (NIR) to meet a Site Specific standard concerning site soils and groundwater contaminated with volatile and semi-volatile compounds (VOCs & SVOCs) from and underground storage tank release. Intended future use of the property is non-residential. Notice of the NIR was published in the *Pittsburgh-Post Gazette* on November 18, 2017.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Application 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 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. 301238. Allegheny Recovery Corp.**, 2000 Commerce Loop, Suite 2301, North Huntingdon, PA 15642. Application for renewal of permit to operate a residual waste processing facility in the City of Duquesne, **Allegheny County**. Application was received in the Regional Office on January 6, 2017.

#### REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

**Registration issuance Under the Solid Waste Management Act; the Residual Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.*

**General Permit Registration No. WMGR038NC0008. Booth Scrapyrd and Recycling Center, LLC.** Located at 29 Frosty Valley Road, Bloomsburg, PA 17815 in Hemlock Township, **Columbia County**. Registration to operate under General Permit No. WMGR038 for a waste

tire processing facility. The registration was issued by Northcentral Office on December 23, 2016.

Persons interested in obtaining more information about the general permit application may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

## 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.

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

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

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

**22-03095A: Fager-Finkenbinder Funeral Home & Crematory, Inc.** (208 North Union Street, Middletown, PA 17057) for the installation of a human crematory at the funeral home located in Middletown Borough, **Dauphin County**. The expected increases in facility emissions as a result of the changes proposed are: 2.30 tpy of PM, 0.99 tpy of NO<sub>x</sub>, 3.29 tpy of CO, 0.82 tpy of SO<sub>x</sub>, 0.99 tpy of VOCs and 927.53 tpy of CO<sub>2</sub>. The facility is a State Only facility. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into an Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

#### PLAN APPROVAL

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#### PUBLIC HEARINGS

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

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

Public Notification to Solicit Comments on **PennEast Pipeline Company; Plan Approval Application No: 13-00019A.**

Notice is hereby given under 25 Pa. Code §§ 127.44(b)(5) and 127.424, that the Department of Environmental Protection (Department) is soliciting comments on the proposed Air Quality Plan Approval 13-00019A for PennEast Pipeline Company, 1 Meridian Boulevard, Suite

2C01, Wyomissing, PA 19610 for the construction and operation of the Kidder compressor station to be located in Kidder Township, **Carbon County** as described in their March 21, 2016 Plan Approval Application and any other subsequent supplemental submissions.

The project includes the following equipment:

1. Three (3) natural gas-fired, combustion turbine—Gas Compressor Sets, (model no. Mars 100-16000S rated at 15,900 horsepower (hp) each under ISO conditions (47,700 total ISO hp)).

2. One (1) new natural gas-fired internal combustion engine auxiliary power unit.

3. Two (2) fuel gas heaters rated at approximately 1.03 million British thermal units per hour (MMBtu/hr) heat input each.

4. One (1) 1,100 gallon storage tank to store pipeline liquids collected in the gas filters.

5. Various small storage vessels (for waste liquids, lubricating oil, etc.)

The company has proposed to use Solar's lean-premixed dry low emissions system (SoLoNO<sub>x</sub>) to provide the lowest NO<sub>x</sub> emissions possible during normal operating conditions. The hot exhaust gas leaving the CTs will be directed through an exhaust system that includes a catalytic oxidizer for reducing carbon monoxide (CO) and volatile organic compounds (VOCs) emissions. The combustion and fuel systems are designed to reduce NO<sub>x</sub>, CO and unburned hydrocarbons to attain NO<sub>x</sub> emission level of 15 PPM and CO emission level of 2.5 PPM, corrected to

15% oxygen, and non-methane/non-ethane hydrocarbons at 2.5 PPM corrected to 15% oxygen when burning natural gas. The company will operate each turbine for 8,760 hours annually.

The natural gas fired auxiliary power unit will be operated to a maximum of 500 hours of operation each, in any 12 consecutive month periods, for non-emergency operation.

The facility will be subject to NSPS Subpart KKKK, JJJJ and 25 Pa. Code § 127.12(a)(5) Best Available Technology (BAT) requirements. The visible emission will be equal to or less than 20% for up to 3 minutes in one hour; <60% at all time from each turbine. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. Fugitive emissions, including greenhouse gases (GHGs) emissions, have been reviewed pursuant to 25 Pa. Code § 123.1(a)(9). A Best Available Technology (BAT) review for Greenhouse Gases (GHGs) emissions and Gas Compression vs. Electric Compression emissions analysis was submitted by the company and has been reviewed by the Department.

Emissions from the turbines will meet BAT & NSPS Subpart KKKK requirements. Emissions from the emergency generator engine will meet BAT & NSPS Subpart JJJJ requirements. The Plan Approval and Operating Permit will include testing, monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

The following table shows the proposed emissions from the facility:

| Source                  | Annual Emissions TPY |             |                            |   |             |                 |                   |              |
|-------------------------|----------------------|-------------|----------------------------|---|-------------|-----------------|-------------------|--------------|
|                         | NO <sub>x</sub>      | CO          | GHG<br>(CO <sub>2</sub> e) | PM <sub>10</sub> /<br>PM <sub>2.5</sub> | VOC         | SO <sub>2</sub> | CH <sub>2</sub> O | Total<br>HAP |
| Turbine # 1             | 29.11                | 2.95        | 63,187                     | 8.03                                    | 1.69        | 1.82            | 0.64              | 0.69         |
| Turbine # 2             | 29.11                | 2.95        | 63,187                     | 8.03                                    | 1.69        | 1.82            | 0.64              | 0.69         |
| Turbine # 3             | 29.11                | 2.95        | 63,187                     | 8.03                                    | 1.69        | 1.82            | 0.64              | 0.69         |
| Startup/shutdown        | 0.07                 | 6.54        | 42                         | -                                       | 0.07        | -               | -                 | -            |
| Under subzero operation | 2.93                 | 0.49        | 98                         | 0.012                                   | 0.10        | 0.05            | 0.001             | 0.0011       |
| E G Set                 | 1.61                 | 1.69        | 333                        | 0.03                                    | 0.28        | 0.0097          | 0.15              | 0.21         |
| Heaters                 | 0.18                 | 0.19        | 396                        | 0.03                                    | 0.02        | 0.0115          | 0.0002            | 0.006        |
| Fugitive leaks          |                      |             | 150                        |   | 0.004       |                 |                   |              |
| Venting                 |                      |             | 47                         |   | 0.006       |                 |                   |              |
| <b>Total</b>            | <b>92.1</b>          | <b>17.8</b> | <b>190,627</b>             | <b>24.15</b>                            | <b>5.54</b> | <b>5.53</b>     | <b>2.09</b>       | <b>2.28</b>  |

Persons wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of the Plan Approval, may submit the information to the address shown below. The Department will consider any written comments received within 30 days of the publication of this notice. Each written comment must contain the following: name, address and telephone number of the person submitting the comments; identification of the proposed Plan Approval No. 13-00019A and a concise statement regarding the relevancy of the information or any objections to the issuance of the Plan Approval.

A public hearing will be held for the purpose of receiving comments on the proposed air quality plan approval. The hearing will be held on Wednesday, March

1, 2017 from 6 PM to 9 PM at Keystone Grand Ballroom, Split Rock Resort Lodge, 100 Moseywood Rd., Lake Harmony, PA 18624.

Persons interested in commenting are invited to appear.

Copies of the applications, the Department's technical reviews and other supporting documents are available for public inspection between the hours of 8 a.m. and 4 p.m. at the Department's Wilkes-Barre Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. Appointments for scheduling a review may be made by calling (570) 826-2511.

The general procedures for the hearing are as follows:

To develop an agenda for the hearing, the Department requests that individuals wishing to testify at the hearing submit a written notice of their intent. The notice should

be sent to Mark Wejksznr P.E, Air Quality Program Manager, Department of Environmental Protection, Air Quality Program, Wilkes-Barre Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. The Department will accept notices up to the day of the public hearing.

This written notice should include the person's name, address, telephone number and a brief description as to the nature of the testimony. Individuals who submit a notice of intent to testify will be given priority on the agenda. If time permits, the Department will allow individuals who have not submitted a notice of intent to testify to present their comments.

Each individual will have up to 5 minutes to present testimony. The Department requests that individuals present written copies of their testimony in addition to their oral presentations.

To insure that all speakers have a fair and equal opportunity to present their testimony, relinquishing of time will be prohibited. Further details relating to the procedures to be followed at the hearing will be outlined at the beginning of the hearing.

Persons unable to attend the hearing can submit written testimony to the Department through March 11, 2017.

The Department will address comments from the public before any final actions are taken on the proposals. A summary report addressing the concerns raised by the public will be released should the Department decide to issue the Plan Approval. Send written comments to Mark Wejksznr PE, Air Quality Program Manager, Department of Environmental Protection, Air Quality Program, Wilkes-Barre Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations should contact the Department at the address shown above, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may address their needs.

For additional information regarding the above, contact Mark Wejksznr P.E at (570)-826-2511 or write to the Department at the Wilkes-Barre address given previously.

#### OPERATING PERMITS

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

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

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

**48-00003: Keystone Cement Company** (PO Box A, Bath, PA 18014-0058) The Department intends to issue a renewal Title V Operating Permit for a Portland Cement manufacturing facility in East Allen Township, **Northampton County**. The facility is considered a major stationary source subject to Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. Emissions sources at facility are in the quarrying, raw mill, calcining, clinker production, finish mill, packing, fossil fuel, and boiler areas. Emissions from the facility in the most recent report (2015) include CO—402.9 tpy, Lead—0.1212 tpy, NO<sub>x</sub>—776.9 tpy, PM<sub>10</sub>—85.46 tpy, PM<sub>2.5</sub>—39.17 tpy, SO<sub>x</sub>—1,426.9 tpy, HAPs—18.46 tpy, and VOC—2.81 tpy. The proposed Title V

Operating Permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

##### **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.*

**23-00033: Dee Paper Co. Inc. dba Dee Packaging Solutions.** (100 Broomall St., Chester, PA 19013 ) for renewal of the State Only Operating Permit for a cardboard box manufacturing and printing facility, located in the City of Chester, **Delaware County**. Sources at the facility comprise a boiler rated at 8.389 MMBtu/hr, which is fueled by natural gas except for periods of curtailment when No. 2 fuel oil may be used, and minor other sources including balers and cutters. A printing press is permitted by GP7-23-0001 and is not included in the Operating Permit. The boiler is subject to the particulate matter limitations of 25 Pa. Code § 123.11(a)(1) and fuel sulfur limitations of 25 Pa. Code § 123.22. The facility is a natural minor with the following potential to emit in tons/year: nitrogen oxides (NO<sub>x</sub>)—3.59, volatile organic compounds (VOC)—0.20, particulate matter (PM)—0.27, carbon monoxide (CO)—3.08 and sulfur oxides (SO<sub>x</sub>)—0.22.

The emissions attributed to the printing press, not included in the operating permit, are an additional 16.13 tons/year VOC. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

**46-00112: Palmer International, Inc.** (2036 Lucon Road, Skippack, PA 19474) for the renewal of a non-Title V, Synthetic Minor facility located in Skippack Township, **Montgomery County**. The facility has facility-wide limits on nitrogen oxides (NO<sub>x</sub>) and volatile organic compounds (VOCs) of 24.9 tons per 12-month rolling period for each pollutant to be classified as a Synthetic Minor facility for NO<sub>x</sub> and VOC. The facility is a manufacturer of intermediate product materials, specifically resins and friction particles. The facility has not made any significant changes to the operation since the operating permit was last modified. The permit will continue to include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

*Contact: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.*

**32-00335: C&J Energy Services, Inc./Black Lick Facility** (Route 119 North, Black Lick, PA 15716) for the manufacturing of hydraulic cement for use in the gas and oil industry located in Burrell Township, **Indiana County**. The subject facility consists of six tanks/silos for the cement plant controlled by a dust collector, two sand silos controlled by two dust collectors, three HCl storage tanks controlled by an acid fume scrubber for the oil and gas well isolation. The facility has the potential to emit 52.11 tpy PM. This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. Proposed

SOOP includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting and work practice standards requirements.

**32-00375: Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201), for a renewal facility-wide Natural Minor Operating Permit for the operation of a coal preparation plant, known as the Lowry Mine Coal Preparation Plant, located in White Township, **Indiana County**. The facility contains air contamination sources consisting of coal stockpiles, conveyers, screens, coal cleaning plant, one emergency diesel engine (670-bhp), and roadways. Air pollution prevention equipment at the facility includes enclosures, water sprays, water truck, sweeper, and tarping of truck loads. Raw coal throughput is limited to a maximum of 800,000 tons per year. Potential facility emissions are 5.5 tons of PM<sub>10</sub>, 0.9 ton of PM<sub>2.5</sub>, 1.5 ton of NO<sub>x</sub>, and 1.3 ton of CO per year. The facility is subject to the applicable requirements of 40 CFR 60, Subpart Y and 40 CFR 60, Subpart III and 25 Pa. Code Chapters 121–145. The permit includes emission limitations, and operational, monitoring, testing, reporting and recordkeeping requirements for the facility.

Rosebuds's State Only Operating Permit renewal application, the Department's Air Quality Review Memorandum, and the proposed Air Quality State Only Operating Permit for this project are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the State Only Operating Permit renewal application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality State Only Operating Permit for this project, a person may contact Bob Novak at [robernovak@pa.gov](mailto:robernovak@pa.gov) or 412.442.4000.

Any person may submit comments, requests for the Department to hold a public hearing, or protests to the operating permit or a proposed condition thereof, by filing such submissions in writing to the Department at the Southwest Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments.

All comments, requests for a public hearing, and protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). Comments, requests for a public hearing, and protests must include the following:

The name, address and telephone number of the person filing the protest; Identification of the proposed permit issuance being opposed (State Only Operating Permit 32-00375); and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

Comments, protests and requests for a public hearing should be directed to Martin L. Hochhauser, P.E., Air Quality Engineer, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. ([mhochhause@pa.gov](mailto:mhochhause@pa.gov), fax 412-442-4194).

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

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**25-00929: Russell Standard Corporation Millcreek Plant** (2002 Pittsburgh Avenue, Erie, PA 16502) for re-issuance of a Synthetic Minor Permit to operate an asphalt paving mixtures manufacturing facility in Millcreek Township, **Erie County**. The facility uses a batch mix asphalt plant with a baghouse and cyclone separator. The dryer is fueled with natural gas. The facility has a restriction of production rate not more than 495,000 TPY to be considered a Synthetic Minor facility. The actual production in 2015 was 97,341 tons which resulted in estimated actual CO emissions of 19.6 TPY, NO<sub>x</sub> emissions of 1.2 TY, PM<sub>10</sub> emissions of 7.1 TPY, SO<sub>x</sub> emissions of 0.2 TPY, and VOC emissions of 1.2 TPY.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1–1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301–3326); The Clean Streams Law (35 P.S. §§ 691.1–691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51–30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1–1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001–4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1–693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101–6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121–77.123 and 86.31–86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must

contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

*Coal Applications Received*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.*

**30080703 and NPDES No. PA0235831. Contura Freeport, LLC**, (158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370). To transfer the permit for the Freeport Coal Refuse Disposal Area No. 1 in Jefferson Township, **Greene County** and related NPDES permit from River Processing, LLC (formerly River Processing Corporation). No additional discharges. The application was considered administratively complete on January 3, 2017. Application received September 9, 2016.

**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 to install the 4L-3 Degas Borehole. Surface Acres Proposed 4.5. No additional discharges. The application was considered administratively complete on January 4, 2017. Application received August 25, 2016.

**30121301 and NPDES No. PA0236195. Consol Pennsylvania Coal Company LLC**, (1000 Consol Energy Drive, Canonsburg, PA 15317). To revise the permit for the Harvey Mine in Morris and Richhill Townships, **Greene County** and related NPDES permit for installation of the 3A-2 Degas Borehole. Surface Acres Proposed 2.0. No additional discharges. The application was considered administratively complete on January 5, 2017. Application received September 19, 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*<br>pH* |                | greater than 6.0; less than 9.0 |                       |

\* The parameter is applicable at all times.

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

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

**26970401 and NPDES Permit No. PA0202100. Laurel Aggregates of Delaware, LLC** (270 Lakewood Center, Morgantown, WV 26508). Revision application for the addition of 1,317 acres to an existing noncoal underground mine, located in Springhill Township, **Fayette County**, PA, Union District, **Monongalia County** and Grant District, **Preston County**, WV, affecting 2,188.8 acres. Receiving streams: Rubles Run and unnamed tributaries to Rubles Run and Patterson Run, classified for the following use: HQ-CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: January 3, 2017.

**MINING ACTIVITY NPDES DRAFT PERMITS**

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

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

*Effluent Limits for Coal Mining Activities*

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

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

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

\*The parameter is applicable at all times.

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

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

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

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

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

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

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

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

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

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

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

#### *Coal NPDES Draft Permits*

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

**NPDES Permit No. PA0224103 on Surface Mining Permit No. 19000201. Mid-Valley Coal Sales, Inc.,** (212 West Cherry Street, Mt. Carmel, PA 17851), renewal of an NPDES Permit for an anthracite coal refuse reprocessing operation in Conyngham Township, **Columbia County**, affecting 343.0 acres. Receiving stream: North Branch Shamokin Creek, classified for the following use: Cold Water Fishery. Application received: April 10, 2012.

The proposed effluent limits for the above listed outfall.

| <i>Parameter</i>                             | <i>Minimum</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instantaneous<br/>Maximum</i> |
|--|----------------|---------------------------|--------------------------|----------------------------------|
| pH <sup>1</sup> (S.U.)                       | 6.0            |                           |                          | 9.0                              |
| Iron (mg/l)                                  |                | 3.0                       | 3.0                      | 7.0                              |
| Manganese (mg/l)                             |                | 2.0                       | 4.0                      | 5.0                              |
| Aluminum (mg/l)                              |                | 1.4                       | 2.8                      | 3.5                              |
| Alkalinity greater than acidity <sup>1</sup> |                |                           |                          |                                  |
| Total Suspended Solids                       |                | 35.0                      | 70.0                     | 90.0                             |

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

#### *Noncoal NPDES Draft Permits*

**NPDES No. PA0612243 on Surface Mining No. 09120301. Naceville Materials,** (350 South Main Street, Suite 207, Doylestown, PA 18091), new NPDES Permit for a shale and argillite quarry operation in Hilltown Township, **Bucks County**, affecting 128.4 acres. Receiving stream: unnamed tributary to North Branch Neshaminy Creek, classified for the following use: Trout Stocked Fishery. Application received October 11, 2012.



The outfall listed below discharge to unnamed tributary to North Branch Neshaminy Creek.

| <i>Outfall No.</i> | <i>New Outfall Y/N</i> | <i>Type</i> |
|--------------------|------------------------|-------------|
| 001                | No                     | M.D.T.      |

The proposed effluent limit for all outfalls in this permit are:

| <i>Parameter</i>       | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
|------------------------|----------------|-----------------------|----------------------|------------------------------|
| pH <sup>1</sup> (S.U.) | 6.0            |                       |                      | 9.0                          |
| Total Suspended Solids |                | 35.0                  | 70.0                 | 90.0                         |

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

**NPDES Permit No. PA0612537 on Surface Mining Permit No. 7874SM3. New Enterprise Stone & Lime Co., Inc. d/b/a Eastern Industries, Inc.,** (3724 Crescent Court West, Whitehall, PA 18052), renewal of an NPDES Permit for a limestone quarry operation in Whitehall Township, **Lehigh County**, affecting 137.6 acres. Receiving stream: Coplay Creek, classified for the following use: cold water fishes. Application received: December 21, 2012.

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

The outfall listed below discharge to Coplay Creek.

| <i>Outfall No.</i> | <i>New Outfall Y/N</i> | <i>Type</i>          |
|--------------------|------------------------|----------------------|
| 1                  | No                     | Groundwater Pit Sump |

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

| <i>Parameter</i>                       | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
|--|----------------|-----------------------|----------------------|------------------------------|
| pH <sup>1</sup> (S.U.)                 | 6.0            |                       |                      | 9.0                          |
| Total Suspended Solids                 |                | 35.0                  | 70.0                 | 90.0                         |
| Total Dissolved Solids Discharge (MGD) |                | Monitor & Report      |                      |                              |
|  |                | 5.76                  |                      |                              |

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

**NPDES Permit No. PA0119229 on Surface Mining Permit No. 6576SM1. Eureka Stone Quarry, Inc.,** (P.O. Box 249, Chalfont, PA 18914), renewal of an NPDES Permit for an argillite quarry operation in Hamilton Township, **Monroe County**, affecting 226.7 acres. Receiving stream: unnamed tributary to McMichael Creek, classified for the following uses: HQ—cold water and migratory fishes. Application received: August 4, 2014.

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

The outfall listed below discharge to unnamed tributary to McMichael Creek.

| <i>Outfall No.</i> | <i>New Outfall Y/N</i> | <i>Type</i>        |
|--------------------|------------------------|--------------------|
| 001                | No                     | Sedimentation Pond |

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

| <i>Parameter</i>       | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
|------------------------|----------------|-----------------------|----------------------|------------------------------|
| pH <sup>1</sup> (S.U.) | 6.0            |                       |                      | 9.0                          |
| Total Suspended Solids |                | 35.0                  | 70.0                 | 90.0                         |
| Iron (mg/l)            |                | 3.0                   | 6.0                  | 7.0                          |
| Manganese (mg/l)       |                | 2.0                   | 4.0                  | 5.0                          |
| Aluminum (mg/l)        |                | 0.75                  | 1.5                  | 1.9                          |
| Turbidity (NTU)        |                |                       |                      | 40.0                         |
| Total Dissolved Solids |                | Monitor & Report      |                      |                              |
| Oil & Grease           |                | Monitor & Report      |                      |                              |
| Sulfates               |                | Monitor & Report      |                      |                              |
| Discharge (MGD)        |                | 0.01—0.05             |                      | 7.24                         |

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

**NPDES Permit No. PA0224448 on Surface Mining Permit No. 38970301. H & K Group, Inc.,** (P.O. Box 196, Skippack, PA 19474), renewal of an NPDES Permit for a waste rock quarry operation in Cornwall Borough, **Lebanon County**, affecting 194.14 acres. Receiving stream: unnamed tributary to Snitz Creek, classified for the following use: trout stock fishes. Application received: February 19, 2015.

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

The outfall listed below discharge to unnamed tributary to Snitz Creek.

| <i>Outfall No.</i> | <i>New Outfall Y/N</i> | <i>Type</i>                |
|--------------------|------------------------|----------------------------|
| MS-006             | No                     | E&S (no present discharge) |

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

| <i>Parameter</i>       | <i>Minimum</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instantaneous<br/>Maximum</i> |
|------------------------|----------------|---------------------------|--------------------------|----------------------------------|
| pH <sup>1</sup> (S.U.) | 6.0            |                           |                          | 9.0                              |
| Total Suspended Solids |                | 35.0                      | 70.0                     | 90.0                             |
| Iron (mg/l)            |                | 3.0                       | 6.0                      | 7.0                              |
| Manganese (mg/l)       |                | 2.0                       | 4.0                      | 5.0                              |
| Aluminum               |                | 0.75                      | 1.5                      | 1.9                              |
| Total Dissolved Solids |                | Monitor & Report          |                          |                                  |
| Sulfates               |                | Monitor & Report          |                          |                                  |
| Chlorides              |                | Monitor & Report          |                          |                                  |
| Discharge (MDG)        |                | Monitor & Report          |                          |                                  |

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

**NPDES Permit No. PA0224774 on Surface Mining Permit No. 40090301. Cedar Rock Materials Corp.,** (208 West 11th Street, Berwick, PA 18603), renewal of an NPDES Permit for a sand, gravel and topsoil quarry operation in Salem Township, **Luzerne County**, affecting 252.0 acres. Receiving streams: 2 unnamed tributaries to Susquehanna River, classified for the following uses: cold water and warm water fishes. Application received: September 28, 2015.

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

The outfalls listed below discharge to 2 unnamed tributaries to Susquehanna River.

| <i>Outfall No.</i> | <i>New Outfall Y/N</i> | <i>Type</i>        |
|--------------------|------------------------|--------------------|
| 001                | No                     | Pit Sump           |
| 002                | No                     | Pit Sump           |
| 003                | No                     | Sedimentation Pond |

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

| <i>Parameter</i>       | <i>Minimum</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instantaneous<br/>Maximum</i> |
|------------------------|----------------|---------------------------|--------------------------|----------------------------------|
| pH <sup>1</sup> (S.U.) | 6.0            |                           |                          | 9.0                              |
| Total Suspended Solids |                | 35.0                      | 70.0                     | 90.0                             |
| Iron (mg/l)            |                | 3.0                       | 6.0                      | 7.0                              |
| Manganese (mg/l)       |                | 2.0                       | 4.0                      | 5.0                              |
| Aluminum               |                | 0.75                      | 1.5                      | 1.9                              |
| Discharge (MGD)        |                | 1.65 total                |                          |                                  |

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

**NPDES Permit No. PA0224472 on Surface Mining Permit No. 40930301. Meckley's Limestone Products, Inc.,** (P.O. Box 503, Herndon, PA 17830), renewal of an NPDES Permit for a sandstone quarry operation in Hazle Township, **Luzerne County**, affecting 113.5 acres. Receiving streams: Big Black Creek and Hazle Creek, classified for the following uses: cold water and migratory fishes and HQ-cold water fishes. Application received: October 5, 2015.

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

The outfall listed below discharge to Big Black Creek and Hazle Creek.

| <i>Outfall No.</i> | <i>New Outfall Y/N</i> | <i>Type</i>                        |
|--------------------|------------------------|------------------------------------|
| N/A                | No                     | Non-discharging sedimentation Trap |

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

| <i>Parameter</i>       | <i>Minimum</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instantaneous<br/>Maximum</i> |
|------------------------|----------------|---------------------------|--------------------------|----------------------------------|
| pH <sup>1</sup> (S.U.) | 6.0            |                           |                          | 9.0                              |
| Total Suspended Solids |                | 35.0                      | 70.0                     | 90.0                             |
| Iron (mg/l)            |                | 3.0                       | 6.0                      | 7.0                              |
| Manganese (mg/l)       |                | 2.0                       | 4.0                      | 5.0                              |
| Aluminum               |                | 0.75                      | 1.5                      | 1.9                              |
| Turbidity (NTU)        |                |                           |                          | 40                               |
| Discharge (MGD)        |                | Non-discharging           |                          |                                  |

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

**NPDES Permit No. PA0594423 on Surface Mining Permit No. 6174SM5. Meckley's Limestone Products, Inc.,** (P.O. Box 503, Herndon, PA 17830), renewal of an NPDES Permit for a limestone quarry operation in Lower Mahanoy Township, **Northumberland County**, affecting 153.3 acres. Receiving stream: Upper Fidler Run, classified for the following use: warm water fishes. Application received: October 5, 2015.

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

The outfalls listed below discharge to Upper Fidler Run.

| <i>Outfall No.</i> | <i>New Outfall Y/N</i> | <i>Type</i>            |
|--------------------|------------------------|------------------------|
| D                  | No                     | E&S Sedimentation Pond |
| G                  | No                     | Quarry Sump            |

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

| <i>Parameter</i>       | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
|------------------------|----------------|-----------------------|----------------------|------------------------------|
| pH <sup>1</sup> (S.U.) | 6.0            |                       |                      | 9.0                          |
| Total Suspended Solids |                | 35.0                  | 70.0                 | 90.0                         |
| Iron (mg/l)            |                | 3.0                   | 6.0                  | 7.0                          |
| Manganese (mg/l)       |                | 2.0                   | 4.0                  | 5.0                          |
| Aluminum               |                | 0.75                  | 1.5                  | 1.9                          |
| Oil & Grease           |                | Monitor & Report      |                      |                              |
| Discharge (MGD)        |                | Measure Discharge     |                      |                              |

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

**NPDES Permit No. PA0225002 on Surface Mining Permit No. 19110301. Hanson Aggregates PA, LLC**, (7660 Imperial Way, Allentown, PA 18195), renewal of an NPDES Permit for a siltstone, sandstone and shale quarry operation in Hemlock and Madison Townships, **Columbia County** affecting 281.9 acres. Receiving stream: unnamed tributary to Little Fishing Creek, classified for the following uses: cold water and migratory fishes. Application received: October 12, 2016.

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

The outfalls listed below discharge to unnamed tributary to Little Fishing Creek.

| <i>Outfall No.</i> | <i>New Outfall Y/N</i> | <i>Type</i>   |
|--------------------|------------------------|---------------|
| 001                | No                     | Sediment Pond |
| 002 (inactive)     | No                     | Sediment Pond |

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

| <i>Parameter</i>                       | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
|--|----------------|-----------------------|----------------------|------------------------------|
| pH <sup>1</sup> (S.U.)                 | 6.0            |                       |                      | 9.0                          |
| Total Suspended Solids                 |                | 35.0                  | 70.0                 | 90.0                         |
| Discharge (MGD) Outfall 001            | 0.100          | 0.299                 |                      |                              |
| Discharge (MGD) Outfall 002 (inactive) |                |                       | 8.3 CFS              |                              |

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

**NPDES Permit No. PA0224782 on Surface Mining Permit No. 40090302. Pennsy Supply, Inc.**, (P.O. Box 3331, Harrisburg, PA 17105), renewal of an NPDES Permit for a sandstone and greywacke quarry operation in Dorrance Township, **Luzerne County**, affecting 316.75 acres. Receiving streams: Balliet Run and unnamed tributary to Big Wapwallopen Creek, classified for the following uses: HQ-cold water fishes (Balliet Run) and cold water fishes (Big Wapwallopen Creek). Application received: September 16, 2016.

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

The outfalls listed below discharge to Balliet Run and unnamed tributary to Big Wapwallopen Creek.

| <i>Outfall No.</i>                                   | <i>New Outfall Y/N</i> | <i>Type</i>                                   |
|--|------------------------|---|
| 002<br>(Balliet Run)                                 | No                     | Sedimentation Pond (no discharge)             |
| 004  | No                     | Sedimentation Pond/Pit Sump                   |
| 005A   | No                     | Sedimentation Pond/Pit Sump<br>(no discharge) |
| 005B<br><br>(unnamed trib. to Big Wapwallopen Creek) | No                     | Sedimentation Pond/Pit Sump<br>(no discharge) |

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

| <i>Parameter</i>            | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
|-----------------------------|----------------|-----------------------|----------------------|------------------------------|
| pH <sup>1</sup> (S.U.)      | 6.0            |                       |                      | 9.0                          |
| Total Suspended Solids      |                | 35.0                  | 70.0                 | 90.0                         |
| Turbidity (NTU) 002         |                |                       |                      | 40.0                         |
| Oil & Grease                |                | Monitor & Report      |                      |                              |
| Discharge (MGD) Outfall 004 | 0.083          | 0.270                 |                      |                              |

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

**NPDES Permit No. PA0594211 on Surface Mining Permit No. 22880302. Pennsy Supply, Inc.,** (P.O. Box 3331, Harrisburg, PA 17105), renewal of an NPDES Permit for a limestone quarry operation in Lower Swatara Township, **Dauphin County**, affecting 136.02 acres. Receiving stream: Swatara Creek, classified for the following use: warm water fishes. Application received: September 21, 2016.

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

The outfalls listed below discharge to Swatara Creek.

| <i>Outfall No.</i> | <i>New Outfall Y/N</i> | <i>Type</i>                 |
|--------------------|------------------------|-----------------------------|
| 001                | No                     | Sedimentation Pond/Pit Sump |
| 002                | No                     | Sedimentation Pond/Pit Sump |

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

| <i>Parameter</i>       | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
|------------------------|----------------|-----------------------|----------------------|------------------------------|
| pH <sup>1</sup> (S.U.) | 6.0            |                       |                      | 9.0                          |
| Total Suspended Solids |                | 35.0                  | 70.0                 | 90.0                         |
| TDS                    |                | Monitor & Report      |                      |                              |
| Oil & Grease           |                | Monitor & Report      |                      |                              |
| Sulfates               |                | Monitor & Report      |                      |                              |
| Discharge (MGD)        |                | 1.7 MGD               |                      |                              |

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

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Southeast Region: Waterways and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900.*

**E09-1008. Sunesys, LLC**, 185 Titus Avenue, Warrenton, PA 19403, Bridgeton Township, **Bucks County**, ACOE Philadelphia District.

To install and maintain a new fiber optic cable 1.5-inch inner duct line attaching to the existing wooden power poles located on either banks of the Delaware River (WWF) associated with the fiber optic connections to the customers in NJ.

The site is located about 1,000 feet downstream from Upper Black Eddy bridge (Frenchtown, NJ-PA-USGS Quadrangle latitude: 40.564569, longitude: -75.097906).

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

**E39-550. County of Lehigh**, 260 South Cedarbrook Road, Allentown, PA 18104, in South Whitehall Township, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a wooden pedestrian bridge and associated paved pathway across Cedar Creek, having a 65-foot span and an 8-foot underclearance. The project is located on the north side of SR 2009 (Haines Mill Road) approximately 250 feet east of its intersection with Dorney Park Road and Mertz Lane (Allentown West, PA Quadrangle, Latitude: 40.584745N; Longitude: -75.531669W).

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

**E49-344. Sheetz, Inc.**, 351 Sheetz Way, Claysburg, PA 16625. Sheetz, Inc. in Ralpho Township, **Northumberland County**, ACOE Baltimore District (Shamokin, PA Quadrangle N: 40° 51' 38"; W: 76° 32' 56").

Sheetz, Inc. is proposing an expansion of the existing dealership through the construction of a 6,163 square foot building with related parking, driveways, utility services, stormwater management and additional facilities.

As proposed, the project will require fill to be deposited and maintained in 175 feet of a UNT to Shamokin Creek in the Susquehanna River watershed, a Chapter 93 designated Cold Water Fishery. The project, as proposed, will impact 175 linear feet of the waterway.

The applicant proposes to mitigate impacts to the waterway on-site by converting a minimum of 0.434 acre of maintained, grass field to wetlands, adjacent to an existing wetland.

**E08-500. Pennsylvania Department of Transportation, Engineering District 3-0**, 715 Jordan Ave., Montoursville, PA 17754. SR 0220, Section 179, Safety Improvement at the Intersection of SR 2027, Towanda Township, **Bradford County**, ACOE Baltimore District (Monroeton, PA Quadrangle; Latitude: 41°44'17"; Longitude -76°27'18").

PA DOT Engineering District 3-0 proposes to improve the intersection of SR 0220 and SR 2027 by widening the roadway to include a turning lane. The project will relocate the Township Building access road and mill and overlay the intersection. The proposed project will result in a permanent wetland impact of 0.01 acre. The wetland impact is considered Deminimus and does not require mitigation.

*Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E03-471, Plenary Walsh Keystone Partners**, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275, Burrell Township, **Allegheny County**, Pittsburgh ACOE District.

The applicant is proposing to:

1. Remove a structurally deficient 44-foot, single span, steel, I-beam bridge and replace it with a 59-foot, single span, spread box beam bridge over North Branch Cherry Run (CWF) and 107 linear feet of scour protection along North Branch Cherry Run,
2. Place and maintain fill within 0.01 acre of PEM wetland (aka Wetland W1),
3. Realign 50 linear feet of an Unnamed Tributary (UNT) to North Branch Cherry Run (aka Stream 2),
4. Construct temporary construction access within 0.04 acre of PEM wetland,
5. Construct temporary construction access across 542 linear feet of four (4) watercourses (North Branch Cherry Run (aka Stream 1) and three UNTs to North Branch Cherry Run (aka Stream(s) 3, 4 and 5),

For the purpose of replacing a structurally deficient bridge over North Branch Cherry Run near the intersection of S.R. 2005 (aka Cherry Run Road) and Cherry Run Hill Road (Quadrangle: Whitesburg, Latitude: 40° 41' 19.1"; Longitude: -79° 25' 40") located near Burrell Township, Armstrong County. The project will cumulatively

result in 157 linear feet of permanent stream impact, 0.01 acre of permanent wetland impact, 0.04 acre of temporary wetland impact and 542 linear feet of temporary stream impact.

**E11-356, Plenary Walsh Keystone Partners**, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275, Croyle Township, **Cambria County**, Pittsburgh ACOE District.

The applicant is proposing to:

1. Remove an existing single span, concrete encased, steel I beam bridge, 28.1' long, 37' wide, with under clearance of 7.93';
2. Construct and maintain a replacement single span concrete bridge, 53' long, 34' wide, with under clearance of 8.99', which includes: updating guiderail, improving drainage, and milling and overlaying the approaches;
3. Construct and maintain four (4) temporary 36" diversion pipes (RCP), 70' long for a temporary road;
4. Temporary stream impacts of approximately 655 LF for the aforementioned impacts.
5. Temporary wetland impacts of approximately 0.05 acre of wetlands.

For the purpose of replacing the existing, S.R. 0160, Section 10B (Mill Road) over Laurel Run (CWF), which is located near the intersection of Humbert Road with Mill Road, (Beaverdale, PA USGS topographic quadrangle; Latitude: 40° 19' 59" Longitude: 78° 43' 29"; Sub-basin: 18E; Pittsburgh Corps District), in Croyle Township, Cambria County. This project will permanently impact approximately 125 LF of watercourses, and temporarily impact 655 LF of watercourses and 0.05 ac of wetlands.

**E30-253, EQM Gathering OPCO, LLC**, 555 Southpointe Blvd, Suite 200, Canonsburg, PA 15317, Wayne Township, **Greene County**, Pittsburgh ACOE District.

The applicant is proposing to:

Stabilize, widen and maintain the stream banks of Roberts Run (aka KLF-Stream 02) for the purpose of protecting the existing 16-inch diameter M19 Pipeline which is located along the left bank of the aforementioned stream. The project will consist of constructing and maintaining gabion baskets in the channel and along the left bank of said stream, is located just southwest from the intersection of Spraggs Road and Smith Creek Road in Wayne Township, Greene County and will impact approximately 808.0 linear feet of stream channel.

**E56-384, Pennsylvania Game Commission**, 2001 Elmerton Avenue, Harrisburg, PA 17110, Lower Turkeyfoot Township, **Somerset County**, Pittsburgh ACOE District.

The applicant is proposing to:

Remove an existing 34-foot long wooden pedestrian bridge and replace it with a 45-foot long, single span, steel bridge with a pressure treated timber deck over Cranberry Glad Run (HQ-CWF),

For the purpose of upgrading the existing bridge. The project is located at State Game Lands 111 off of Cranberry Road near the intersection of Cranberry Road and Jersey Hollow Road (Quadrangle: Kingwood; Latitude: 39° 54' 6"; Longitude: -79° 22' 7") in Lower Turkeyfoot Township, Somerset County. The project will result in 14 linear feet of permanent stream impact.

**E63-688, Sunoco Pipeline, LP**, 525 Fritztown Road, Sinking Spring, PA 19608, Chartiers Township, **Washington County**, Pittsburgh ACOE District.

The applicant is proposing to:

Place and maintain fill in 0.114 acre of PEM/PSS wetland, for the purpose of building Houston Tank Farm, a storage facility consisting of two gravel pads and a

gravel access road. The facility will be used for the storage of propane and butane which will be stored in separate 50,000 BBL and 30,000 BBL pressurized spheres.

The project is located approximately 1.5 mile northwest of Houston, PA (Canonsburg and Midway Quadrangle, Latitude: 40° 15' 258", Longitude: -80° 15' 42") in Chartiers Township, Washington County.

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## ACTIONS

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

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

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

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

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

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

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

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

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#### I. NPDES Renewal Permit Actions

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*Northeast Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2511.*

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>                                       | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed No.)</i> | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|--|--------------------------------------|--|----------------------------|
| PA0275859                   | Leon E Snyder<br>Poultry Operation<br>230 Poplar Road<br>Fleetwood, PA 19522 | Lehigh County<br>Weisenberg Township | Schaefer Run<br>(2-C)                  | Yes                        |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>                                      | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|---|--------------------------------------|--------------------------------------|----------------------------|
| PA0222925<br>(Sewage)       | Kenneth E White SFTF<br>2275 W Washington Street<br>Bradford, PA 16701-2412 | McKean County<br>Corydon Township    | Willow Creek                         | Yes                        |

## II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

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

**NPDES Permit No. PA0264717**, Sewage, SIC Code 8800, **Todd Liszka**, 725 Mercer Road, Greenville, PA 16125.

This proposed facility is located in Delaware Township, **Mercer County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Sewage.

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

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

**WQM Permit No. 4316405**, Sewage, **Todd Liszka**, 725 Mercer Road, Greenville, PA 16125.

This proposed facility is located in Delaware Township, **Mercer County**.

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

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

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

| <i>NPDES<br/>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>                             | <i>County</i>     | <i>Municipality</i> | <i>Receiving<br/>Water/Use</i>            |
|-----------------------------|---|-------------------|---------------------|---|
| PAS10U131R                  | Mr. Charles Chrin<br>400 South Greenwood Avenue<br>Easton, PA 18045 | Northampton       | Palmer Township     | Bushkill Creek<br>(HQ-CWF, MF)            |
| PAI024016002                | Hunlock Township<br>33 Village Drive<br>Hunlock Creek, PA 18621     | Luzerne<br>County | Hunlock Township    | Hunlock Creek<br>(CWF, MF)<br>EV Wetlands |

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

| <i>Municipality &amp; County</i>   | <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>Receiving Water / Use</i>  | <i>Contact Office &amp; Phone No.</i>                       |
|--|-------------------|---|---|---|
| Allen Township<br>Northampton<br>County  | PAG02004816011    | PPL Electric Utilities<br>Corp.<br>2 North Ninth St.<br>Allentown, PA 18101 | Lehigh River<br>(TSF, MF)<br>UNT to Lehigh River<br>(CWF, MF)<br>Hokendauqua Creek<br>(CWF, MF) | Northampton County<br>Conservation District<br>610-746-1971 |
| Clinton Township<br>and Factoryville<br>Borough<br>Wyoming County<br>and West Abington<br>Township<br>Lackawanna<br>County | PAC660001         | PPL Electric<br>Utilities Corp.<br>2 North 9th St.<br>Allentown, PA 18101   | S. Branch<br>Tunkhannock Creek<br>(TSF, MF)<br>UNT to Trout Brook<br>(CWF, MF)                  | Wyoming County<br>Conservation District<br>570-836-2589     |

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

| <i>Municipality &amp; County</i>                 | <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>Receiving Water / Use</i> | <i>Contact Office &amp; Phone No.</i>   |
|--|-------------------|---|------------------------------|---|
| Logan Township<br>Blair County<br>Issued         | PAG02000716011    | Altoon DPP, LLC<br>ATTN: Geren Moor<br>9010 Overlook Boulevard<br>Brentwood, TN 37027         | Sandy Run<br>(CWF)           | Blair County<br>Conservation District<br>1407 Blair Street<br>Hollidaysburg, PA 16648<br>814.696.0877 x 5 |
| Greenfield<br>Township<br>Blair County<br>Issued | PAC0710003        | Hometown Bank<br>ATTN: Ted Chwatek<br>PO Box 652<br>638 East Pitt Street<br>Bedford, PA 15522 | South Poplar Run<br>(CWF)    | Blair County<br>Conservation District<br>1407 Blair Street<br>Hollidaysburg, PA 16648<br>814.696.0877 x 5 |

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.**Facility Location & Municipality*

| <i>Permit No.</i>           | <i>Applicant Name &amp; Address</i> | <i>Receiving Water / Use</i>         | <i>Contact Office &amp; Phone No.</i> |   |
|-----------------------------|-------------------------------------|--------------------------------------|---------------------------------------|---|
| Elkland Boro,<br>Tioga Cnty | PAC590001                           | Miller Group Holdings<br>Elkland, PA | Cowaneseque River<br>WWF/MF           | Tioga County<br>Conservation District<br>50 Plaza Ln<br>Wellsboro, PA 16901<br>(570) 724-1801 X 5 |

*Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.**Facility Location and Municipality*

| <i>Permit No.</i>          | <i>Applicant Name and Address</i> | <i>Receiving Water / Use</i>  | <i>Contact Office and Phone No.</i>                   |  |
|----------------------------|-----------------------------------|---|---|--|
| Ohio Township              | PAG02000216016                    | Ohio Township<br>126 Lenzer Court<br>Sewickley, PA 15143                                  | UNT to Kilbuck Run<br>(CWF); UNT to Bear<br>Run (TSF) | Allegheny County<br>Conservation District<br>33 Terminal Way<br>Suite 325B<br>Pittsburgh, PA 15219<br>(412) 242-7645 |
| Jefferson Hills<br>Borough | PAC020011                         | Wilson Battery<br>Storage, LLC<br>20 North York Street<br>Suite 220<br>Elmhurst, IL 60126 | Monongahela River<br>(WWF)                            | Allegheny County<br>Conservation District<br>33 Terminal Way<br>Suite 325B<br>Pittsburgh, PA 15219<br>(412) 242-7645 |



## NOTICES

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| <i>Facility Location and Municipality</i> | <i>Permit No.</i> | <i>Applicant Name and Address</i>  | <i>Receiving Water / Use</i>                                   | <i>Contact Office and Phone No.</i>  |
|---|-------------------|--|--|--|
| Findlay Township                          | PAG02000216090    | Penntex Ventures<br>XXVII, LLC<br>1563 Woodward Drive<br>Extension<br>Greensburg, PA 15601     | UNT to Montour<br>Run (TSF)                                    | Allegheny County<br>Conservation District<br>33 Terminal Way<br>Suite 325B<br>Pittsburgh, PA 15219<br>(412) 242-7645 |
| Greentree Borough                         | PAG02000216091    | Boos Development<br>Group, Inc.<br>607 Eastern Road<br>Willow Grove, PA 19090                  | UNT to Chartiers<br>Creek (WWF)                                | Allegheny County<br>Conservation District<br>33 Terminal Way<br>Suite 325B<br>Pittsburgh, PA 15219<br>(412) 242-7645 |
| Franklin Park<br>Borough                  | PAC020012         | Franklin Park Volunteer<br>Fire Company Number 1<br>2360 Rochester Road<br>Sewickley, PA 15143 | UNT to Fish Run<br>(CWF)                                       | Allegheny County<br>Conservation District<br>33 Terminal Way<br>Suite 325B<br>Pittsburgh, PA 15219<br>(412) 242-7645 |
| Pleasant Hills<br>Borough                 | PAC020038         | Pleasant Hills Borough<br>410 East Bruceton Road<br>Pleasant Hills, PA 15236                   | Lewis Run (TSF)  | Allegheny County<br>Conservation District<br>33 Terminal Way<br>Suite 325B<br>Pittsburgh, PA 15219<br>(412) 242-7645 |
| South Fayette<br>Township                 | PAG0200016102     | South Fayette Hotel<br>Associates, LP<br>375 Southpointe<br>Boulevard<br>Canonsburg, PA 15317  | Chartiers Creek<br>(WWF)                                       | Allegheny County<br>Conservation District<br>33 Terminal Way<br>Suite 325B<br>Pittsburgh, PA 15219<br>(412) 242-7645 |
| South Fayette<br>Township                 | PAC020032         | Charter Homes and<br>Neighborhoods<br>1190 Dillersville Road<br>Lancaster, PA 17601            | Chartiers Creek<br>(WWF)                                       | Allegheny County<br>Conservation District<br>33 Terminal Way<br>Suite 325B<br>Pittsburgh, PA 15219<br>(412) 242-7645 |
| Findlay Township                          | PAG02000214047    | Chapman Commerce<br>Center, LLP<br>100 Leetsdale Industrial<br>Drive<br>Leetsdale, PA 15056    | UNT to Potato<br>Garden Run (WWF);<br>St. Patrick Run<br>(WWF) | Allegheny County<br>Conservation District<br>33 Terminal Way<br>Suite 325B<br>Pittsburgh, PA 15219<br>(412) 242-7645 |
| Collier Township                          | PAC020003         | Maronda Homes, Inc.<br>11 Timberglen Drive<br>Imperial, PA 15126                               | Thoms Run (TSF);<br>UNT to Thoms Run<br>(TSF)                  | Allegheny County<br>Conservation District<br>33 Terminal Way<br>Suite 325B<br>Pittsburgh, PA 15219<br>(412) 242-7645 |
| City of Clairton                          | PAC020008         | DiMarco Construction<br>Company, Inc.<br>725 North State Street<br>Clairton, PA 15025          | Monongahela River<br>(WWF)                                     | Allegheny County<br>Conservation District<br>33 Terminal Way<br>Suite 325B<br>Pittsburgh, PA 15219<br>(412) 242-7645 |
| Kennedy Township                          | PAC020028         | Frank Bryan, Inc.<br>1263 Chartiers Avenue<br>McKees Rocks, PA 15136                           | Chartiers Creek<br>(WWF)                                       | Allegheny County<br>Conservation District<br>33 Terminal Way<br>Suite 325B<br>Pittsburgh, PA 15219<br>(412) 242-7645 |

| <i>Facility Location and Municipality</i>  | <i>Permit No.</i> | <i>Applicant Name and Address</i>   | <i>Receiving Water / Use</i>                    | <i>Contact Office and Phone No.</i>  |
|--|-------------------|---|---|--|
| Ohio Township  | PAC020029         | Grandview Overlook Estates, LP<br>772 Pine Valley Drive<br>Pittsburgh, PA 15239                           | UNT to Bear Run (TSF); UNT to Lowries Run (TSF) | Allegheny County Conservation District<br>33 Terminal Way<br>Suite 325B<br>Pittsburgh, PA 15219<br>(412) 242-7645        |
| Etna Borough   | PAC020022         | Skyway Cement Company<br>PO Box 442<br>1601 Rockwell Road<br>LaSalle, IL 61301                            | Pine Creek (TSF)                                | Allegheny County Conservation District<br>33 Terminal Way<br>Suite 325B<br>Pittsburgh, PA 15219<br>(412) 242-7645        |
| Moon Township  | PAC020001         | Allegheny County Airport Authority<br>Landside Terminal<br>Fourth Floor Mezzanine<br>Pittsburgh, PA 15231 | UNT to McClarens Run (TSF)                      | Allegheny County Conservation District<br>33 Terminal Way<br>Suite 325B<br>Pittsburgh, PA 15219<br>(412) 242-7645        |
| City of Pittsburgh   | PAG02000216082    | Carnegie Science Center<br>One Allegheny Avenue<br>Pittsburgh, PA 15212                                   | Ohio River (WWF)                                | Allegheny County Conservation District<br>33 Terminal Way<br>Suite 325B<br>Pittsburgh, PA 15219<br>(412) 242-7645        |
| New Sewickley Township   | PAC040002         | Hillsboro VA Limited<br>189 Rochester Road<br>Freedom, PA 15042   | UNT to Crows Run (WWF)                          | Beaver County Conservation District<br>156 Cowpath Road<br>Aliquippa, PA 15001<br>(724) 378-1701                         |
| Center Township  | PAC040005         | C. J. Betters Real Estate Holdings, LLC<br>3537 Brodhead Road<br>Monaca, PA 15061                         | UNT to Poorhouse Run (WWF)                      | Beaver County Conservation District<br>156 Cowpath Road<br>Aliquippa, PA 15001<br>(724) 378-1701                         |
| New Sewickley Township   | PAC040007         | Vogel Driveway<br>Intersection of Brunner Road and Horkins Mill Road<br>Rochester, PA 15074               | Brush Creek (WWF)                               | Beaver County Conservation District<br>156 Cowpath Road<br>Aliquippa, PA 15001<br>(724) 378-1701                         |
| Center Township and Homer City Borough   | PAG02003216009    | Pennsylvania Department of Transportation,<br>District 10<br>2550 Oakland Avenue<br>Indiana, PA 15701     | Yellow Creek (CWF-TSF)                          | Indiana County Conservation District<br>625 Kolter Drive<br>Suite 8<br>Indiana, PA 15701<br>(724) 471-4751               |
| Mount Pleasant Borough and Cecil Township (Washington County); South Fayette Township (Allegheny County) | PAG0206313020-3   | Pennsylvania Turnpike Commission<br>700 South Eisenhower Boulevard<br>Harrisburg, PA 17057                | Robinson Run (WWF); UNT to Millers Run (WWF)    | Washington County Conservation District<br>2800 North Main Street<br>Suite 105<br>Washington, PA 15301<br>(724) 705-7098 |
| Unity Township   | PAC650011         | Unity Township Municipal Authority<br>370 Pleasant Unity Mutual Road<br>Greensburg, PA 15601              | Ninemile Run (WWF)                              | Westmoreland Conservation District<br>218 Donohoe Road<br>Greensburg, PA 15601<br>(724) 837-5271                         |
| Hempfield Township   | PAC650022         | Superior Utility Excavating, Inc.<br>1149 Beaver Run Road<br>Greensburg, PA 15601                         | Jacks Run (WWF); Slate Creek (WWF)              | Westmoreland Conservation District<br>218 Donohoe Road<br>Greensburg, PA 15601<br>(724) 837-5271                         |

*General Permit Type—PAG-04*

*Facility Location  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water/Use*

*Contact Office &  
Phone No.*

Richmond Township  
Tioga County

PAG045294

Hudson Advisors  
Tioga LP  
2450 Shenango Valley  
Fwy  
Hermitage, PA  
16148-2572

Tioga River—4-A

DEP Northcentral  
Regional Office  
Clean Water Program  
208 W Third Street  
Suite 101  
Williamsport, PA  
17701-6448  
570.327.3636

**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. 2359008**, Public Water Supply.

|                       |  |
|-----------------------|--|
| Applicant             | <b>PA American Water</b><br>(Waverly WTP)<br>800 W. Hershey Park Drive<br>Hershey, PA. 17033 |
| [Township or Borough] | Waverly Township<br><b>Lackawanna County</b>   |
| Responsible Official  | Mr. David Kaufman<br>Vice President-Engineering  |
| Type of Facility      | Public Water Supply  |

|                     |   |
|---------------------|---|
| Consulting Engineer | Mr. Alfonso F. Rossi, PE<br>PA American Water Company<br>4 Wellington Blvd.<br>Wyomissing, PA 19610 |
|---------------------|---|

|                            |            |
|----------------------------|------------|
| Permit to Construct Issued | 11/28/2016 |
|----------------------------|------------|

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Operation Permit No. 6715513 MA** issued to: **Goldsboro Borough Water Company (PWS ID No. 7670131)**, Goldsboro Borough, **York County** on 1/5/2017 for facilities approved under Construction Permit No. 6715513 MA.

**Comprehensive Operation Permit No. 7010038** issued to: **The York Water Company (PWS ID No. 7010038)**, Cumberland Township, **Adams County** on 1/4/2017 for the operation of facilities at Western Cumberland Water System approved under Construction Permit No. 0115504 MA.

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

**Operations Permit** issued to: **Country Living Estates, Inc.**, 313 Humbert Road, Sidman, PA 15955, (PWSID # 4110028) Croyle Township, **Cambria County** on January 3, 2017 for the operation of facilities approved under Construction Permit # 1116512.

**Permit No. 1116509GWR, Minor Amendment.** Public Water Supply.

|                          |   |
|--------------------------|---|
| Applicant                | <b>Country Living Estates, Inc.</b><br>313 Humbert Road<br>Sidman, PA 15955 |
| [Borough or Township]    | Croyle Township   |
| County                   | <b>Cambria</b>  |
| Type of Facility         | Forest Hills Personal Care Home   |
| Consulting Engineer      |   |
| Permit to Operate Issued | January 3, 2017   |

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

**Permit No. 4216501**, Public Water Supply.

|                     |                                |
|---------------------|--------------------------------|
| Applicant           | <b>Aqua Pennsylvania, Inc.</b> |
| Township or Borough | Mt. Jewett Borough             |
| County              | <b>McKean</b>                  |
| Type of Facility    | Public Water Supply            |

Consulting Engineer Robert Horvat, P.E.  
Entech Engineering, Inc.  
400 Rouser Road  
Building 2, Suite 200  
Coraopolis, PA 15108

Permit to Construct January 4, 2017  
Issued

**Operation Permit** issued to **Pennsylvania American Water Company, PWSID No. 6330010**, McCalmont Township, **Jefferson County**. Permit Number 3373503-T1-MA3 issued January 6, 2017 for the operation of the 200,000 gallon tank known as the "Anita Tank". This permit is issued in response to acceptable Bacteriological and VOC test results on December 1, 2016.

## 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.*

**D&D Distribution Services**, 789 Kings Mill Road, York, PA 17403, Spring Garden Township, **York County**. Arcadis U.S., Inc., 35 Columbia Road, Branchburg, NJ 08876, on behalf of 789 Kings Mill, L.P., 40 Morris Avenue, Suite 230, Bryn Mawr, PA 19010, and Safe Harbor Reserve, Inc., 789 Kings Mill Road, York, PA 17403 submitted a Remedial Investigation Report concerning remediation of site soil and groundwater. The report is intended to document remediation of the site to meet the Non-Residential Statewide Health and Site Specific Standards.

**Huntingdon Holdings/Huntingdon Fiberglass**, 1200 Susquehanna Avenue, Huntingdon, PA 16652, Huntingdon Borough, **Huntingdon County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16652, on behalf of Huntingdon Holdings, LLC, 1200 Susquehanna Avenue, Huntingdon, PA 16652, submitted a Final Report concerning site soils and groundwater contaminated with chlorinated solvents, VOC, and inorganics. The report is intended to document remediation of the site to meet the Site Specific Standard.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Monro Muffler Brake, Inc.** (formerly) and a.k.a. Cumberland Farms & Speedy Muffler King, 5525 Penn Avenue, City of Pittsburgh, **Allegheny County**. Elliott Engineering Solutions, 540 Packetts Landing, Fairport, NY 14450 on behalf of GIG 1, GP, Inc., 535 Smithfield Street, Suite 900, Pittsburgh, PA 15222 has submitted a Remedial Investigation (RIR)/Final Report (FR) concerning the remediation of site soil contaminated with tetrachloroethene (PCE) and arsenic and site groundwater contaminated with PCE. The RIR/FR is intended to document remediation of the site to meet a combination of Statewide Health and Site Specific standards. Notice of the RIR/FR was published in the *Pittsburgh Post-Gazette* on December 6, 2016.

## 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.*

**Landis Homes**, 1001 East Oregon Pike, Lititz, PA 17543, Manheim Township, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Landis Homes, 1001 East Oregon Road, Lititz, PA 17543, submitted a Final Report concerning remediation of site soil contaminated with hydraulic oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on December 23, 2016.

**Brian & Janette Parsons Residence**, 14369 Dickeys Road, Mercersburg, PA 17236, Peters Township, **Franklin County**. Triad Engineering, Inc., 1075D Sherman Avenue, Hagerstown, MD, 21740, on behalf of Brian & Janette Parsons, 14369 Dickeys Road, Mercersburg, PA 17236, submitted a Final Report concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil. The Final Report did not demonstrate attainment of the Residential Statewide Health Standard, and was disapproved by the Department on January 5, 2017.

**J. Walter Miller Company**, 226 North Ann Street, Lancaster, PA 17602, City of Lancaster, **Lancaster County**. Reliance Environmental, Inc., 225 North Duke Street, Lancaster, PA 17602, on behalf of Canerector, Inc., 1 Sparks Avenue, North York, ON M2H 2W1, submitted a Final Report concerning remediation of site soil contaminated with various constituents. The Final Report demonstrated attainment of the Non-Residential Statewide Health and Site Specific Standards, and was approved by the Department on January 5, 2017.

**M. Joseph Reese Farm**, 13222 South Road, Shippenburg, PA 17257, Lurgan Township, **Franklin County**. United Environmental Services, Inc., 86 Hillside Drive, Drums, PA 18222, on behalf of Lurgan Township, 8650 McClays Mill Road, Newburg, PA 17240, and M. Joseph and Marlene F. Reese, 13222 South Road, Shippenburg, PA 17257 submitted a Final Report concerning remediation of site soil contaminated with hydraulic fluid and used motor oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on January 5, 2017.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

#### Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P.S. §§ 6018.101–6018.1003) and regulations to transport hazardous waste.

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170.*

#### *Hazardous Waste Transporter License Issued*

**RSB Logistic Inc.**, 219 Cardinal Crescent, Saskatoon, SK S7L7K8. License No. PA-AH 0854. Effective Jan 05, 2017.

#### *Hazardous Waste Transporter License Reissued*

**Force, Inc.**, 1380 Route 286 Highway, Indiana, PA 15701. License No. PA-AH 0819. Effective Jan 03, 2017.

*Hazardous Waste Transporter License Voluntarily Terminated*

**Jade Tank Lines, Inc.**, PO Box 1621, Wilmington, NC 28401. License No. PA-AH 0759. Effective Dec 27, 2016.

**Terra Contracting Services, LLC**, 5100 West Michigan Avenue, Kalamazoo, MI 49006. License No. PA-AH 0814. Effective Dec 31, 2016.

#### *New Applications Received*

**Suttles Truck Leasing, Inc.**, P.O. Box 129, Demopolis, AL 36732. License No. PA-AH 0856. Effective Dec 19, 2016.

#### *Renewal Applications Received*

**Force, Inc.**, 1380 Route 286 Highway, Indiana, PA 15701. License No. PA-AH 0819. Effective Dec 28, 2016.

#### REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

#### Actions on applications for Regulated Medical and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act and the act of June 28, 1988 (P.L. 525, No. 93) and regulations to transport regulated medical and chemotherapeutic waste.

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170.*

*Regulated Medical and Chemotherapeutic Waste Transporter Reissued*

**Cole Care, Inc.**, 1001 East Second Street, Coudersport, PA 16915. License No. PA-HC 0178. Effective Jan 06, 2017.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001–4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.*

**GP9-40-016B: Mericle Construction, Inc.** (100 Baltimore Drive, Wilkes-Barre, PA 18702) on January 02, 2107, for the installation and operation of I. C. Engines at the facility located in Pittston Township, **Luzerne County**.

**GP3-40-016B: Mericle Construction, Inc.** (100 Baltimore Drive, Wilkes-Barre, PA 18702) on January 02, 2107, for the installation and operation of a portable crushing plant at the facility located in Pittston Township, **Luzerne County**.

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

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

**GP5-59-216A: SWEPI LP** (150-E N. Dairy Ashford, E-1296-J, Houston, TX 77079) On November 23, 2016, for the continued operation of three (3) 1,340 bhp Caterpillar model G3516TALE four-stroke lean-burn natural gas-fired compressor engines with Miratech oxidation catalysts, one (1) 30.0 MMscf/day NATCO dehydrator unit equipped with a 0.25 MMBtu/hr reboiler heater, one (1) 60.0 MMscf/day NATCO dehydrator unit equipped with a 0.25 MMBtu/hr reboiler heater, and two (2) 10,000 gallon produced water tanks pursuant to the General Plan Approval and/or General Operating Permit General Permit or BAQ-GPA/GP-5 for Natural Gas Compression and/or Processing Facilities at the Stock 144 Compressor Station located in Delmar Township, **Tioga County**.

**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

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

**40-00076A: Wilkes-Barre Materials LLC** (500 Chase Road, Shavertown, PA 18708-9689) issued on January 4, 2017 for the replacement of an existing baghouse with a newer more efficient baghouse to improve the operations at the existing asphalt plant operating in Plains Township, **Luzerne County**.

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

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**10-401A: Commercial Asphalt Supply Inc.** (161 Plain Grove Rd., Slippery Rock, PA 16057) on December

28, 2016 issued a Plan Approval to construct and initially operate a hot mix asphalt plant in Clearfield Township, **Butler County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

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

**36-03002A: High Concrete Structures, Inc.** (125 Denver Road, Denver, PA 17517-9314) on January 4, 2017, for the modification of existing abrasive blasting operations (Source ID 301) and the installation of a new abrasive blasting area at their architectural precast concrete and structural precast systems facility in East Cocalico Township, **Lancaster County**. The plan approval was extended.

**06-05115B: Granger Energy of Morgantown, LLC** (16980 Wood Road, Lansing, MI 48906-1044) on January 6, 2017, for the installation of one landfill gas-fired engine, and one (1) 2,000 acfm enclosed flare in in Caernarvon Township, **Berks County**. The plan approval was extended.

**67-05098C: Kinsley Construction, Inc.** (PO Box 2886, York, PA 17405) on January 6, 2017, for the modification of the existing limestone crushing plant at the Penroc Quarry in West Manchester Township, **York County**. Source 115 West Filler Operations will be combined with Source 120 Roofing Plant, to form new Source 125 Filler Plant. The proposed additions include six 250-ton silos, a bagger and sacker, two blowers, three fabric filters and two bin vents. Some existing equipment may require minor repositioning or removal to accommodate the final equipment layout. The plan approval was extended.

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

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

**41-00025C: Lycoming County Resource Management Services** (PO Box 187, Montgomery, PA 17752) on December 22, 2016, to extend the authorization an additional 180 days to July 5, 2017 in order to continue the compliance demonstration evaluation and permit operation pending issuance of an operating permit for the facility. Plan Approval 41-00025C for the construction of Fields 11 and 12 at the landfill that is in Brady Township, **Lycoming County** has been extended.

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

*Contact: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.*

**PA-03-00244A: Dominion Transmission, Inc.** (5000 Dominion Blvd-2NW Glen Allen, VA 23060) on January 06, 2017, plan approval extension issuance to continue temporary operation of Solar Taurus 70-10802S Turbine until July 28, 2017, at their Rural Valley Compressor Station located in Valley Township, **Armstrong County**.

**04-00740A: Shell Chemical Appalachia LLC** (910 Louisiana Street, OSP 14080C, Houston, TX 77002) modified on December 30, 2016, to incorporate emission reduction credits (“ERCs”) secured by Shell to comply with emission offsetting requirements for the petrochemicals complex under construction in Potter and Center Townships, **Beaver County**. Approval has also been granted on a case-specific basis for interprecursor trading between NO<sub>x</sub> and VOC for the use of secured NO<sub>x</sub> ERCs as ozone precursors to comply with VOC offsetting requirements.

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

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

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

**36-05001: Armstrong World Industries, Inc.** (1507 River Road, Marietta, PA 17547-9403) on December 30, 2016, for the ceiling tile manufacturing facility located in East Donegal Township, **Lancaster County**. The Title V 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.*

**18-00007: Brodard Company** (500 Arch Street, Williamsport, PA 17701) on December 22, 2016, issued a renewal Title V Operating Permit for their facility in the Wayne Township, **Clinton County**. The renewal Title V Operating Permit 18-00007 contains monitoring, recordkeeping and reporting conditions to ensure compliance with applicable Federal and State air regulations.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

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

**19-00032: Benton Area School District** (Benton Area School District, 600 Green Acres Road, Benton, PA 17814) on December 12, 2016, issued renewal State Only Operating Permit 19-00032 for their facility in Benton, **Columbia County**. State Only Operating Permit 19-00032 contains monitoring, recordkeeping and reporting conditions to ensure compliance with applicable Federal and State regulatory requirements.

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

*Contact: Tom Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.*

**32-00375: Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201), for a renewal facility-wide Natural Minor Operating Permit for the operation of a coal preparation plant, known as the Lowry Mine Coal Preparation Plant, located in White Township, **Indiana County**. The facility contains air contamination sources consisting of coal stockpiles, conveyers, screens, coal

cleaning plant, one emergency diesel engine (670-bhp), and roadways. Air pollution prevention equipment at the facility includes enclosures, water sprays, water truck, sweeper, and tarping of truck loads. Raw coal throughput is limited to a maximum of 800,000 tons per year. Potential facility emissions are 5.5 tons of PM<sub>10</sub>, 0.9 ton of PM<sub>2.5</sub>, 1.5 ton of NO<sub>x</sub>, and 1.3 ton of CO per year. The facility is subject to the applicable requirements of 40 CFR 60, Subpart Y and 40 CFR 60, Subpart III and 25 Pa. Code 25 Chapters 121—145. The permit includes emission limitations, and operational, monitoring, testing, reporting and recordkeeping requirements for the facility.

Rosebud’s State Only Operating Permit renewal application, the Department’s Air Quality Review Memorandum, and the proposed Air Quality State Only Operating Permit for this project are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the State Only Operating Permit renewal application, to receive an electronic copy of the Department’s Air Quality Review Memorandum, or to receive an electronic copy of the Department’s proposed Air Quality State Only Operating Permit for this project, a person may contact Bob Novak at robernovak@pa.gov or 412.442.4000.

Any person may submit comments, requests for the Department to hold a public hearing, or protests to the operating permit or a proposed condition thereof, by filing such submissions in writing to the Department at the Southwest Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments.

All comments, requests for a public hearing, and protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). Comments, requests for a public hearing, and protests must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (State Only Operating Permit 32-00375) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

Comments, protests and requests for a public hearing should be directed to Martin L. Hochhauser, P.E., Air Quality Engineer, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. (mhochhause@pa.gov, Fax 412-442-4194)

**OP-03-00185: Vista Metals, Inc.** (1024 E Smithfield St, McKeesport, PA 15135-1031) State Only Operating Permit renewal issuance date effective January 04, 2017, for their Kittanning Powder Plant located in East Franklin Township, **Armstrong County**.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

*Contact: Thomas 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.*

**38-05019: TC Ironwood LLC** (305 Prescott Road, Lebanon, PA 17042-9178) on December 29, 2016, for the Ironwood Generating Station located in South Lebanon Township, **Lebanon County**. The Title V permit underwent a minor modification in order to 1.) add a Federally enforceable VOC emissions cap of 50 tons/12 month running total, plus associated recordkeeping, 2.) to add an emergency fire pump and associated Federal requirements, 3.) to update DEP contact information and 4.) to clarify emissions reporting.

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

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

**49-00005: Hoeganaes Corporation** (4330 Paradise Road, Watsonstown, PA 17777) issued a revised State Only operating permit, Revision No. 1 on December 22, 2016, for their facility in Delaware Township, **Northumberland County**. This operating permit modification allows installation of four (4) Donaldson DFO UW dust collectors associated with Source IDs P101 and P106. The operating permit is effective through October 13, 2019. This revised State Only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

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

*Contact: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.*

**03-00076: Peoples Natural Gas Co., LLC/Girty Compressor Station** (4702 Route 982 Latrobe, PA 15650) on December 29, 2016, the Department issued a Minor Operating Permit Modification to limit the NO<sub>x</sub> emissions below major threshold values. PNG has decommissioned Source 103 and taken an hour restriction on Source 104 to 3,400 hours per year. PNG is operating under a Synthetic Minor Operating Permit for the facility located in South Bend Township, **Armstrong County**. The expiration date remains April 30, 2019.

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

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**24-00079: Ledvance LLC** (835 Washington Street, Saint Marys, PA 15857-3605). On January 3, 2017, the Department issued an administrative amendment to the State Operating Permit to change the responsible official and permit contact. The facility is located in Saint Marys City, **Elk County**.

**Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act and 25 Pa. Code §§ 127.431 and 127.461.**

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

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**42-00009: Pittsburgh Corning Corporation** (PO Box 404, Port Allegany, PA 16743) on January 4, 2017, for the pressed and blown glass manufacturing facility located in Port Allegany Borough, **McKean County**. This Title V Operating Permit was revoked because the facility has ceased production in June 2016, and the facility chose to surrender their permit.

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a).** The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P.S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1002).

*Coal Permits Issued*

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

**Permit No. 56060107 and NPDES No. PA0268992, Coal Loaders Inc.,** 210 East Main Street, Ligonier, PA 15658, permit renewal for reclamation only of a bituminous surface and auger mine in Quemahoning Township, **Somerset County**, affecting 45.9 acres. Receiving streams: Higgins Run, a tributary to Quemahoning Creek, classified for the following use: high quality cold water fishes. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority & Johnstown Water Authority. Application received: October 31, 2016. Permit Issued: December 28, 2016.

**Permit No. 56130111 and NPDES No. PA0269631, Coal Loaders, Inc.,** 210 East Main Street, P.O. Box 556, Ligonier, PA 15658, commencement, operation and restoration of a bituminous surface mine to add auger mining with minor permit boundary redistribution in Stonycreek Township, **Somerset County**, affecting 44.9 acres. Receiving stream: Stonycreek River classified for the following use: cold water fishes. The first downstream potable water supply intake from the point of discharge is Hooversville Borough. Application received: September 6, 2016. Permit issued: January 3, 2017.

**Permit No. 56050105 and NPDES Permit No. PA0249793, Svonavec, Inc.,** 150 West Union Street, Suite 201, Somerset, PA 15501, permit renewal of a bituminous surface mine in Milford Township, **Somerset County**, affecting 273.6 acres. Receiving streams: Unnamed tributaries to/and Middle Creek and unnamed tributaries to/and South Glade Creek, classified for the



following use: trout stocked fishes, warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: March 28, 2016. Permit issued: January 5, 2017.

**Permit No. 11100104 and NPDES No. PA0263087, RJC Kohl, Inc.**, 1927 Killen School Road, Nicktown, PA 15762, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Susquehanna, West Carroll and Elder Townships, **Cambria County**, affecting 98.5 acres. Receiving streams: unnamed tributaries to Fox Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: August 30, 2016. Permit issued: January 5, 2017.

**Permit No. 07920101 and NPDES No. PA0599581, E.P. Bender Coal Co., Inc.**, P.O. Box 594, Carrolltown, PA 15722, commencement, operation and restoration of a bituminous surface & auger mine to revise the permit to add 2.8 acres to the permit to include within the permit area the existing access road, T-428, connecting with SR 3012 and an unaffected area of 2.8 acres will be deleted from the permit so the permit acreage will remain unchanged at 474.0 acres, located in Allegheny Township, **Blair County**, affecting 474.0 acres. Receiving streams: Unnamed tributaries to Sugar Run and Sugar Run, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: March 29, 2016. Permit issued: January 5, 2017.

#### *Noncoal Permits Issued*

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

**20860301. R. Hunter, Inc.** (15428 Sheets Road, Guys Mills, PA 16327) Transfer of an existing large industrial minerals mine from Donovan Stone Company in Hydetown Borough, **Crawford County**, affecting 14.0 acres. Receiving streams: Thompson Creek. Application received: May 9, 2016. Permit Issued: January 4, 2017.

**PAM616010. R. Hunter, Inc.** (15428 Sheets Road, Guys Mills, PA 16327) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 20860301 in Hydetown Borough, **Crawford County**. Receiving streams: Thompson Creek. Application received: May 9, 2016. Permit Issued: January 4, 2017.

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

**08010820. Gary E. Benjamin** (82 Woodside Drive, Towanda, PA 18848). Final bond release for a small industrial minerals surface mine, located in Sheshequin Township, **Bradford County**. Restoration of 1.0 acre completed. Receiving stream(s): Unnamed Tributary to Susquehanna River. Application received on August 15, 2016. Final bond release approved: January 3, 2017.

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

**Permit No. 58160301. F.S. Lopke Contracting, Inc.**, (3430 SR 434, Apalachin, NY 13732), commencement, operation and restoration of a quarry operation in Lenox Township, **Susquehanna County** affecting 48.95 acres, receiving stream: Tunkhannock Creek. Application received: December 21, 2015. Permit issued: January 3, 2017.

**Permit No. PAM115048, F.S. Lopke Contracting, Inc.**, (3430 SR 434, Apalachin, NY 13732), General

NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58160301 in Lenox Township, **Susquehanna County**, receiving stream: Tunkhannock Creek. Application received: December 21, 2015. Permit issued: January 3, 2017.

**Permit No. 54950301T. Schell Building & Landscaping Stone, Inc.**, (1403B State Road, Zion Grove, PA 17985), transfer of an existing quarry operation in North Union, Roaring Creek and Beaver Townships, **Schuylkill and Columbia Counties**, affecting 820.0 acres, receiving stream: Catawissa Creek. Application received: March 7, 2016. Transfer issued: January 6, 2017.

**Permit No. PAM116010. Schell Building & Landscaping Stone, Inc.**, (1403B State Road, Zion Grove, PA 17985), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54950301 in North Union, Roaring Creek and Beaver Townships, **Schuylkill and Columbia Counties**, receiving stream: Catawissa Creek. Application received: March 7, 2016. Permit issued: January 6, 2017.

#### **ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

#### *Blasting Permits Issued*

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

**Permit No. 36164174. Maine Drilling & Blasting, Inc.**, (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Riverview Estates in West Lampeter Township, **Lancaster County** with an expiration date of December 22, 2017. Permit issued: January 4, 2017.

**Permit No. 66164107. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Karp Parking Area in Lemon Township, **Wyoming County** with an expiration date of December 31, 2017. Permit issued: January 4, 2017.

**Permit No. 48174001. Susquehanna Hauling & Drilling**, (249 Harland Street, Exeter, PA 18643), construction blasting for FedEx Hub in Allan Township, **Northampton County** with an expiration date of December 31, 2017. Permit issued: January 5, 2017.

#### **FEDERAL WATER POLLUTION CONTROL ACT SECTION 401**

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

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**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.**

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*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Southeast Region: Waterway and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900.*

**E23-530. Paulsboro Natural Gas Pipeline Company LLC**, 800 Billingsport Road, Paulsboro, NJ 08066, Tinicum Township, **Delaware County**, ACOE Philadelphia District.

To remove partially existing 6-inch and 8-inch diameter natural gas pipelines, relocate and maintain with a new 24-inch diameter steel pipeline to meet USACE requirements associated with the deepening dredging of the Delaware River (WWF) to meet USACE standards. The existing 6-inch and 8-inch gas pipelines are partially removed and remaining sections at the ends will be sealed and abandoned in place.

The site is located east of Tinicum Island Road (Bridgeport—NJ-PA USGS Quadrangle Latitude: 39.857287, Longitude: -75.269889).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

**E46-1125. Upper Gwynedd Township**, Administrative Building, 1 Parkside Place, North Wales, PA 19027, Upper Gwynedd Township, **Montgomery County**, ACOE Philadelphia District.

To perform the below listed water obstruction and encroachment activities associated with Zacharias Creek Restoration Project (WWF) in relation to Upper Gwynedd Township's TMDL Implementation/Restoration Plan:

1. To realign approximately 662 linear feet of stream channel in an effort to restore a more natural channel condition to a previously modified section of an unnamed tributary to Zacharias Creek.

2. To impact approximately 0.04 acre of fringe wetlands (PSS) to facilitate the new stream channel.

The restoration work commences at River Station 7+50 and ends at River Station 2+50 near the Conrad Basin approximately 750 feet northeast of the intersection of Morris Road and Conrad Avenue. The proposed project is located in Upper Gwynedd Township, Montgomery County; (USGS Quadrangle Germantown, PA—Latitude 40° 05' 49"—Longitude 75° 09' 17").

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

**E23-527—Pennsylvania Department of Transportation**, 7000 Geerdes Blvd, King of Prussia, Ridley Township, **Delaware County**, ACOE Philadelphia District.

To perform the water obstruction and encroachment activities associated with the replacement of SR 0420 Section 000 (Kedron Avenue) bridge over Stony Creek (WWF) (as part of the P3 Rapid Bridge Replacement, JV 214 Improvement Project):

1. To replace an existing single span concrete I-beam bridge and to construct and maintain in its place a concrete box culvert approximately 57 feet long and 24 feet wide.

2. To construct a temporary cofferdam to facilitate the project.

3. To place and maintain fill within the floodway and along roadway approaches on both sides of the proposed bridge.

4. To relocate and maintain several utility lines to facilitate the project, including: two storm drain pipes (15 inches and 24 inches diameter), one water line, and one gas line.

The proposed project is located approximately 150 feet northwest of the intersection of Academy Avenue and Kedron Avenue in Ridley Township, Delaware County, (USGS Lansdowne, PA Quadrangle—Latitude: 39.8979; Longitude -77.316167).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

**E45-592. Arrowhead Lake Community Association, Inc.**, 961 Arrowhead Drive, Pocono Lake, PA 18347, Coolbaugh & Tobyhanna Townships, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the Arrowhead Lake Reclamation Project.

1. The excavation and maintenance of two trapezoidal channels around a portion of Arrowhead Lake (EV, MF) in its southernmost extent labeled as "Lewis Creek Cove" consisting of approximately 1.90 acre of permanent impacts to waters. The eastern trapezoidal channel will have a length of approximately 2,500 feet, a bottom width ranging from approximately 10 to 15 feet, a constructed depth of approximately 4 feet and a branch channel of the same cross sectional dimensions having a length of approximately 600 feet. The western trapezoidal channel will have a length of approximately 1,300 feet, a bottom width ranging from approximately 10 to 15 feet, and a constructed depth of approximately 4 feet.

2. The excavation and maintenance of a trapezoidal channel having a length of approximately 4,000 feet, a bottom width of approximately 15 feet, a constructed depth of approximately 4 feet around a portion of Arrowhead Lake in its easternmost extent labeled as "Eastern Cove" consisting of approximately 2.63 acres of permanent impacts to waters.

3. The excavation and maintenance of two trapezoidal channels around a portion of Arrowhead Lake in its northeast extent labeled as "Trout Creek Island" consisting of approximately 3.81 acres of permanent impacts to waters. The eastern trapezoidal channel will have a length of approximately 660 feet, a bottom width ranging from approximately 50 feet to 155 feet, and a constructed depth of approximately 4 feet. The western trapezoidal channel will have a length of approximately 1,500 feet, a bottom width ranging from approximately 50 feet to 125 feet, and a constructed depth of approximately 4 feet.

4. A 225-foot long stream restoration project in Lewis Creek (EV, MF) with work consisting of the construction of a rock filter, tree revetments, embankment stabilization consisting of boulder toe-in, live branch bundles and live stakes located at the southern end of Lewis Creek Cove, resulting in 0.02 acre of permanent impacts to wetlands (EV).

5. An 8-foot wide, 160-foot long pile-supported pedestrian boardwalk through wetlands (EV) resulting in 0.02 acre of permanent impacts to wetlands located in Lewis Creek.

6. To remove an existing dock and to construct and maintain a 170-foot long, 1,955 square foot floating dock providing 26 boat slips associated with a marina located at Beach 1 at the western side of Arrowhead Lake.

7. A pre-cast concrete boat launch ramp that's approximately 44-foot long by 16-foot wide located at Beach 2 at the northwest shoreline of Arrowhead Lake.

8. To remove an existing dock and to construct and maintain a 4-foot wide by 32-foot long aluminum dock supported by driven piles or posts located at Beach 2 at the northwest shoreline of Arrowhead Lake.

9. A pre-cast concrete boat launch ramp that's approximately 60-foot long by 14-foot wide located at Beach 3 north of Adobe Drive within the "Eastern Cove" area of Arrowhead Lake.

10. To remove an existing dock and to construct and maintain a 4-foot wide by 40-foot long aluminum dock supported by driven piles or posts located at Beach 3 north of Adobe Drive within the "Eastern Cove" area of Arrowhead Lake.

11. A pre-cast concrete boat launch ramp that's approximately 60-foot long by 14-foot wide located on the southern point of Trout Creek Island within the northeast portion of Arrowhead Lake, resulting in 0.003 acres of permanent impacts to wetlands (EV).

12. To remove an existing dock to construct and maintain a 4-foot wide by 32-foot long aluminum dock supported by driven piles or posts located on the southern point of Trout Creek Island within the northeast portion of Arrowhead Lake.

13. An approximately 80-foot long by 14-foot wide pile supported pier and bulkhead with a 890 square foot gazebo at the tip of the pier.

14. A series of fish habitat enhancement structures consisting of submerged stumps, logs, branches and woody debris piles that are anchored to the lake bottom with cinderblocks or concrete anchors located in the center of the lake north of Lewis Creek Island.

The project will permanently impact a de minimus area of wetlands equal to 0.04 acre and 8.64 acres of water and temporarily impact 0.10 acre of wetland and 22.24 acres of water.

The project is located in Arrowhead Lake (Thornhurst, PA Quadrangle Latitude: 41°09'12"; Longitude: -75°34'13") in Coolbaugh & Tobyhanna Townships, Monroe County. Subbasin: 2A.

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

**E14-571. Potter Township**, 124 Short Road, Spring Mills, PA 16875. Bloom Road Sewer Treatment, in Potter Township, **Centre County**, ACOE Baltimore District (Spring Mills, PA Quadrangle N: 40°47'22.55"; W: 77°37'18.69").

To construct and maintain a 14.00-foot long by 7.58-foot wide by 7.66-foot above-the-ground small flow sewer treatment facility and a concrete endwall R-3 rock armored outfall in order to replace the function of 4 malfunctioning Bloom Road residential on-lot sewer treatment systems located in the FEMA mapped Zone A 100-year flood plain. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E5929-058: Regency Marcellus Gas Gathering, LLC**, 101 West Third Street, Williamsport, PA 17701, Liberty, Hamilton, Richmond, & Covington Townships & Blossburg Borough, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A mat bridge impacting 50 linear feet of an unnamed tributary to Taylor Run (EV) (Liberty, PA Quadrangle 41°37'07"N, 77°02'52"W);

2) one 24-inch gas pipeline and a timber mat bridge impacting 77 linear feet of an unnamed tributary to Taylor Run (EV) (Liberty, PA Quadrangle 41°37'23"N, 77°04'02"W);

3) one 24-inch gas pipeline and a timber mat bridge impacting 23 linear feet of an unnamed tributary to Long Run (CWF, MF) and 3,237 square feet of floodway of an adjacent unnamed tributary to Long Run (CWF, MF) (Blossburg, PA Quadrangle 41°37'48"N, 77°04'07"W);

4) one 24-inch gas pipeline and a timber mat bridge impacting 240 linear feet of unnamed tributaries to Long Run (CWF, MF) and 883 square feet of floodway of an adjacent unnamed tributary to Long Run (CWF, MF) (Blossburg, PA Quadrangle 41°37'50"N, 77°04'07"W);

5) one 24-inch gas pipeline and a timber mat bridge impacting 100 linear feet of unnamed tributaries to Taylor Run (EV), 570 square feet of floodway of an adjacent unnamed tributary to Taylor Run, 776 square feet of a palustrine emergent (PEM) wetland, and 539 square feet of palustrine forested (PFO) wetlands (Blossburg, PA Quadrangle 41°38'45"N, 77°03'48"W);

6) fill for a temporary access road impacting 827 square feet of floodway of an unnamed tributary to Johnson Creek (CWF, MF) (Blossburg, PA Quadrangle 41°39'43"N, 77°04'34"W);

7) a timber mat bridge impacting 20 linear feet of an unnamed tributary to Johnson Creek (CWF, MF) and fill for a temporary access road impacting 1,217 square feet of floodway of an adjacent unnamed tributary to Johnson Creek (CWF, MF) (Blossburg, PA Quadrangle 41°39'35"N, 77°04'26"W);

8) a timber mat bridge impacting 16 linear feet of an unnamed tributary to Johnson Creek (CWF, MF) and fill for a temporary access road impacting 18 square feet of floodway of an adjacent unnamed tributary to Johnson Creek (CWF, MF) (Blossburg, PA Quadrangle 41°39'29"N, 77°04'25"W);

9) fill for a temporary access road impacting 6,874 square feet of floodway of an unnamed tributary to Johnson Creek (CWF, MF) (Blossburg, PA Quadrangle 41°39'27"N, 77°04'26"W);

10) a timber mat bridge impacting 20 linear feet of an unnamed tributary to Johnson Creek (CWF, MF) and fill for a temporary access road impacting 1,296 square feet of floodway of an adjacent unnamed tributary to Johnson Creek (CWF, MF) (Blossburg, PA Quadrangle 41°39'24"N, 77°04'25"W);

11) fill for a temporary access road impacting 23,315 square feet of floodway of unnamed tributaries to Johnson Creek (CWF, MF) (Blossburg, PA Quadrangle 41°39'21"N, 77°04'15"W);

12) one 24-inch gas pipeline and a timber mat bridge impacting 20 linear feet of an unnamed tributary to Tioga River (CWF, MF) and 691 square feet of floodway of an unnamed tributary to Tioga River (CWF, MF) (Blossburg, PA Quadrangle 41°39'10"N, 77°03'39"W);

13) one 24-inch gas pipeline and a timber mat bridge impacting 154 linear feet of unnamed tributaries to Taylor Run (EV) (Blossburg, PA Quadrangle 41°39'11"N, 77°02'52"W);

14) one 24-inch gas pipeline and a timber mat bridge impacting 1,066 square feet of a palustrine scrub-shrub (PSS) wetland and 437 square feet of floodway of an unnamed tributary to Taylor Run (EV) (Blossburg, PA Quadrangle 41°39'15"N, 77°02'40"W);

15) one 24-inch gas pipeline impacting 327 linear feet of Tioga River (CWF, MF) (Blossburg, PA Quadrangle 41°39'18"N, 77°02'38"W);

16) fill for a temporary access road impacting 249 square feet of floodway of an unnamed tributary to Morris Run (CWF, MF) (Blossburg, PA Quadrangle 41°39'41"N, 77°02'34"W);

17) a timber mat bridge impacting 20 linear feet of an unnamed tributary to Morris Run (CWF, MF) and fill for a temporary access road impacting 3,255 square feet of floodway of an adjacent unnamed tributary to Morris Run (CWF, MF) (Blossburg, PA Quadrangle 41°39'35"N, 77°02'36"W);

18) a timber mat bridge impacting 16 linear feet of an unnamed tributary to Tioga River (CWF, MF) and 4,567 square feet of floodway of an adjacent unnamed tributary to Tioga River (CWF, MF) (Blossburg, PA Quadrangle 41°39'31"N, 77°02'38"W);

19) a timber mat bridge impacting 16 linear feet of an unnamed tributary to Tioga River (CWF, MF) (Blossburg, PA Quadrangle 41°39'28"N, 77°02'39"W);

20) one 24-inch gas pipeline impacting 503 square feet of a palustrine emergent (PEM) wetland and 2,115 square feet of floodway of an adjacent unnamed tributary to Morris Run (CWF, MF) (Blossburg, PA Quadrangle 41°39'35"N, 77°02'24"W);

21) one 24-inch gas pipeline impacting 356 linear feet of an unnamed tributary to Morris Run (CWF, MF) (Blossburg, PA Quadrangle 41°39'44"N, 77°02'28"W);

22) one 24-inch gas pipeline and a timber mat bridge impacting 157 linear feet of Morris Run (CWF, MF) and an unnamed tributary to Morris Run (CWF, MF) (Blossburg, PA Quadrangle 41°39'46"N, 77°02'26"W);

23) one 24-inch gas pipeline and a timber mat bridge impacting 213 square feet of a palustrine forested (PFO) wetland, 231 square feet of palustrine emergent (PEM) wetlands, and 4,283 square feet of floodway of adjacent unnamed tributaries to Morris Run (CWF, MF) (Blossburg, PA Quadrangle 41°39'49"N, 77°02'29"W);

24) one 24-inch gas pipeline and a timber mat bridge impacting 18 linear feet of an unnamed tributary to Tioga River (CWF, MF) and 939 square feet of floodway of an unnamed tributary to Tioga River (CWF, MF) (Blossburg, PA Quadrangle 41°39'54"N, 77°02'52"W);

25) one 24-inch gas pipeline and two timber mat bridges impacting 141 linear feet of an unnamed tributary to Tioga River (CWF, MF) and 534 square feet of palustrine emergent (PEM) wetlands (Blossburg, PA Quadrangle 41°40'04"N, 77°02'48"W);

26) one 24-inch gas pipeline impacting 795 square feet of a PEM wetland and 283 square feet of floodway of an adjacent unnamed tributary to Tioga River (CWF, MF) (Blossburg, PA Quadrangle 41°40'08"N, 77°02'50"W);

27) one 24-inch gas pipeline and a timber mat bridge impacting 3,188 square feet of a palustrine forested (PFO) wetland (Blossburg, PA Quadrangle 41°40'11"N, 77°02'53"W);

28) one 24-inch gas pipeline impacting 740 square feet of a palustrine forested (PFO) wetland and 1,690 square feet of floodway of an adjacent unnamed tributary to Tioga River (CWF, MF) (Blossburg, PA Quadrangle 41°40'14"N, 77°02'57"W);

29) a timber mat bridge impacting 22 linear feet of an unnamed tributary to Coal Creek (CWF, MF) (Blossburg, PA Quadrangle 41°40'33"N, 77°02'56"W);

30) one 24-inch gas pipeline impacting 3,363 square feet of floodway of an unnamed tributary to Coal Creek (CWF, MF) (Blossburg, PA Quadrangle 41°40'24"N, 77°02'56"W);

31) one 24-inch gas pipeline and a timber mat bridge impacting 329 square feet of a palustrine emergent (PEM) wetland and 231 linear feet of unnamed tributaries to Coal Creek (CWF, MF) (Blossburg, PA Quadrangle 41°40'33"N, 77°02'53"W);

32) one 24-inch gas pipeline and a timber mat bridge impacting 53 linear feet of Coal Creek (CWF, MF) and 4,380 square feet of floodway of adjacent unnamed tributaries to Coal Creek (CWF, MF) (Blossburg, PA Quadrangle 41°40'35"N, 77°02'55"W);

33) one 24-inch gas pipeline and a timber mat bridge impacting 48 linear feet of an unnamed tributary to Coal Creek (CWF, MF) (Blossburg, PA Quadrangle 41°40'38"N, 77°02'59"W);

34) a timber mat bridge impacting 180 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°40'55"N, 77°03'07"W);

35) one 24-inch steel gas line impacting 230 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°40'57"N, 77°03'12"W);

36) a timber mat bridge impacting 20 linear feet of an unnamed tributary to Coal Creek (CWF, MF) (Blossburg, PA Quadrangle 41°40'19"N, 77°03'22"W);

37) a timber mat bridge impacting 31 linear feet of Coal Creek (CWF, MF) and 93 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°40'21"N, 77°03'20"W);

38) fill for a temporary access road impacting 1,981 square feet of floodway of an unnamed tributary to Coal Creek (CWF, MF) (Blossburg, PA Quadrangle 41°40'22"N, 77°03'20"W);

39) a timber mat bridge impacting 20 linear feet of an unnamed tributary to Coal Creek (CWF, MF) (Blossburg, PA Quadrangle 41°40'25"N, 77°03'16"W);

40) a timber mat bridge impacting 20 linear feet of an unnamed tributary to Coal Creek (CWF, MF) (Blossburg, PA Quadrangle 41°40'28"N, 77°03'13"W);

41) fill for a temporary access road impacting 3,122 square feet of floodway of unnamed tributaries to Coal Creek (CWF, MF) (Blossburg, PA Quadrangle 41°40'30"N, 77°03'12"W);

42) fill for a temporary access road impacting 1,136 square feet of floodway of an unnamed tributary to Tioga River (CWF, MF) (Blossburg, PA Quadrangle 41°40'50"N, 77°03'15"W);

43) one 24-inch gas pipeline and a timber mat bridge impacting 101 linear feet of Bear Creek (CWF, MF) (Blossburg, PA Quadrangle 41°41'03"N, 77°03'19"W);

44) one 24-inch gas pipeline and timber mat bridges impacting 17 linear feet of unnamed tributaries to Bear Creek (CWF, MF) and 1,060 square feet of palustrine emergent (PEM) wetlands (Blossburg, PA Quadrangle 41°41'06"N, 77°03'20"W);

45) a timber mat bridge impacting 94 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°41'06"N, 77°03'29"W);

46) one 24-inch gas pipeline and a timber mat bridge impacting 100 linear feet of an unnamed tributary to Bear Creek (CWF, MF) (Blossburg, PA Quadrangle 41°41'12"N, 77°03'19"W);

47) one 24-inch gas pipeline and a timber mat bridge impacting 2,449 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°41'24"N, 77°03'05"W);

48) one 24-inch gas pipeline and a timber mat bridge impacting 3,827 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°41'27"N, 77°03'05"W);

49) fill for a temporary access road impacting 326 square feet of floodway of East Creek Tioga River (EV) (Blossburg, PA Quadrangle 41°42'02"N, 77°03'26"W);

50) a temporary bridge impacting 18 linear feet of an unnamed tributary to East Creek Tioga River (EV) and fill for a temporary access road impacting 8,524 square feet of floodway of an unnamed tributary East Creek Tioga River (EV) (Blossburg, PA Quadrangle 41°42'01"N, 77°03'24"W);

51) one 24-inch gas pipeline impacting 51 linear feet of an unnamed tributary to East Creek Tioga River (EV) and 29 square feet of floodway of an unnamed tributary to East Creek Tioga River (EV) (Blossburg, PA Quadrangle 41°41'53"N, 77°03'03"W);

52) fill for a temporary access road impacting 24 linear feet of an unnamed tributary to East Creek Tioga River (EV) (Blossburg, PA Quadrangle 41°42'10"N, 77°02'44"W);

53) one 24-inch gas pipeline impacting 53 linear feet of an unnamed tributary to East Creek Tioga River (EV) (Blossburg, PA Quadrangle 41°42'12"N, 77°02'43"W);

54) one 24-inch gas pipeline and a timber mat bridge impacting 101 linear feet of an unnamed tributary to East Creek Tioga River (EV) (Blossburg, PA Quadrangle 41°42'14"N, 77°02'39"W);

55) one 24-inch gas pipeline and a timber mat bridge impacting 135 linear feet of an unnamed tributary to East Creek Tioga River (EV) and 1,416 square feet of adjacent palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°42'17"N, 77°02'35"W);

56) a timber mat bridge impacting 29 linear feet of an unnamed tributary to East Creek Tioga River (EV) and 779 square feet of adjacent palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°42'19"N, 77°02'36"W);

57) a timber mat bridge impacting 350 square feet of palustrine emergent (PEM) wetlands (Blossburg, PA Quadrangle 41°42'24"N, 77°02'34"W);

58) one 24-inch gas pipeline and timber mat bridges impacting 155 linear feet of East Creek Tioga River (EV) and 2,877 square feet of adjacent palustrine emergent (PEM) wetlands (Blossburg, PA Quadrangle 41°42'28"N, 77°02'34"W);

59) one 24-inch gas pipeline and a timber mat bridge impacting 720 square feet of palustrine forested (PFO) wetlands (Blossburg, PA Quadrangle 41°42'33"N, 77°02'34"W);

60) one 24-inch steel gas line impacting 293 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°42'35"N, 77°02'34"W);

61) one 24-inch gas pipeline and a timber mat bridge impacting 51 linear feet of an unnamed tributary to East Creek Tioga River (EV) and 1,962 square feet of a palustrine forested (PFO) wetland (Blossburg, PA Quadrangle 41°43'03"N, 77°02'43"W);

62) one 24-inch gas pipeline and a timber mat bridge impacting 369 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°43'16"N, 77°03'09"W);

63) one 24-inch gas pipeline and a timber mat bridge impacting 84 linear feet of an unnamed tributary to Tioga River (CWF, MF) (Blossburg, PA Quadrangle 41°43'24"N, 77°03'16"W);

64) one 24-inch gas pipeline and a timber mat bridge impacting 82 linear feet of an unnamed tributary to Tioga River (CWF, MF) (Blossburg, PA Quadrangle 41°43'25"N, 77°03'16"W);

65) one 24-inch gas pipeline and a timber mat bridge impacting 104 linear feet of an unnamed tributary to Tioga River (CWF, MF) (Blossburg, PA Quadrangle 41°43'27"N, 77°03'18"W);

66) one 24-inch gas pipeline and a timber mat bridge impacting 109 linear feet of an unnamed tributary to Wilson Creek (CWF, MF), 23 square feet of floodway of an adjacent unnamed tributary to Wilson Creek (CWF, MF), 1,643 square feet of a palustrine scrub-shrub (PSS) wetland, and 1 square foot of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°43'48"N, 77°03'28"W);

67) one 24-inch gas pipeline impacting 1,219 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°43'49"N, 77°03'27"W);

68) one 24-inch gas pipeline and a timber mat bridge impacting 2,699 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°43'54"N, 77°03'18"W);

69) one 24-inch gas pipeline and a timber mat bridge impacting 79 linear feet of Wilson Creek (CWF, MF) and 5,972 square feet of floodway of an adjacent unnamed tributary to Wilson Creek (CWF, MF) (Blossburg, PA Quadrangle 41°44'27"N, 77°03'18"W);

70) one 24-inch gas pipeline and a timber mat bridge impacting 10,009 square feet of floodway of an unnamed tributary to Wilson Creek (CWF, MF) (Blossburg, PA Quadrangle 41°44'30"N, 77°03'02"W);

71) fill for a temporary access road impacting 14,603 square feet of floodway of an unnamed tributary to Canoe Camp Creek (CWF, MF) (Blossburg, PA Quadrangle 41°44'46"N, 77°02'42"W);

72) one 24-inch gas pipeline and a timber mat bridge impacting 637 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°44'55"N, 77°02'42"W);

73) one 24-inch gas pipeline and a timber mat bridge impacting 97 linear feet of Canoe Camp Creek (CWF, MF) and 68 linear feet of an unnamed tributary to Canoe Camp Creek (CWF, MF) (Blossburg, PA Quadrangle 41°44'58"N, 77°02'39"W);

74) one 24-inch gas pipeline and a timber mat bridge impacting 78 linear feet of an unnamed tributary to Canoe Camp Creek (CWF, MF) (Mansfield, PA Quadrangle 41°45'11"N, 77°02'46"W);

75) one 24-inch gas pipeline and a timber mat bridge impacting 112 linear feet of an unnamed tributary to Canoe Camp Creek (CWF, MF) and 2,038 square feet of palustrine emergent (PEM) wetlands (Mansfield, PA Quadrangle 41°45'44"N, 77°02'34"W);

76) one 24-inch gas pipeline and a timber mat bridge impacting 381 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°45'56"N, 77°02'34"W);

77) one 24-inch gas pipeline and a timber mat bridge impacting 576 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°46'02"N, 77°02'31"W);

78) one 24-inch gas pipeline and a timber mat bridge impacting 174 linear feet of unnamed tributaries to Canoe Camp Creek (CWF, MF) (Mansfield, PA Quadrangle 41°46'07"N, 77°02'16"W);

79) one 24-inch gas pipeline and a timber mat bridge impacting 458 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°46'11"N, 77°02'04"W).

The project will result in a total of 4,038 linear feet of stream impacts, 2.53 acres of additional floodway impacts, and 0.81 acre of wetland impacts all for the purpose of installing natural gas gathering line and access roadway to a natural gas well site for Marcellus well development.

### 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.

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

ESCP 2 # ESG0035160003

Applicant Name Finnefrock Compressor Station—Leidy South Project

Contact Person Cristie Neller/Frank Canneto

Address 707 E. Main Street

City, State, Zip Richmond, VA 23219

County Clinton

Township(s) Leidy Twp

Receiving Stream(s) and Classification(s) UNT to Left Fork Hevner Run

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

ESCGP-2 # ESX29-015-16-0025  
Applicant Name HEP Pa Gathering LLC  
Contact Person Kevin Williams  
Address 37 Fox Chase Dr  
City, State, Zip Towanda, PA 18848  
County Bradford  
Township(s) Stevens  
Receiving Stream(s) and Classification(s) UNT to Wyalusing Ck (WWF, MF); Ross Ck (WWF, MF)  
Secondary—Wyalusing Ck

ESCGP-2 # ESX11-081-0097(03)  
Applicant Name NFG Midstream Trout Run LLC  
Contact Person Duane Wassum  
Address 6363 Main St  
City, State, Zip Williamsville, NY 14221  
County Lycoming  
Township(s) Gamble, Lewis, & McIntyre  
Receiving Stream(s) and Classification(s) UNT to Mill Ck (EV); UNT to Lycoming Ck (HQ-CWF); Long Run (HW-CWF); Fourmile Hollow (HQ-CWF)  
Secondary—Mill Ck (EV); Lycoming Ck (EV); Grays Run (HQ-CWF); Trout Run (HQ-CWF)

ESCGP-2 # ESG29-081-16-0033  
Applicant Name Anadarko Marcellus Midstream LLC  
Contact Person Stephen Barondeau  
Address 33 W Third St, Suite 200  
City, State, Zip Williamsport, PA 17701  
County Lycoming  
Township(s) Cascade  
Receiving Stream(s) and Classification(s) UNTs to Eagle Run (EV); UNTs to E Branch Wallis Run (EV)  
Secondary—Eagle Run (EV); E Branch Wallis Run (EV)

ESCGP-2 # ESG29-117-16-0038  
Applicant Name Talisman Energy USA Inc  
Contact Person Lance Ridall  
Address 337 Daniel Zenker Dr  
City, State, Zip Horseheads, NY 14845  
County Tioga  
Township(s) Blossburg Borough & Hamilton Twp  
Receiving Stream(s) and Classification(s) Johnson Run (CWF)

ESCGP-2 # ESX29-015-16-0027  
Applicant Name Chesapeake Appalachia LLC  
Contact Person Eric Haskins  
Address 14 Chesapeake Lane  
City, State, Zip Sayre, PA 18840  
County Bradford  
Township(s) Smithfield  
Receiving Stream(s) and Classification(s) UNT to Fall Ck (WWF, MF); UNT to Bentley Ck (WWF, MF)  
Secondary—Fall Ck & Bentley Ck

ESCGP-2 # ESX29-117-16-0035  
Applicant Name SWEPI LP  
Contact Person Jason Shoemaker  
Address 150 N Dairy Ashford, E1296-E  
City, State, Zip Houston, TX 77079  
County Tioga  
Township(s) Farmington  
Receiving Stream(s) and Classification(s) Thornbottom Ck (WWF)

ESCGP-2 # ESX29-117-16-0036  
Applicant Name SWEPI LP  
Contact Person Jason Shoemaker  
Address 150 N Dairy Ashford, E1296-E  
City, State, Zip Houston, TX 77079

County Tioga  
Township(s) Middlebury  
Receiving Stream(s) and Classification(s) North Run (WWF)

ESCGP-2 # ESX29-015-16-0028  
Applicant Name Chief Oil & Gas LLC  
Contact Person Jeffrey Deegan  
Address 1720 Sycamore Rd  
City, State, Zip Montoursville, PA 17754  
County Bradford  
Township(s) Wilmont  
Receiving Stream(s) and Classification(s) UNT to Panther Lick Ck (CWF, MF)  
Secondary—Panther Lick Ck

ESCGP-2 # ESX29-115-16-0019  
Applicant Name Cabot Oil & Gas Corp  
Contact Person Kenneth Marcum  
Address 2000 Park Lane, Suite 300  
City, State, Zip Pittsburgh, PA 15275  
County Susquehanna  
Township(s) Dimock  
Receiving Stream(s) and Classification(s) White Ck (CWF-MF)

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## SPECIAL NOTICES

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### **Air Quality; Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen, Volatile Organic Compounds, Notice of Public Hearing, and Notice of Intent to Issue Revised Air Quality Operating Permit 48-00076**

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

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.*

Approval of a Reasonably Available Control Technology (RACT II) plan for **Calpine Corporation** located in Bethlehem, **Northampton County**.

In accordance with 25 Pa. Code §§ 129.96—129.100, the Department of Environmental Protection has made a preliminary determination to approve a RACT II plan and an amendment to the State Implementation Plan (SIP) for the Bethlehem Energy Center owned and operated by Calpine Corporation in Bethlehem, Northampton County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT II approval for the facility, which are intended to satisfy the requirements for the 1997 National Ambient Air Quality Standard (NAAQS) and the 2008 NAAQS for ozone.

The proposed amendments to the RACT II determination, if finally approved, will be incorporated into a revised operating permit 48-00076 for the facility. The relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded from the SIP submittal.

The following is a summary of the proposed amendments to the RACT II determination for this operation that will be submitted to the EPA as a SIP revision:

| <i>Source ID</i> | <i>Source</i><br>Site Level  | <i>Pollutant</i><br>NO <sub>x</sub> | <i>Proposed RACT</i><br>Compliance with existing Title V Operating Permit restrictions assures compliance with the applicable provisions of 25 Pa. Code §§ 129.96—129.100 (RACT II).   |
|------------------|--|-------------------------------------|--|
| GROUP 1          | 031 Unit 1 Turbine<br>032 Unit 2 Turbine<br>033 Unit 3 Turbine<br>035 Unit 5 Turbine<br>036 Unit 6 Turbine<br>037 Unit 7 Turbine<br>C01 SCR<br>C02 SCR<br>C03 SCR<br>C05 SCR<br>C06 SCR<br>C07 SCR | NO <sub>x</sub>                     | Compliance with existing Title V Operating Permit restrictions, testing requirements, monitoring requirements, recordkeeping requirements, reporting requirements, work practice requirements, and additional requirements assures compliance with the applicable provisions of 25 Pa. Code §§ 129.96—129.100 (RACT II). |

Persons wishing to file a written protest or provide comments or request a public hearing, which they believe should be considered prior to the issuance of a permit, may submit the information to Mr. Mark Wejkszner, Air Quality Program Manager, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. A 30-day comment period from the Date of Publication in the *PA Bulletin* will exist for the submission of comments, protests and hearing request. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed RACT II Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the proposed RACT II Plan. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Raymond Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

All pertinent application documents are available for public review between 8 a.m. and 4 p.m. at the PA DEP Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. Appointments for scheduling a review may be made by calling 570-826-2419.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Colleen Connolly at 570-826-2035 or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

**Conditional State Water Quality Certification for the Emsworth Locks and Dam Hydroelectric Project, FERC Project No. 13757-002**

On March 14, 2014, **FFP Missouri 5, LLC** (Applicant) filed an application with the Federal Energy Regulatory Commission (FERC) for a license to construct and operate a 24-megawatt (MW) hydroelectric facility at the Emsworth Locks and Dam, which is owned and operated by the U.S. Army Corps of Engineers (Corps), on the Ohio River, at river mile 6.2, in **Allegheny County**, Pennsylvania (Project). The Applicant is required pursuant to section 401(a) of the Federal Clean Water Act (act) (33 U.S.C.A. § 1341(a)) to provide FERC with certification from the Commonwealth of Pennsylvania (Common-

wealth) that any discharge from the Project to waters of the Commonwealth will comply with provisions of the act relating to water quality standards, and necessary measures to achieve and maintain those standards. The Commonwealth has established such standards and programs to achieve and maintain them under State law, which have been approved by the U.S. Environmental Protection Agency as consistent with the applicable provisions of the act. The Pennsylvania Department of Environmental Protection (Department) administers the Commonwealth's water quality standards programs under State law, and is responsible for the review of requests from applicants for water quality certification made pursuant to section 401 of the act.

On January 7, 2016, Applicant requested a State water quality certification from the Department, as required by Section 401 of CWA (33 U.S.C.A. § 1341), to ensure that the construction, operation and maintenance of the Project will protect water quality in Pennsylvania through compliance with State water quality standards and associated State law requirements, which are consistent with CWA requirements.

On August 23, 2016, Rye Development, LLC provided the Department with a complete application for State Water Quality Certification, including an Environmental Assessment for the Project, on behalf of the Applicant. The Project would consist of a new 205-foot-long, 180-foot-wide intake channel to be excavated into the riverbed immediately downstream of the Corps' gate 7 and 8. Four (4) 50-foot-wide, 40-foot-high spillway gate bays would be constructed along the river side of the excavated intake channel, to pass flow equivalent to the Corps' spillway gates 7 and 8. The intake channel would lead to a concrete intake structure that would convey flows past a trash rack with 5-inch clear bar spacing, to a new reinforced concrete powerhouse that is 30 feet long, 180 feet wide and 63.5 feet in height. The powerhouse would house four equally sized horizontal pit Kaplan turbine generator units with a combined capacity of 24 MW. Flows would exit the powerhouse into a 380-foot-long tailrace excavated into the riverbed. Project power would be transmitted from the powerhouse to a new project substation with an 88-foot-long, medium-voltage buried cable, and then from the new substation to an existing substation with a 1,893-foot-long, 69-kilovolt overhead transmission line.

The Department published notice of its proposed state water quality certification in the *Pennsylvania Bulletin*,



46 Pa.B. 5902 (September 17, 2016), and received zero (0) comments from the public.

By this notice, the Department certifies that the construction, operation and maintenance of the Project complies with the applicable provisions of sections 301–303, 306 and 307 of CWA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317), and will not violate the Commonwealth's water quality standards set forth in 25 Pa. Code Chapter 93, provided that the construction, operation and maintenance of the Project complies with the conditions for this certification as listed below, and the terms and conditions of the State law permits required to demonstrate compliance with Pennsylvania's Water Quality Standards:

1. *Conditional State Water Quality Certification*—This conditional State water quality certification is based upon the information that is available, to date, due to the FERC licensing process, and is granted with the understanding that the applicant will be submitting a final Environmental Assessment (EA) to the Department, to be reviewed and approved by the Department, prior to the start of construction. This final EA shall be submitted to the Department at the same time that the Applicant submits its application to the U.S. Army Corps of Engineers (USACE or Corps) for a Section 404 Permit, to facilitate a coordinated review between the Department and USACE. The final EA that is submitted to the Department must be developed from final design plans, specifications and reports.

2. *Erosion and Sediment Control*—The Applicant shall comply with the rules and regulations of 25 Pa. Code Chapter 102. The Applicant shall obtain and comply with an NPDES permit from the Department for the discharge of stormwater if the earth disturbance activities associated with the Project will result in a total disturbance equal to or greater than 1 acre. Earth disturbance activities associated with discharging dredged or fill material from the Project to waters of the United States which require permit coverage under Section 404 of CWA (33 U.S.C.A. § 1344) need not obtain an additional NPDES Permit from the Department for earth disturbance activities covered by the Section 404 permit. The Applicant shall submit final detailed erosion and sediment control and post construction stormwater management plans for all Project activities to the Department and County Conservation District for their review and approval prior to commencement of construction. Specific guidance on the requirements of the NPDES Permit for Stormwater Discharges Associated with Construction Activities can be obtained from the County Conservation District or the DEP Regional Office.

3. *Water Obstruction and Encroachment Permit*—The Applicant shall comply with the rules and regulations of 25 Pa. Code Chapter 105 relating to dam safety and waterway management. The Applicant shall obtain, from the Department, and comply with a Chapter 105 Water Obstruction and Encroachment Permit (WO&EP), for the construction, operation and maintenance of any water obstruction or encroachment associated with the Project that is outside the scope of work licensed under the Federal Power Act, pursuant to the Clean Streams Law (35 P.S. §§ 691.1–691.1001), Dam Safety and Encroachments Act (32 P.S. §§ 673.1–693.27), and Flood Plain Management Act (32 P.S. §§ 679.101–679.601.), and all applicable implementing regulations.

4. *Submerged Lands License Agreement*—The Applicant shall obtain, from the Department, and comply with a Submerged Lands License Agreement, pursuant to Section 15 of the Dam Safety and Encroachments Act, 32 P.S.

§ 693.15, to occupy submerged lands of the Commonwealth in navigable waters as necessary to construct, operate and maintain the Project.

5. *Water Resource Planning Act Registration*—In accordance with the Pennsylvania Water Resources Planning Act, 27 Pa.C.S. § 3118, and the regulations thereunder, 25 Pa. Code Chapter 110, the Applicant must register the hydropower facility with the Department, and report water usage to the Department, annually.

6. *Limited Power Permit*—The Applicant shall obtain and comply with a permit from the Department as required by the Water Power and Water Supply Permits Act, Act of June 14, 1923, 32 P.S. §§ 591–625, related to the construction of a power dam or for a “change in stream” to develop power. The Applicant shall submit an application for this permit to the Department on the form available from the Department.

7. *Water Quality Monitoring*—During final design, the Applicant shall develop a water quality monitoring plan, to be implemented during the construction and operation of this project, and shall submit this plan to the Department for review and approval, prior to the start of construction, to ensure that the receiving water quality is not adversely impacted by the Applicant's construction, operation or maintenance of the Project. This water quality monitoring plan shall include adequate provisions to ensure that monitoring will assess any potential cumulative effect upon water quality, from the operation of all the currently proposed hydroelectric projects, within the greater Pittsburgh region. Thereafter, Applicant shall submit the results of the water quality monitoring to the Department and the USACE, along with suggested modifications in the operation or maintenance of the Project for inclusion in the adaptive management plan, should adverse impacts to water quality result from the project.

8. *Operating Plan and Adaptive Management Plan*—The applicant will be developing an operating plan, Memorandum of Agreement, and an adaptive management plan with the USACE. Applicant will submit these plans to the Department for review and approval, prior to the start of construction, to evaluate potential effects of these plans upon, and compliance with, state water quality standards.

9. *Final Project Design Development*—During final design, applicant shall evaluate alternative designs for the proposed Project that may have the potential to reduce expected fish entrainment and mortality, such as, but not limited to, reducing and/or modifying the proposed 5-inch trash rack spacing, intake channel design, or other alternative designs, pursuant to Section 105.14(b)(4) and (6) of the Department's regulations, 25 Pa. Code § 105.13(e)(1)(viii) and 105.14(b)(4) and (6). This alternatives analysis shall be included in the Applicant's final EA, to be submitted to the Department for review and approval, prior to the start of construction. The final design shall also take into account the cumulative impact evaluations associated with conditions (10) and (11).

10. *Cumulative Impacts to Fish Populations*—Since the project is one of several, currently proposed hydroelectric projects on the Ohio, Monongahela and Allegheny Rivers within the greater Pittsburgh area river basins, the applicant, during final design, shall further evaluate the cumulative impacts from these hydroelectric projects, upon area fish populations, due to expected fish entrainment and mortality. Applicant shall include this evaluation in its final EA, to be submitted to the Department for review and approval, prior to the start of construction.

11. *Cumulative Impacts to Mussel Populations*—Since the Project is one of several currently proposed hydroelectric projects on the Ohio, Monongahela and Allegheny Rivers within the greater Pittsburgh area river basins, the applicant shall further evaluate, during final design, the cumulative impacts from these hydroelectric projects, upon local mussel populations, due to potential unavailability of host fish from expected fish entrainment and mortality. Applicant shall include this evaluation in its final EA, to be submitted to the Department for review and approval, prior to the start of construction.

12. *Minimum By-pass Flows*—During the final design, Applicant shall further evaluate the amount of by-pass flows necessary for the purposes of protection of public health, water quality control, conservation of fisheries, and aquatic habitat, improvement of recreation, and protection of instream and downstream water uses. Applicant shall provide this evaluation to the Department, within its final EA, for the Department's review and approval, prior to the start of construction. If it is determined that by-pass flows are needed, the by-pass flows shall be provided across the length of the dam.

13. *Aids to Navigation (ATON) Plan*—Applicant shall develop an ATON Plan, to avoid or minimize impacts to recreational boating. This plan must be reviewed and approved by the PA Fish and Boat Commission (PFBC), prior to the start of construction. Please contact the PA Fish and Boat Commission, PO Box 67000, Harrisburg, PA 17106, regarding the requirements for an ATON Plan.

14. *Hydraulic Modeling*—Applicant has indicated that additional hydraulic modeling will be conducted during Final Design. The results of this additional hydraulic modeling shall be included in the applicant's final EA that is to be submitted to the Department, for the Department to review and approve, prior to the start of construction. In addition, the applicant shall use the results of the additional hydraulic modeling to further evaluate potential impacts to mussels and their habitat, the potential for increased erosion of Neville Island and the river bed, and any other potential impacts that may be identified during the Department's review of the Applicant's final EA. Alternative designs may need to be considered, to avoid or minimize any adverse environmental impacts that may be identified from this additional modeling and/or additional evaluations for impacts. Mitigation may be required to compensate for any adverse environmental impacts that cannot be avoided. The evaluation of potential impacts to mussels and their habitat shall also include an evaluation of the potential to impact the mussel bed that was identified, which is a unique resource in the Ohio River, within Pennsylvania.

15. *Programmatic Agreement*—Applicant shall comply with the Final Programmatic Agreement Between the Federal Energy Regulatory Commission and the Pennsylvania State Historic Preservation Office for Managing Historic Properties that may be Affected by Issuing an Original License to FFP Missouri 5, LLC for the Construction, Operation, and Maintenance of the Emsworth Locks and Dam Hydroelectric Project Located in Allegheny County, Pennsylvania (FERC No. 13757-002).

16. *Riparian Property*—Within its final EA, Applicant shall submit evidence that it has obtained notarized and signed releases, or has acquired rights of occupancy and use other than fee title, from the owners of any affected riparian property. This conditional water quality certification does not convey any real property rights or interests or authorization to trespass on privately-owned riparian land.

17. *Corps Authorization*—This conditional water quality certification does not relieve the Applicant of the responsibility to obtain any applicable approval/permit from the District Engineer, Pittsburgh District, U.S. Army Corps of Engineers, Room 1817 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222, under Section 10 of the Rivers and Harbor Act or Section 404 of the Clean Water Act of 1977.

18. *Fish and Mussel Surveys and Mitigation*—The Project footprint will reduce riverine habitat below the dam by approximately 3.5 acres, and approximately 11.2 acres will be disturbed during construction. In addition, Applicant acknowledges that the project could potentially alter some mussel habitat conditions through changes in velocity and scour patterns downstream of the dam. In addition, the Applicant identified a mussel bed below the dam, along the edge of Neville Island, which is a unique resource in the Ohio River, in Pennsylvania. Accordingly, fish and mussel surveys shall be conducted three (3) years after project construction, to evaluate the project's impact to fish and mussel species in the project area. The plans for these surveys shall be included within the Applicant's final EA, for the Department's review and approval. In addition, the results of these surveys shall be submitted to the Department for review, within 60 days of completion of these surveys. If the results of these surveys indicate an adverse environmental impact to fish and mussels in the project area, Applicant shall develop a remediation plan to eliminate or reduce the adverse environmental impact. In addition, the applicant may have to provide compensation for the adverse environmental impact.

19. *Cumulative Environmental Impact Assessment*—The Project is one of several, currently proposed hydroelectric projects in the Ohio, Monongahela, and Allegheny Rivers, within the greater Pittsburgh area river basins. Fish species, such as walleye, smallmouth bass, darters, etc., inhabit the area that can exhibit some migratory behavior, and could pass through multiple hydroelectric projects. In addition, the Applicant's Fish Entrainment Study reports mortality to fish species, such as catfish, drum, darters and bass, that are more likely to be host fish that are important to mussel propagation. Accordingly, Applicant shall develop a plan to conduct fish and mussel surveys, after the construction of all, or at least 50%, of the currently proposed hydroelectric projects, to evaluate the potential for cumulative impacts to area fish and mussel populations. This plan shall be included with the Applicant's final EA, for the Department's review and approval. If the results of these surveys indicate an adverse environmental impact to fish and mussels in the project area, Applicant shall develop a remediation plan to eliminate or reduce the adverse environmental impact. In addition, the Applicant may have to provide compensation for the adverse environmental impact.

20. *Clean Water Program Coordination*—Applicant shall evaluate the cumulative impacts of lowering Dissolved Oxygen (DO) concentration below existing levels on overall water quality. This analysis shall include an evaluation of the effects of lower DO levels on other dischargers, whose dissolved oxygen analysis could be impacted by any reduction in DO due to the proposed project. The Applicant shall include, within its final EA to be submitted to the Department, a full analysis depicting the pre- and post-construction dissolved oxygen using a Q7-10 flow, and achieving a 7-day average of 5.5 mg/l and a minimum of 5.0 mg/l at the project site, and all points potentially impacted downstream of the project, in accord-

ance with The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the regulations promulgated thereunder, and 25 Pa. Code § 93.7.

21. *Water Quality Requirements*—The project must maintain the applicable water quality standard of a 7-day average DO concentration of 5.5 mg/l and a minimum DO concentration of 5.0 mg/l, at Q7-10 low flow conditions, unless the analysis required by the preceding condition indicates that a higher DO level is needed to maintain the DO water quality standard within the Dashields Pool given consideration of all existing, permitted dischargers currently within the pool in accordance with The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the regulations promulgated thereunder.

22. *Stream and Habitat Mitigation*—Since the Project will eliminate approximately 3.5 acres of riverine habitat, Applicant shall include, within its final EA to be submitted to the Department, a plan to mitigate for this lost habitat, for the Department's review and approval, prior to the start of construction.

23. *Fishing Access*—During final design, Applicant shall evaluate the feasibility of restoring/providing angler access to the Ohio River, within or near the project area.

24. *Boater Safety*—During final design, Applicant shall evaluate the potential for velocity changes within the river channel, from the hydroelectric project discharge, to affect navigation and boaters in the vicinity of nearby dock(s) (e.g. Neville Island Terminals Corp. dock or other). Accordingly, in its final EA, Applicant shall provide to the Department, and to the owner(s)/operator(s) of the dock(s), an analysis of the effect that the increased velocities might have on barge and/or boat safety, and on barge operators and boaters, in the vicinity of the dock(s). This analysis shall be completed by a hydrologist. In addition, Applicant shall provide a letter from the owner(s)/operator(s) of the dock(s), commenting on this analysis.

25. *Fish Mitigation*—Since the project will impact fish, Applicant shall include, within its final EA to be submitted to the Department, a mitigation plan to compensate for this environmental impact, for the Department's review and approval, prior to the start of construction.

26. *Fish and Mussel Salvage*—Applicant shall further develop its fish and mussel salvage plan to safely remove fishes and mussels from the project area that would otherwise be trapped behind the proposed coffer dams during the dewatering process. These fish and mussels should be relocated to areas outside of the project area. The Applicant shall include this salvage plan within its final EA, to be reviewed and approved by the Department, prior to the start of construction.

27. *River Sediment Testing*—Applicant shall manage dredge material removed from the river in accordance with the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, as amended, 35 P.S. §§ 6018.101—6018.1003 ("Solid Waste Management Act") and regulations promulgated thereunder. Permittee should contact the Facilities Chief, Waste Management Program, Southwest Regional Office, with questions regarding this requirement. The project shall be consistent with the Department's Management of Fill policy and the analytic requirements therein. If the testing reveals that the dredged material exceeds the requirements for unrestricted use as clean fill, then the Applicant shall arrange for off-site disposal of the dredged sediments, after applying for and obtaining approval from the Department's Waste Management Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

28. *Threatened, Endangered and Special Concern Species*—The results obtained from utilizing the Pennsylvania Natural Diversity Inventory's Pennsylvania Natural Diversity Inventory (PNDI), and any determinations received from an appropriate jurisdictional agency during any associated consultations, are valid only for 2 years. Accordingly, Applicant must include new PNDI search results within its final EA, along with evidence of any necessary follow-up with the appropriate jurisdictional agency(s). In addition, PNDI search results and clearances must be current and valid, prior to the start of construction.

29. *Seasonal Construction Schedule*—No activities related to the transmission line portion of this project shall be completed during the osprey (*Pandion haliaetus*, PA threatened) nesting season, March 25 to July 31. All activities related to the transmission line should be completed between August 1 and March 24, which is outside the nesting season, to avoid potential impacts to nesting osprey.

30. *Geotechnical Testing*—If a temporary road, drilling platform or other structure is needed to conduct any core boring drilling operations or geotechnical testing, within the Commonwealth's waterways, Applicant shall obtain a permit(s) or other authorization(s) from the Department, prior to conducting any core boring drilling operations or geotechnical testing.

31. *Preparedness, Prevention and Contingency Plan*—The Applicant shall develop and maintain on site a Preparedness, Prevention and Contingency Plan (PPC Plan) for any project activities utilizing pollutants, pursuant to Section 91.34 of the regulations, 25 Pa. Code § 91.34. The PPC Plan shall be developed in accordance with the "Guidelines for the Development and Implementation of Environmental Emergency Response Plans" which can be found at: <http://www.elibrary.dep.state.pa.us/dsweb/Get/Document-48522/400-2200-001.pdf>.

32. *Operation*—The Applicant shall at all times properly operate and maintain all Project facilities and systems of treatment and control and related appurtenances which are installed to achieve compliance with the terms and conditions of this State Water Quality Certification and all required permits, authorizations and approvals. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by the Applicant.

33. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of the Department to determine compliance with this State Water Quality Certification, including all required state water quality permits and state water quality standards. A copy of this certification shall be made available for inspection by the Department during such inspections of the Project.

34. *Transfer of Projects*—If the Applicant intends to transfer any legal or equitable interest in the Project which is affected by this State Water Quality Certification, the Applicant shall serve a copy of this certification upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the Department's Southwest Regional Office of such intent. Notice to the Department shall include a transfer agreement signed by the existing and new owner containing a specific date for transfer of certification responsibility, coverage, and liability between them. The existing owner shall continue

to be responsible for construction and operations at the Project until a transfer to the new owner has been completed. The new owner shall comply with the conditions of this certification, which shall remain in effect, unless modified, in writing, by the Department.

35. *Correspondence*—All correspondence with and submittals to the Department concerning this State Water Quality Certification shall be addressed to the Department of Environmental Protection, Southwest Regional Office, Waterways and Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, and shall reference DEP File No. WQ05-003, APS ID # 888601, or Authorization No. 1103887.

36. *Reservation of Rights*—The Department may suspend or revoke this State Water Quality Certification if it determines that the Applicant has not complied with the terms and conditions of this certification. The Department reserves the right to require additional measures to achieve compliance with applicable laws and/or regulations, subject to the Applicant's applicable procedural and substantive rights.

37. *Other Laws*—Nothing in this State Water Quality Certification shall be construed to preclude the institution of any legal action or relieve the Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable federal or State law or regulation.

38. *Severability*—The provisions of this State Water Quality Certification are severable and should any provi-

sion of this certification be declared invalid or unenforceable, the remainder of the certification shall not be affected thereby.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, 717-787-34-83. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, 800-654-59—84. Appeals must be filed with the Environmental Hearing Board within 30 days of publication of this notice, or within 30 days of receipt of written notice of this action, whichever occurs first. 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 any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30 days. You do not need a lawyer to file an appeal with the Board.

Important legal rights are at stake, however, so you should show this document to a lawyer at once. If you cannot afford a lawyer, you may qualify for free pro bono representation. Call the Secretary to the Board (717-787-3483) for more information.

### **Request for comments on the Total Maximum Daily Load (TMDL) Developed for Stony Run, Westmoreland County**

The Department of Environmental Protection will accept comments as of January 21, 2017 for the proposed TMDL proposed address aquatic life use impairments in Stony Run as noted in 2014 Pennsylvania Integrated Water Quality Monitoring and Assessment Report (Integrated List), initially listed in 2006. Stony Run is a tributary of the Kiski-Conemaugh River and the larger Allegheny River Basin. The watershed is located in Derry Township, Westmoreland County. The impairments were documented during biological surveys of the aquatic life present in the watershed (2005). No additional assessments have been conducted in this watershed as of the original impairment assessment (2005) and consecutive listing (2006). Excessive siltation due to agriculture activities was the source identified as causing impairment to the designated aquatic life use (Cold Water Fishery—CWF) in Stony Run. Pennsylvania does not currently have water quality criteria for sediment, a TMDL endpoint was identified using a reference watershed approach.

This proposed TMDL sets allowable loadings within the specifically impaired stream segments of the Stony Run watershed. The loading was allocated among the land uses of cropland, hay/pasture, and associated stream banks present in the watershed. Data used in these TMDLs was generated using a water quality analysis model (MapShed—GWLF) designed by the Penn State University. The following table shows the estimated current loadings for the watershed. Overall load reductions necessary in order to meet the TMDLs are also identified.

#### *Summary of TMDL based load reductions for Stony Run in lbs./yr.*

| Pollutant | TMDL        | WLA      | MOS       | LA          | LNR      | ALA         |
|-----------|-------------|----------|-----------|-------------|----------|-------------|
| Sediment  | 4,035,993.8 | 40,359.9 | 403,599.4 | 3,592,034.5 | 78,400.0 | 3,513,634.5 |

#### *Summary of TMDL based load reductions for Stony Run in lbs./day*

| Pollutant | TMDL     | WLA   | MOS     | LA      | LNR   | ALA     |
|-----------|----------|-------|---------|---------|-------|---------|
| Sediment  | 11,057.5 | 110.6 | 1,105.8 | 9,841.2 | 214.8 | 9,626.4 |

The data and all supporting documentation used to develop the proposed TMDLs are available from the Department. The proposed TMDLs and information on the TMDL program can also be viewed on the Department's website ([www.dep.state.pa.us/watermanagement\\_apps/tmdl/](http://www.dep.state.pa.us/watermanagement_apps/tmdl/)). To submit comments or request a copy of the proposed TMDLs, contact Scott Alexander, Water Program Specialist, Bureau of Clean Water, Central Office, Department of Environmental Protection, Rachel Carson State Office Building, Harrisburg, PA 17105, 717-772-5670, [salexander@pa.gov](mailto:salexander@pa.gov).

The Department will consider all comments in developing the final TMDLs, which will be submitted to EPA for final approval. Written comments will be accepted at the above address and must be postmarked by 30 days after publication in the *Pennsylvania Bulletin*.

[Pa.B. Doc. No. 17-110. Filed for public inspection January 20, 2017, 9:00 a.m.]

## Alternative Fuels Technical Assistance Program Opportunity

The Department of Environmental Protection (Department), Office of Pollution Prevention and Energy Assistance, announces an opportunity for eligible entities to apply for the Alternative Fuels Technical Assistance (AFTA) Program for the purpose of maximizing the economic and environmental benefits of alternative fuel use in vehicle fleets within this Commonwealth. Selected applicants will receive professional assistance by a Department-assigned contractor who will work with the applicant to develop technically viable and economically sustainable alternative fueling plans and strategies. Alternative fuels considered under the AFTA Program may include natural gas, electric, propane, hydrogen, hythane, ethanol, methanol and other advanced biofuels.

The Department is seeking applications for the AFTA Program from the following eligible entities: municipalities; school districts; municipal authorities; and nonprofit organizations.

Eligible organizations may apply to the Department by completing an application and providing basic fleet and operational information. An eligible entity can apply alone or in combination with other eligible project partners. Upon acceptance into the AFTA Program, the Department will assign a technical assistance provider (provider) with relevant experience and expertise. The applying organization will work directly with that provider to develop a suitable scope of work and provide all relevant fleet and operational information necessary to complete the analysis. The provider will then evaluate the technical and economic considerations of various alternative fueling strategies specific to the circumstances of the vehicles and organizations involved.

The technical assistance project will result in a final report that will identify fueling options and recommended strategies based on technical and economic considerations specific to the circumstances of the organizations involved, their vehicle needs and their operating profiles. The report is not expected to include detailed project designs or engineered site plans, but will provide analysis and recommendations needed for the applying organizations to make informed decisions that may result in the implementation of an alternative fueling project.

The application period will open on January 21, 2017, and remain open through June 1, 2017. The AFTA Program application is available on the Department's web site at <http://www.dep.pa.gov> (select "Citizens," then "Grants, Loans and Rebates," then "Alternative Fuels Incentive Grant").

The AFTA Program was designed to provide assistance to those eligible entities who are considering an alternative fuels project in this Commonwealth. Funding from the AFTA Program is provided by the Department's Alternative Fuels Incentive Fund. For additional information or application assistance contact Geoff Bristow, Department of Environmental Protection, Office of Pollution Prevention and Energy Assistance at (814) 332-6681 or [gbristow@pa.gov](mailto:gbristow@pa.gov).

PATRICK McDONNELL,  
*Acting Secretary*

[Pa.B. Doc. No. 17-111. Filed for public inspection January 20, 2017, 9:00 a.m.]

## Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.elibrary.dep.state.pa.us/dsweb/HomePage>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

### *Interim Final Technical Guidance—New Guidance*

**DEP ID:** 310-2137-006. **Title:** Chapter 105 Water Obstruction and Encroachment Permit Comprehensive Environmental Assessment of Proposed Project Impacts. **Description:** This proposed technical guidance is intended to clarify the process for completing the information requirements for a Water Obstruction and Encroachment Permit application, Environmental Assessment Form # 3150-PM-BWEW0017. Currently, the permit application requirements generally address proposed project impacts to waters of the Commonwealth associated with small scale projects located in a single county and covered by a single permit application. Large scale projects, however, often cross more than one county and are covered by multiple permit applications necessitating the need for a comprehensive review of all proposed impacts to waters of the Commonwealth from the entire project. This guidance outlines for the permit applicant the required project wide comprehensive environmental assessment information in the permit application in accordance with the rules and regulations of 25 Pa. Code Chapter 105 (relating to dam safety and waterway management).

**Written Comments:** Interested persons may submit written comments on this draft technical guidance document by Tuesday, March 21, 2017. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail must include the originator's name and address. Commentators are encouraged to review this proposed guidance and submit comments using the Department's online eComment tool at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment) or by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov). Written comments should be submitted to the Technical Guidance Coordinator, Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063.

**Contact:** Questions regarding this technical guidance document should be directed to Sidney Freyermuth,

Chief, Water Obstruction and Encroachments, Bureau of Waterways Engineering and Wetlands at (717) 772-5977 or sfreyermut@pa.gov.

*Effective Date:* January 21, 2017

PATRICK McDONNELL,  
*Acting Secretary*

[Pa.B. Doc. No. 17-112. Filed for public inspection January 20, 2017, 9:00 a.m.]

### Bid Opportunity

#### **OSM 32(3924)101.1, Abandoned Mine Reclamation Project, Rossiter, Canoe Township, Indiana County.**

The principal items of work and approximate quantities include: Penelec power line work; grading: Area A 42,700 cubic yards and Area B 144,500 cubic yards; and seeding 19.0 acres.

This bid issues on January 27, 2017, and bids will be opened on March 2, 2017, at 2 p.m. Bid documents, including drawings in PDF format and Auto-Cad Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection's web site at [www.dep.pa.gov/ConstructionContracts](http://www.dep.pa.gov/ConstructionContracts) (select "Bid Opportunities"). This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 for more information on this bid.

PATRICK McDONNELL,  
*Acting Secretary*

[Pa.B. Doc. No. 17-113. Filed for public inspection January 20, 2017, 9:00 a.m.]

### **Planning Grant Awards under Section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988**

The Department of Environmental Protection (Department) announces the following grants to Wyoming County, Lebanon County and Allegheny County under section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act (act) (53 P.S. § 4000.901) and section 208 of the Small Business and Household Pollution Prevention Program Act (35 P.S. § 6029.208).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans, as required by the act for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste, and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of the act (53 P.S. §§ 4000.701 and 4000.72), and the availability of funds in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Mark Vottero, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, P.O. Box 8472, Harrisburg, PA 17105-8472 at (717) 772-5719 or [mvottero@pa.gov](mailto:mvottero@pa.gov).

#### **Act 101, Section 901 Planning Grant**

| <i>Region</i> | <i>County</i> | <i>Applicant</i> | <i>Project</i>       | <i>Grant</i> |
|---------------|---------------|------------------|----------------------|--------------|
| Southwest     | Beaver        | Beaver County    | HHW Education        | \$72,000     |
| Northwest     | Erie          | Erie County      | HHW Education        | \$75,000     |
| Southcentral  | Lebanon       | Lebanon County   | Plan Revision/Update | \$75,000     |
| Northwest     | Venango       | Venango County   | HHW Education        | \$14,880     |

PATRICK McDONNELL,  
*Acting Secretary*

[Pa.B. Doc. No. 17-114. Filed for public inspection January 20, 2017, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Hospitals; Requests for Exceptions

The following hospital has filed a request for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following request for exception relates to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals).

| <i>Facility Name</i>                             | <i>Regulation</i>   |
|--|---|
| TGCH Inc., d/b/a Washington Health System Greene | 28 Pa. Code § 119.12 (relating to location) (outpatient facilities) |

The previously listed request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of 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. 17-115. Filed for public inspection January 20, 2017, 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 § 201.22(d) (relating to prevention, control and surveillance of tuberculosis (TB)):

UPMC Heritage Place  
5701 Phillips Avenue  
Pittsburgh, PA 15217  
FAC ID # 086102

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):

Forest Park Healthcare and Rehabilitation Center  
700 Walnut Bottom Road  
Carlisle, PA 17013  
FAC ID # 060802

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons 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. 17-116. Filed for public inspection January 20, 2017, 9:00 a.m.]

### Newborn Screening and Follow-Up Program; Addition of Lysosomal Storage Disorders to the Mandatory and Follow-up Screening Panels

Under section 3(d) of the Newborn Child Testing Act (act) (35 P.S. § 623(d)), the Department of Health (De-

partment), with the approval of the Newborn Screening and Follow-up Technical Advisory Board (Board), has the authority to establish by publication in the *Pennsylvania Bulletin* changes to the lists of screening tests for newborns under section 3(a)(1) and (2) of the act those diseases for which newborn children shall be screened and laboratory screening results reported.

The act of October 15, 2014 (P.L. 2516, No. 148) amended the act to include six Lysosomal Storage Disorders (LSD) for testing: Pompe; Krabbe; Fabry; Niemann-Pick; Gaucher; and Hurler Syndrome (MPS 1). Effective February 5, 2016, Pompe was added to the mandatory panel, and the other five conditions (Krabbe, Fabry, Niemann-Pick, Gaucher and MPS 1) were added to the follow-up panel. The Department gives notice that, as recommended and approved by the Board at the meeting on November 30, 2016, that:

- Effective February 1, 2017, MPS 1 will be added to the mandatory panel. Krabbe, Fabry, Niemann-Pick and Gaucher will remain on the follow-up panel.
- Effective April 1, 2017, X-ALD will be added to the mandatory panel.

For additional information contact Kelly Holland, Director, Division of Newborn Screening and Genetics, (717) 783-8143. Speech and/or hearing impaired persons use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,  
Secretary

[Pa.B. Doc. No. 17-117. Filed for public inspection January 20, 2017, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Additional Class of Disproportionate Share Payments

The Department of Human Services (Department) is announcing its intent to allocate funding for Fiscal Year (FY) 2016-2017 disproportionate share hospital (DSH) payments to qualifying hospitals that provide a high volume of services to the Medical Assistance population to promote continued access to inpatient and ancillary outpatient services in this Commonwealth and to support academic medical programs that provide integrated patient-centered medical services. The Department does

not intend to otherwise change the qualifying criteria or payment methodology for these payments.

All payment limitations are still applicable, including those limitations that the Commonwealth may not exceed its aggregate annual DSH allotment and that no hospital may receive DSH payments in excess of its hospital-specific limit.

#### *Fiscal Impact*

The FY 2016-2017 impact as a result of the funding allocation for these payments is \$13.266 million (\$6.397 million in State general funds and \$6.869 million in Federal funds) upon approval by the Centers for Medicare & Medicaid Services.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. The Department will review and consider all comments received within 30 days in determining the final payment methodology for these payments.

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-1082. (1) General Fund; (2) Implementing Year 2016-17 is \$6,397,000; (3) 1st Succeeding Year 2017-18 through 5th Succeeding Year 2021-22 are \$0; (4) 2015-16 Program—\$17,431,000; 2014-15 Program—\$17,431,000; 2013-14 Program—\$16,831,000; (7) Medical Assistance—Academic Medical Centers and Medical Assistance—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 17-118. Filed for public inspection January 20, 2017, 9:00 a.m.]

### **Medical Assistance Transportation Program Grant Funding to Primary Contractors**

The Department of Human Services (Department) announces how grant funding for the Medical Assistance Transportation Program (MATP) is disbursed to primary contractors when county governments elect not to administer MATP.

#### *Discussion*

MATP provides Medical Assistance (MA) beneficiaries with nonemergency medical transportation for the purpose of receiving medical treatment or medical evaluation or purchasing prescription drugs or medical equipment from MA participating providers. The Department administers MATP at the county level through agreements with county governments (county), primary contractors and transportation brokers (Philadelphia County only).

Funding is allocated to the county and the primary contractor through public assistance block grants comprised of the total projected cost to provide transportation services for a given fiscal year.

The Department offers a county the first opportunity to administer MATP. When a county elects not to administer MATP, the Department will enter into a direct grant agreement with a primary contractor to provide nonemergency medical transportation. Under this arrangement, the Department will distribute the grant funds to the primary contractor based on a negotiated trip fee established for each contract period, multiplied by the number of completed trips identified in the primary contractor's monthly invoice. Semiannual adjustments will be made to the initial trip fee projection based on policy and utilization changes that materially affect MATP.

In addition, the Department will reimburse the primary contractor monthly for copayments paid on behalf of an MA beneficiary to access public or private transportation. This includes the cost of fares in excess of the established general fare structure not subsidized by other programs or funding for which an MA beneficiary may also qualify.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice. Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,  
*Secretary*

**Fiscal Note:** 14-NOT-1110. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 17-119. Filed for public inspection January 20, 2017, 9:00 a.m.]

## **DEPARTMENT OF LABOR AND INDUSTRY**

### **Unemployment Compensation; Table Specified for the Determination of Rate and Amount of Benefits**

The purpose of this notice is to announce the Table Specified for the Determination of Rate and Amount of Benefits (Table) and the maximum weekly benefit rate for 2017.

The Table, contained in section 404(e)(1) of the Unemployment Compensation Law (law) (43 P.S. § 804(e)(1)), was amended by the act of November 3, 2016 (P.L. 1100, No. 144) (Act 144). Under sections 14 and 15 of Act 144, the amended Table was effective November 3, 2016, and applies to benefit years that begin after December 31, 2016. The amended Table establishes a maximum weekly benefit rate of \$561.

Under section 201(a) of the law (43 P.S. § 761(a)), section 404(e)(2) of the law and 34 Pa. Code § 65.111 (relating to benefit table), the Table for 2017 is being adopted by this notice and will be codified in 34 Pa. Code Chapter 65, Appendix A. See 14 Pa.B. 4688 (December 29, 1984).



Questions concerning this notice should be directed to Kevin M. Cicak, Deputy Secretary for Unemployment Compensation Programs, Labor and Industry Building, 651 Boas Street, Harrisburg, PA 17121.

KATHY M. MANDERINO,  
*Secretary*

**Appendix A**

| <i>Part A<br/>Highest<br/>Quarterly<br/>Wage</i> | <i>Part B<br/>Rate of<br/>Compensation</i> | <i>Part C<br/>Qualifying<br/>Wages</i> | <i>Part A<br/>Highest<br/>Quarterly<br/>Wage</i> | <i>Part B<br/>Rate of<br/>Compensation</i> | <i>Part C<br/>Qualifying<br/>Wages</i> |
|--|--|--|--|--|--|
| \$1,688—\$1,712                                  | \$68                                       | \$2,718                                | \$3,113—\$3,137                                  | \$124                                      | \$4,980                                |
| \$1,713—\$1,737                                  | \$69                                       | \$2,758                                | \$3,138—\$3,162                                  | \$125                                      | \$5,020                                |
| \$1,738—\$1,762                                  | \$70                                       | \$2,797                                | \$3,163—\$3,187                                  | \$126                                      | \$5,059                                |
| \$1,763—\$1,787                                  | \$71                                       | \$2,837                                | \$3,188—\$3,212                                  | \$127                                      | \$5,099                                |
| \$1,788—\$1,812                                  | \$72                                       | \$2,877                                | \$3,213—\$3,237                                  | \$128                                      | \$5,139                                |
| \$1,813—\$1,837                                  | \$73                                       | \$2,916                                | \$3,238—\$3,262                                  | \$129                                      | \$5,178                                |
| \$1,838—\$1,862                                  | \$74                                       | \$2,956                                | \$3,263—\$3,287                                  | \$130                                      | \$5,218                                |
| \$1,863—\$1,887                                  | \$75                                       | \$2,996                                | \$3,288—\$3,312                                  | \$131                                      | \$5,258                                |
| \$1,888—\$1,912                                  | \$76                                       | \$3,035                                | \$3,313—\$3,337                                  | \$132                                      | \$5,297                                |
| \$1,913—\$1,937                                  | \$77                                       | \$3,075                                | \$3,338—\$3,362                                  | \$133                                      | \$5,337                                |
| \$1,938—\$1,962                                  | \$78                                       | \$3,115                                | \$3,363—\$3,387                                  | \$134                                      | \$5,377                                |
| \$1,963—\$1,987                                  | \$79                                       | \$3,154                                | \$3,388—\$3,412                                  | \$135                                      | \$5,416                                |
| \$1,988—\$2,012                                  | \$80                                       | \$3,194                                | \$3,413—\$3,437                                  | \$136                                      | \$5,456                                |
| \$2,013—\$2,037                                  | \$81                                       | \$3,234                                | \$3,438—\$3,462                                  | \$137                                      | \$5,496                                |
| \$2,038—\$2,062                                  | \$82                                       | \$3,274                                | \$3,463—\$3,487                                  | \$138                                      | \$5,535                                |
| \$2,063—\$2,087                                  | \$83                                       | \$3,313                                | \$3,488—\$3,512                                  | \$139                                      | \$5,575                                |
| \$2,088—\$2,112                                  | \$84                                       | \$3,353                                | \$3,513—\$3,537                                  | \$140                                      | \$5,615                                |
| \$2,113—\$2,137                                  | \$85                                       | \$3,393                                | \$3,538—\$3,562                                  | \$141                                      | \$5,654                                |
| \$2,138—\$2,162                                  | \$86                                       | \$3,432                                | \$3,563—\$3,587                                  | \$142                                      | \$5,694                                |
| \$2,163—\$2,187                                  | \$87                                       | \$3,472                                | \$3,588—\$3,612                                  | \$143                                      | \$5,734                                |
| \$2,188—\$2,212                                  | \$88                                       | \$3,512                                | \$3,613—\$3,637                                  | \$144                                      | \$5,774                                |
| \$2,213—\$2,237                                  | \$89                                       | \$3,551                                | \$3,638—\$3,662                                  | \$145                                      | \$5,813                                |
| \$2,238—\$2,262                                  | \$90                                       | \$3,591                                | \$3,663—\$3,687                                  | \$146                                      | \$5,853                                |
| \$2,263—\$2,287                                  | \$91                                       | \$3,631                                | \$3,688—\$3,712                                  | \$147                                      | \$5,893                                |
| \$2,288—\$2,312                                  | \$92                                       | \$3,670                                | \$3,713—\$3,737                                  | \$147                                      | \$5,932                                |
| \$2,313—\$2,337                                  | \$93                                       | \$3,710                                | \$3,738—\$3,762                                  | \$148                                      | \$5,972                                |
| \$2,338—\$2,362                                  | \$94                                       | \$3,750                                | \$3,763—\$3,787                                  | \$149                                      | \$6,012                                |
| \$2,363—\$2,387                                  | \$95                                       | \$3,789                                | \$3,788—\$3,812                                  | \$150                                      | \$6,051                                |
| \$2,388—\$2,412                                  | \$96                                       | \$3,829                                | \$3,813—\$3,837                                  | \$151                                      | \$6,091                                |
| \$2,413—\$2,437                                  | \$97                                       | \$3,869                                | \$3,838—\$3,862                                  | \$152                                      | \$6,131                                |
| \$2,438—\$2,462                                  | \$98                                       | \$3,908                                | \$3,863—\$3,887                                  | \$153                                      | \$6,170                                |
| \$2,463—\$2,487                                  | \$98                                       | \$3,948                                | \$3,888—\$3,912                                  | \$154                                      | \$6,210                                |
| \$2,488—\$2,512                                  | \$99                                       | \$3,988                                | \$3,913—\$3,937                                  | \$155                                      | \$6,250                                |
| \$2,513—\$2,537                                  | \$100                                      | \$4,027                                | \$3,938—\$3,962                                  | \$156                                      | \$6,289                                |
| \$2,538—\$2,562                                  | \$101                                      | \$4,067                                | \$3,963—\$3,987                                  | \$157                                      | \$6,329                                |
| \$2,563—\$2,587                                  | \$102                                      | \$4,107                                | \$3,988—\$4,012                                  | \$158                                      | \$6,369                                |
| \$2,588—\$2,612                                  | \$103                                      | \$4,147                                | \$4,013—\$4,037                                  | \$159                                      | \$6,408                                |
| \$2,613—\$2,637                                  | \$104                                      | \$4,186                                | \$4,038—\$4,062                                  | \$160                                      | \$6,448                                |
| \$2,638—\$2,662                                  | \$105                                      | \$4,226                                | \$4,063—\$4,087                                  | \$161                                      | \$6,488                                |
| \$2,663—\$2,687                                  | \$106                                      | \$4,266                                | \$4,088—\$4,112                                  | \$162                                      | \$6,527                                |
| \$2,688—\$2,712                                  | \$107                                      | \$4,305                                | \$4,113—\$4,137                                  | \$163                                      | \$6,567                                |
| \$2,713—\$2,737                                  | \$108                                      | \$4,345                                | \$4,138—\$4,162                                  | \$164                                      | \$6,607                                |
| \$2,738—\$2,762                                  | \$109                                      | \$4,385                                | \$4,163—\$4,187                                  | \$165                                      | \$6,647                                |
| \$2,763—\$2,787                                  | \$110                                      | \$4,424                                | \$4,188—\$4,212                                  | \$166                                      | \$6,686                                |
| \$2,788—\$2,812                                  | \$111                                      | \$4,464                                | \$4,213—\$4,237                                  | \$167                                      | \$6,726                                |
| \$2,813—\$2,837                                  | \$112                                      | \$4,504                                | \$4,238—\$4,262                                  | \$168                                      | \$6,766                                |
| \$2,838—\$2,862                                  | \$113                                      | \$4,543                                | \$4,263—\$4,287                                  | \$169                                      | \$6,805                                |
| \$2,863—\$2,887                                  | \$114                                      | \$4,583                                | \$4,288—\$4,312                                  | \$170                                      | \$6,845                                |
| \$2,888—\$2,912                                  | \$115                                      | \$4,623                                | \$4,313—\$4,337                                  | \$171                                      | \$6,885                                |
| \$2,913—\$2,937                                  | \$116                                      | \$4,662                                | \$4,338—\$4,362                                  | \$172                                      | \$6,924                                |
| \$2,938—\$2,962                                  | \$117                                      | \$4,702                                | \$4,363—\$4,387                                  | \$173                                      | \$6,964                                |
| \$2,963—\$2,987                                  | \$118                                      | \$4,742                                | \$4,388—\$4,412                                  | \$174                                      | \$7,004                                |
| \$2,988—\$3,012                                  | \$119                                      | \$4,781                                | \$4,413—\$4,437                                  | \$175                                      | \$7,043                                |
| \$3,013—\$3,037                                  | \$120                                      | \$4,821                                | \$4,438—\$4,462                                  | \$176                                      | \$7,083                                |
| \$3,038—\$3,062                                  | \$121                                      | \$4,861                                | \$4,463—\$4,487                                  | \$177                                      | \$7,123                                |
| \$3,063—\$3,087                                  | \$122                                      | \$4,900                                | \$4,488—\$4,512                                  | \$178                                      | \$7,162                                |
| \$3,088—\$3,112                                  | \$123                                      | \$4,940                                | \$4,513—\$4,537                                  | \$179                                      | \$7,202                                |
|  |  |  | \$4,538—\$4,562                                  | \$180                                      | \$7,242                                |
|  |  |  | \$4,563—\$4,587                                  | \$181                                      | \$7,281                                |
|  |  |  | \$4,588—\$4,612                                  | \$182                                      | \$7,321                                |
|  |  |  | \$4,613—\$4,637                                  | \$183                                      | \$7,361                                |
|  |  |  | \$4,638—\$4,662                                  | \$184                                      | \$7,400                                |
|  |  |  | \$4,663—\$4,687                                  | \$185                                      | \$7,440                                |
|  |  |  | \$4,688—\$4,712                                  | \$186                                      | \$7,480                                |
|  |  |  | \$4,713—\$4,737                                  | \$187                                      | \$7,520                                |

| <i>Part A<br/>Highest<br/>Quarterly<br/>Wage</i> | <i>Part B<br/>Rate of<br/>Compensation</i> | <i>Part C<br/>Qualifying<br/>Wages</i> | <i>Part A<br/>Highest<br/>Quarterly<br/>Wage</i> | <i>Part B<br/>Rate of<br/>Compensation</i> | <i>Part C<br/>Qualifying<br/>Wages</i> |
|--|--|--|--|--|--|
| \$4,738—\$4,762                                  | \$188                                      | \$7,559                                | \$6,363—\$6,387                                  | \$251                                      | \$10,139                               |
| \$4,763—\$4,787                                  | \$189                                      | \$7,599                                | \$6,388—\$6,412                                  | \$252                                      | \$10,178                               |
| \$4,788—\$4,812                                  | \$190                                      | \$7,639                                | \$6,413—\$6,437                                  | \$253                                      | \$10,218                               |
| \$4,813—\$4,837                                  | \$191                                      | \$7,678                                | \$6,438—\$6,462                                  | \$254                                      | \$10,258                               |
| \$4,838—\$4,862                                  | \$192                                      | \$7,718                                | \$6,463—\$6,487                                  | \$255                                      | \$10,297                               |
| \$4,863—\$4,887                                  | \$193                                      | \$7,758                                | \$6,488—\$6,512                                  | \$256                                      | \$10,337                               |
| \$4,888—\$4,912                                  | \$194                                      | \$7,797                                | \$6,513—\$6,537                                  | \$257                                      | \$10,377                               |
| \$4,913—\$4,937                                  | \$195                                      | \$7,837                                | \$6,538—\$6,562                                  | \$258                                      | \$10,416                               |
| \$4,938—\$4,962                                  | \$196                                      | \$7,877                                | \$6,563—\$6,587                                  | \$259                                      | \$10,456                               |
| \$4,963—\$4,987                                  | \$196                                      | \$7,916                                | \$6,588—\$6,612                                  | \$260                                      | \$10,496                               |
| \$4,988—\$5,012                                  | \$197                                      | \$7,956                                | \$6,613—\$6,637                                  | \$261                                      | \$10,535                               |
| \$5,013—\$5,037                                  | \$198                                      | \$7,996                                | \$6,638—\$6,662                                  | \$262                                      | \$10,575                               |
| \$5,038—\$5,062                                  | \$199                                      | \$8,035                                | \$6,663—\$6,687                                  | \$263                                      | \$10,615                               |
| \$5,063—\$5,087                                  | \$200                                      | \$8,075                                | \$6,688—\$6,712                                  | \$264                                      | \$10,654                               |
| \$5,088—\$5,112                                  | \$201                                      | \$8,115                                | \$6,713—\$6,737                                  | \$265                                      | \$10,694                               |
| \$5,113—\$5,137                                  | \$202                                      | \$8,154                                | \$6,738—\$6,762                                  | \$266                                      | \$10,734                               |
| \$5,138—\$5,162                                  | \$203                                      | \$8,194                                | \$6,763—\$6,787                                  | \$267                                      | \$10,774                               |
| \$5,163—\$5,187                                  | \$204                                      | \$8,234                                | \$6,788—\$6,812                                  | \$268                                      | \$10,813                               |
| \$5,188—\$5,212                                  | \$205                                      | \$8,274                                | \$6,813—\$6,837                                  | \$269                                      | \$10,853                               |
| \$5,213—\$5,237                                  | \$206                                      | \$8,313                                | \$6,838—\$6,862                                  | \$270                                      | \$10,893                               |
| \$5,238—\$5,262                                  | \$207                                      | \$8,353                                | \$6,863—\$6,887                                  | \$271                                      | \$10,932                               |
| \$5,263—\$5,287                                  | \$208                                      | \$8,393                                | \$6,888—\$6,912                                  | \$272                                      | \$10,972                               |
| \$5,288—\$5,312                                  | \$209                                      | \$8,432                                | \$6,913—\$6,937                                  | \$273                                      | \$11,012                               |
| \$5,313—\$5,337                                  | \$210                                      | \$8,472                                | \$6,938—\$6,962                                  | \$274                                      | \$11,051                               |
| \$5,338—\$5,362                                  | \$211                                      | \$8,512                                | \$6,963—\$6,987                                  | \$275                                      | \$11,091                               |
| \$5,363—\$5,387                                  | \$212                                      | \$8,551                                | \$6,988—\$7,012                                  | \$276                                      | \$11,131                               |
| \$5,388—\$5,412                                  | \$213                                      | \$8,591                                | \$7,013—\$7,037                                  | \$277                                      | \$11,170                               |
| \$5,413—\$5,437                                  | \$214                                      | \$8,631                                | \$7,038—\$7,062                                  | \$278                                      | \$11,210                               |
| \$5,438—\$5,462                                  | \$215                                      | \$8,670                                | \$7,063—\$7,087                                  | \$279                                      | \$11,250                               |
| \$5,463—\$5,487                                  | \$216                                      | \$8,710                                | \$7,088—\$7,112                                  | \$280                                      | \$11,289                               |
| \$5,488—\$5,512                                  | \$217                                      | \$8,750                                | \$7,113—\$7,137                                  | \$281                                      | \$11,329                               |
| \$5,513—\$5,537                                  | \$218                                      | \$8,789                                | \$7,138—\$7,162                                  | \$282                                      | \$11,369                               |
| \$5,538—\$5,562                                  | \$219                                      | \$8,829                                | \$7,163—\$7,187                                  | \$283                                      | \$11,408                               |
| \$5,563—\$5,587                                  | \$220                                      | \$8,869                                | \$7,188—\$7,212                                  | \$284                                      | \$11,448                               |
| \$5,588—\$5,612                                  | \$221                                      | \$8,908                                | \$7,213—\$7,237                                  | \$285                                      | \$11,488                               |
| \$5,613—\$5,637                                  | \$222                                      | \$8,948                                | \$7,238—\$7,262                                  | \$286                                      | \$11,527                               |
| \$5,638—\$5,662                                  | \$223                                      | \$8,988                                | \$7,263—\$7,287                                  | \$287                                      | \$11,567                               |
| \$5,663—\$5,687                                  | \$224                                      | \$9,027                                | \$7,288—\$7,312                                  | \$288                                      | \$11,607                               |
| \$5,688—\$5,712                                  | \$225                                      | \$9,067                                | \$7,313—\$7,337                                  | \$289                                      | \$11,647                               |
| \$5,713—\$5,737                                  | \$226                                      | \$9,107                                | \$7,338—\$7,362                                  | \$290                                      | \$11,686                               |
| \$5,738—\$5,762                                  | \$227                                      | \$9,147                                | \$7,363—\$7,387                                  | \$291                                      | \$11,726                               |
| \$5,763—\$5,787                                  | \$228                                      | \$9,186                                | \$7,388—\$7,412                                  | \$292                                      | \$11,766                               |
| \$5,788—\$5,812                                  | \$229                                      | \$9,226                                | \$7,413—\$7,437                                  | \$293                                      | \$11,805                               |
| \$5,813—\$5,837                                  | \$230                                      | \$9,266                                | \$7,438—\$7,462                                  | \$294                                      | \$11,845                               |
| \$5,838—\$5,862                                  | \$231                                      | \$9,305                                | \$7,463—\$7,487                                  | \$294                                      | \$11,885                               |
| \$5,863—\$5,887                                  | \$232                                      | \$9,345                                | \$7,488—\$7,512                                  | \$295                                      | \$11,924                               |
| \$5,888—\$5,912                                  | \$233                                      | \$9,385                                | \$7,513—\$7,537                                  | \$296                                      | \$11,964                               |
| \$5,913—\$5,937                                  | \$234                                      | \$9,424                                | \$7,538—\$7,562                                  | \$297                                      | \$12,004                               |
| \$5,938—\$5,962                                  | \$235                                      | \$9,464                                | \$7,563—\$7,587                                  | \$298                                      | \$12,043                               |
| \$5,963—\$5,987                                  | \$236                                      | \$9,504                                | \$7,588—\$7,612                                  | \$299                                      | \$12,083                               |
| \$5,988—\$6,012                                  | \$237                                      | \$9,543                                | \$7,613—\$7,637                                  | \$300                                      | \$12,123                               |
| \$6,013—\$6,037                                  | \$238                                      | \$9,583                                | \$7,638—\$7,662                                  | \$301                                      | \$12,162                               |
| \$6,038—\$6,062                                  | \$239                                      | \$9,623                                | \$7,663—\$7,687                                  | \$302                                      | \$12,202                               |
| \$6,063—\$6,087                                  | \$240                                      | \$9,662                                | \$7,688—\$7,712                                  | \$303                                      | \$12,242                               |
| \$6,088—\$6,112                                  | \$241                                      | \$9,702                                | \$7,713—\$7,737                                  | \$304                                      | \$12,281                               |
| \$6,113—\$6,137                                  | \$242                                      | \$9,742                                | \$7,738—\$7,762                                  | \$305                                      | \$12,321                               |
| \$6,138—\$6,162                                  | \$243                                      | \$9,781                                | \$7,763—\$7,787                                  | \$306                                      | \$12,361                               |
| \$6,163—\$6,187                                  | \$244                                      | \$9,821                                | \$7,788—\$7,812                                  | \$307                                      | \$12,400                               |
| \$6,188—\$6,212                                  | \$245                                      | \$9,861                                | \$7,813—\$7,837                                  | \$308                                      | \$12,440                               |
| \$6,213—\$6,237                                  | \$245                                      | \$9,900                                | \$7,838—\$7,862                                  | \$309                                      | \$12,480                               |
| \$6,238—\$6,262                                  | \$246                                      | \$9,940                                | \$7,863—\$7,887                                  | \$310                                      | \$12,520                               |
| \$6,263—\$6,287                                  | \$247                                      | \$9,980                                | \$7,888—\$7,912                                  | \$311                                      | \$12,559                               |
| \$6,288—\$6,312                                  | \$248                                      | \$10,020                               | \$7,913—\$7,937                                  | \$312                                      | \$12,599                               |
| \$6,313—\$6,337                                  | \$249                                      | \$10,059                               | \$7,938—\$7,962                                  | \$313                                      | \$12,639                               |
| \$6,338—\$6,362                                  | \$250                                      | \$10,099                               | \$7,963—\$7,987                                  | \$314                                      | \$12,678                               |

| <i>Part A<br/>Highest<br/>Quarterly<br/>Wage</i> | <i>Part B<br/>Rate of<br/>Compensation</i> | <i>Part C<br/>Qualifying<br/>Wages</i> | <i>Part A<br/>Highest<br/>Quarterly<br/>Wage</i> | <i>Part B<br/>Rate of<br/>Compensation</i> | <i>Part C<br/>Qualifying<br/>Wages</i> |
|--|--|--|--|--|--|
| \$7,988—\$8,012                                  | \$315                                      | \$12,718                               | \$9,613—\$9,637                                  | \$379                                      | \$15,297                               |
| \$8,013—\$8,037                                  | \$316                                      | \$12,758                               | \$9,638—\$9,662                                  | \$380                                      | \$15,337                               |
| \$8,038—\$8,062                                  | \$317                                      | \$12,797                               | \$9,663—\$9,687                                  | \$381                                      | \$15,377                               |
| \$8,063—\$8,087                                  | \$318                                      | \$12,837                               | \$9,688—\$9,712                                  | \$382                                      | \$15,416                               |
| \$8,088—\$8,112                                  | \$319                                      | \$12,877                               | \$9,713—\$9,737                                  | \$383                                      | \$15,456                               |
| \$8,113—\$8,137                                  | \$320                                      | \$12,916                               | \$9,738—\$9,762                                  | \$384                                      | \$15,496                               |
| \$8,138—\$8,162                                  | \$321                                      | \$12,956                               | \$9,763—\$9,787                                  | \$385                                      | \$15,535                               |
| \$8,163—\$8,187                                  | \$322                                      | \$12,996                               | \$9,788—\$9,812                                  | \$386                                      | \$15,575                               |
| \$8,188—\$8,212                                  | \$323                                      | \$13,035                               | \$9,813—\$9,837                                  | \$387                                      | \$15,615                               |
| \$8,213—\$8,237                                  | \$324                                      | \$13,075                               | \$9,838—\$9,862                                  | \$388                                      | \$15,654                               |
| \$8,238—\$8,262                                  | \$325                                      | \$13,115                               | \$9,863—\$9,887                                  | \$389                                      | \$15,694                               |
| \$8,263—\$8,287                                  | \$326                                      | \$13,154                               | \$9,888—\$9,912                                  | \$390                                      | \$15,734                               |
| \$8,288—\$8,312                                  | \$327                                      | \$13,194                               | \$9,913—\$9,937                                  | \$391                                      | \$15,774                               |
| \$8,313—\$8,337                                  | \$328                                      | \$13,234                               | \$9,938—\$9,962                                  | \$392                                      | \$15,813                               |
| \$8,338—\$8,362                                  | \$329                                      | \$13,274                               | \$9,963—\$9,987                                  | \$392                                      | \$15,853                               |
| \$8,363—\$8,387                                  | \$330                                      | \$13,313                               | \$9,988—\$10,012                                 | \$393                                      | \$15,893                               |
| \$8,388—\$8,412                                  | \$331                                      | \$13,353                               | \$10,013—\$10,037                                | \$394                                      | \$15,932                               |
| \$8,413—\$8,437                                  | \$332                                      | \$13,393                               | \$10,038—\$10,062                                | \$395                                      | \$15,972                               |
| \$8,438—\$8,462                                  | \$333                                      | \$13,432                               | \$10,063—\$10,087                                | \$396                                      | \$16,012                               |
| \$8,463—\$8,487                                  | \$334                                      | \$13,472                               | \$10,088—\$10,112                                | \$397                                      | \$16,051                               |
| \$8,488—\$8,512                                  | \$335                                      | \$13,512                               | \$10,113—\$10,137                                | \$398                                      | \$16,091                               |
| \$8,513—\$8,537                                  | \$336                                      | \$13,551                               | \$10,138—\$10,162                                | \$399                                      | \$16,131                               |
| \$8,538—\$8,562                                  | \$337                                      | \$13,591                               | \$10,163—\$10,187                                | \$400                                      | \$16,170                               |
| \$8,563—\$8,587                                  | \$338                                      | \$13,631                               | \$10,188—\$10,212                                | \$401                                      | \$16,210                               |
| \$8,588—\$8,612                                  | \$339                                      | \$13,670                               | \$10,213—\$10,237                                | \$402                                      | \$16,250                               |
| \$8,613—\$8,637                                  | \$340                                      | \$13,710                               | \$10,238—\$10,262                                | \$403                                      | \$16,289                               |
| \$8,638—\$8,662                                  | \$341                                      | \$13,750                               | \$10,263—\$10,287                                | \$404                                      | \$16,329                               |
| \$8,663—\$8,687                                  | \$342                                      | \$13,789                               | \$10,288—\$10,312                                | \$405                                      | \$16,369                               |
| \$8,688—\$8,712                                  | \$343                                      | \$13,829                               | \$10,313—\$10,337                                | \$406                                      | \$16,408                               |
| \$8,713—\$8,737                                  | \$343                                      | \$13,869                               | \$10,338—\$10,362                                | \$407                                      | \$16,448                               |
| \$8,738—\$8,762                                  | \$344                                      | \$13,908                               | \$10,363—\$10,387                                | \$408                                      | \$16,488                               |
| \$8,763—\$8,787                                  | \$345                                      | \$13,948                               | \$10,388—\$10,412                                | \$409                                      | \$16,527                               |
| \$8,788—\$8,812                                  | \$346                                      | \$13,988                               | \$10,413—\$10,437                                | \$410                                      | \$16,567                               |
| \$8,813—\$8,837                                  | \$347                                      | \$14,027                               | \$10,438—\$10,462                                | \$411                                      | \$16,607                               |
| \$8,838—\$8,862                                  | \$348                                      | \$14,067                               | \$10,463—\$10,487                                | \$412                                      | \$16,647                               |
| \$8,863—\$8,887                                  | \$349                                      | \$14,107                               | \$10,488—\$10,512                                | \$413                                      | \$16,686                               |
| \$8,888—\$8,912                                  | \$350                                      | \$14,147                               | \$10,513—\$10,537                                | \$414                                      | \$16,726                               |
| \$8,913—\$8,937                                  | \$351                                      | \$14,186                               | \$10,538—\$10,562                                | \$415                                      | \$16,766                               |
| \$8,938—\$8,962                                  | \$352                                      | \$14,226                               | \$10,563—\$10,587                                | \$416                                      | \$16,805                               |
| \$8,963—\$8,987                                  | \$353                                      | \$14,266                               | \$10,588—\$10,612                                | \$417                                      | \$16,845                               |
| \$8,988—\$9,012                                  | \$354                                      | \$14,305                               | \$10,613—\$10,637                                | \$418                                      | \$16,885                               |
| \$9,013—\$9,037                                  | \$355                                      | \$14,345                               | \$10,638—\$10,662                                | \$419                                      | \$16,924                               |
| \$9,038—\$9,062                                  | \$356                                      | \$14,385                               | \$10,663—\$10,687                                | \$420                                      | \$16,964                               |
| \$9,063—\$9,087                                  | \$357                                      | \$14,424                               | \$10,688—\$10,712                                | \$421                                      | \$17,004                               |
| \$9,088—\$9,112                                  | \$358                                      | \$14,464                               | \$10,713—\$10,737                                | \$422                                      | \$17,043                               |
| \$9,113—\$9,137                                  | \$359                                      | \$14,504                               | \$10,738—\$10,762                                | \$423                                      | \$17,083                               |
| \$9,138—\$9,162                                  | \$360                                      | \$14,543                               | \$10,763—\$10,787                                | \$424                                      | \$17,123                               |
| \$9,163—\$9,187                                  | \$361                                      | \$14,583                               | \$10,788—\$10,812                                | \$425                                      | \$17,162                               |
| \$9,188—\$9,212                                  | \$362                                      | \$14,623                               | \$10,813—\$10,837                                | \$426                                      | \$17,202                               |
| \$9,213—\$9,237                                  | \$363                                      | \$14,662                               | \$10,838—\$10,862                                | \$427                                      | \$17,242                               |
| \$9,238—\$9,262                                  | \$364                                      | \$14,702                               | \$10,863—\$10,887                                | \$428                                      | \$17,281                               |
| \$9,263—\$9,287                                  | \$365                                      | \$14,742                               | \$10,888—\$10,912                                | \$429                                      | \$17,321                               |
| \$9,288—\$9,312                                  | \$366                                      | \$14,781                               | \$10,913—\$10,937                                | \$430                                      | \$17,361                               |
| \$9,313—\$9,337                                  | \$367                                      | \$14,821                               | \$10,938—\$10,962                                | \$431                                      | \$17,400                               |
| \$9,338—\$9,362                                  | \$368                                      | \$14,861                               | \$10,963—\$10,987                                | \$432                                      | \$17,440                               |
| \$9,363—\$9,387                                  | \$369                                      | \$14,900                               | \$10,988—\$11,012                                | \$433                                      | \$17,480                               |
| \$9,388—\$9,412                                  | \$370                                      | \$14,940                               | \$11,013—\$11,037                                | \$434                                      | \$17,520                               |
| \$9,413—\$9,437                                  | \$371                                      | \$14,980                               | \$11,038—\$11,062                                | \$435                                      | \$17,559                               |
| \$9,438—\$9,462                                  | \$372                                      | \$15,020                               | \$11,063—\$11,087                                | \$436                                      | \$17,599                               |
| \$9,463—\$9,487                                  | \$373                                      | \$15,059                               | \$11,088—\$11,112                                | \$437                                      | \$17,639                               |
| \$9,488—\$9,512                                  | \$374                                      | \$15,099                               | \$11,113—\$11,137                                | \$438                                      | \$17,678                               |
| \$9,513—\$9,537                                  | \$375                                      | \$15,139                               | \$11,138—\$11,162                                | \$439                                      | \$17,718                               |
| \$9,538—\$9,562                                  | \$376                                      | \$15,178                               | \$11,163—\$11,187                                | \$440                                      | \$17,758                               |
| \$9,563—\$9,587                                  | \$377                                      | \$15,218                               | \$11,188—\$11,212                                | \$441                                      | \$17,797                               |
| \$9,588—\$9,612                                  | \$378                                      | \$15,258                               | \$11,213—\$11,237                                | \$441                                      | \$17,837                               |

| <i>Part A<br/>Highest<br/>Quarterly<br/>Wage</i> | <i>Part B<br/>Rate of<br/>Compensation</i> | <i>Part C<br/>Qualifying<br/>Wages</i> | <i>Part A<br/>Highest<br/>Quarterly<br/>Wage</i> | <i>Part B<br/>Rate of<br/>Compensation</i> | <i>Part C<br/>Qualifying<br/>Wages</i>        |
|--|--|--|--|--|---|
| \$11,238—\$11,262                                | \$442                                      | \$17,877                               | \$12,838—\$12,862                                | \$505                                      | \$20,416                                      |
| \$11,263—\$11,287                                | \$443                                      | \$17,916                               | \$12,863—\$12,887                                | \$506                                      | \$20,456                                      |
| \$11,288—\$11,312                                | \$444                                      | \$17,956                               | \$12,888—\$12,912                                | \$507                                      | \$20,496                                      |
| \$11,313—\$11,337                                | \$445                                      | \$17,996                               | \$12,913—\$12,937                                | \$508                                      | \$20,535                                      |
| \$11,338—\$11,362                                | \$446                                      | \$18,035                               | \$12,938—\$12,962                                | \$509                                      | \$20,575                                      |
| \$11,363—\$11,387                                | \$447                                      | \$18,075                               | \$12,963—\$12,987                                | \$510                                      | \$20,615                                      |
| \$11,388—\$11,412                                | \$448                                      | \$18,115                               | \$12,988—\$13,012                                | \$511                                      | \$20,654                                      |
| \$11,413—\$11,437                                | \$449                                      | \$18,154                               | \$13,013—\$13,037                                | \$512                                      | \$20,694                                      |
| \$11,438—\$11,462                                | \$450                                      | \$18,194                               | \$13,038—\$13,062                                | \$513                                      | \$20,734                                      |
| \$11,463—\$11,487                                | \$451                                      | \$18,234                               | \$13,063—\$13,087                                | \$514                                      | \$20,774                                      |
| \$11,488—\$11,512                                | \$452                                      | \$18,274                               | \$13,088—\$13,112                                | \$515                                      | \$20,813                                      |
| \$11,513—\$11,537                                | \$453                                      | \$18,313                               | \$13,113—\$13,137                                | \$516                                      | \$20,853                                      |
| \$11,538—\$11,562                                | \$454                                      | \$18,353                               | \$13,138—\$13,162                                | \$517                                      | \$20,893                                      |
| \$11,563—\$11,587                                | \$455                                      | \$18,393                               | \$13,163—\$13,187                                | \$518                                      | \$20,932                                      |
| \$11,588—\$11,612                                | \$456                                      | \$18,432                               | \$13,188—\$13,212                                | \$519                                      | \$20,972                                      |
| \$11,613—\$11,637                                | \$457                                      | \$18,472                               | \$13,213—\$13,237                                | \$520                                      | \$21,012                                      |
| \$11,638—\$11,662                                | \$458                                      | \$18,512                               | \$13,238—\$13,262                                | \$521                                      | \$21,051                                      |
| \$11,663—\$11,687                                | \$459                                      | \$18,551                               | \$13,263—\$13,287                                | \$522                                      | \$21,091                                      |
| \$11,688—\$11,712                                | \$460                                      | \$18,591                               | \$13,288—\$13,312                                | \$523                                      | \$21,131                                      |
| \$11,713—\$11,737                                | \$461                                      | \$18,631                               | \$13,313—\$13,337                                | \$524                                      | \$21,170                                      |
| \$11,738—\$11,762                                | \$462                                      | \$18,670                               | \$13,338—\$13,362                                | \$525                                      | \$21,210                                      |
| \$11,763—\$11,787                                | \$463                                      | \$18,710                               | \$13,363—\$13,387                                | \$526                                      | \$21,250                                      |
| \$11,788—\$11,812                                | \$464                                      | \$18,750                               | \$13,388—\$13,412                                | \$527                                      | \$21,289                                      |
| \$11,813—\$11,837                                | \$465                                      | \$18,789                               | \$13,413—\$13,437                                | \$528                                      | \$21,329                                      |
| \$11,838—\$11,862                                | \$466                                      | \$18,829                               | \$13,438—\$13,462                                | \$529                                      | \$21,369                                      |
| \$11,863—\$11,887                                | \$467                                      | \$18,869                               | \$13,463—\$13,487                                | \$530                                      | \$21,408                                      |
| \$11,888—\$11,912                                | \$468                                      | \$18,908                               | \$13,488—\$13,512                                | \$531                                      | \$21,448                                      |
| \$11,913—\$11,937                                | \$469                                      | \$18,948                               | \$13,513—\$13,537                                | \$532                                      | \$21,488                                      |
| \$11,938—\$11,962                                | \$470                                      | \$18,988                               | \$13,538—\$13,562                                | \$533                                      | \$21,527                                      |
| \$11,963—\$11,987                                | \$471                                      | \$19,027                               | \$13,563—\$13,587                                | \$534                                      | \$21,567                                      |
| \$11,988—\$12,012                                | \$472                                      | \$19,067                               | \$13,588—\$13,612                                | \$535                                      | \$21,607                                      |
| \$12,013—\$12,037                                | \$473                                      | \$19,107                               | \$13,613—\$13,637                                | \$536                                      | \$21,647                                      |
| \$12,038—\$12,062                                | \$474                                      | \$19,147                               | \$13,638—\$13,662                                | \$537                                      | \$21,686                                      |
| \$12,063—\$12,087                                | \$475                                      | \$19,186                               | \$13,663—\$13,687                                | \$538                                      | \$21,726                                      |
| \$12,088—\$12,112                                | \$476                                      | \$19,226                               | \$13,688—\$13,712                                | \$539                                      | \$21,766                                      |
| \$12,113—\$12,137                                | \$477                                      | \$19,266                               | \$13,713—\$13,737                                | \$539                                      | \$21,805                                      |
| \$12,138—\$12,162                                | \$478                                      | \$19,305                               | \$13,738—\$13,762                                | \$540                                      | \$21,845                                      |
| \$12,163—\$12,187                                | \$479                                      | \$19,345                               | \$13,763—\$13,787                                | \$541                                      | \$21,885                                      |
| \$12,188—\$12,212                                | \$480                                      | \$19,385                               | \$13,788—\$13,812                                | \$542                                      | \$21,924                                      |
| \$12,213—\$12,237                                | \$481                                      | \$19,424                               | \$13,813—\$13,837                                | \$543                                      | \$21,964                                      |
| \$12,238—\$12,262                                | \$482                                      | \$19,464                               | \$13,838—\$13,862                                | \$544                                      | \$22,004                                      |
| \$12,263—\$12,287                                | \$483                                      | \$19,504                               | \$13,863—\$13,887                                | \$545                                      | \$22,043                                      |
| \$12,288—\$12,312                                | \$484                                      | \$19,543                               | \$13,888—\$13,912                                | \$546                                      | \$22,083                                      |
| \$12,313—\$12,337                                | \$485                                      | \$19,583                               | \$13,913—\$13,937                                | \$547                                      | \$22,123                                      |
| \$12,338—\$12,362                                | \$486                                      | \$19,623                               | \$13,938—\$13,962                                | \$548                                      | \$22,162                                      |
| \$12,363—\$12,387                                | \$487                                      | \$19,662                               | \$13,963—\$13,987                                | \$549                                      | \$22,202                                      |
| \$12,388—\$12,412                                | \$488                                      | \$19,702                               | \$13,988—\$14,012                                | \$550                                      | \$22,242                                      |
| \$12,413—\$12,437                                | \$489                                      | \$19,742                               | \$14,013—\$14,037                                | \$551                                      | \$22,281                                      |
| \$12,438—\$12,462                                | \$490                                      | \$19,781                               | \$14,038—\$14,062                                | \$552                                      | \$22,321                                      |
| \$12,463—\$12,487                                | \$490                                      | \$19,821                               | \$14,063—\$14,087                                | \$553                                      | \$22,361                                      |
| \$12,488—\$12,512                                | \$491                                      | \$19,861                               | \$14,088—\$14,112                                | \$554                                      | \$22,400                                      |
| \$12,513—\$12,537                                | \$492                                      | \$19,900                               | \$14,113—\$14,137                                | \$555                                      | \$22,440                                      |
| \$12,538—\$12,562                                | \$493                                      | \$19,940                               | \$14,138—\$14,162                                | \$556                                      | \$22,480                                      |
| \$12,563—\$12,587                                | \$494                                      | \$19,980                               | \$14,163—\$14,187                                | \$557                                      | \$22,520                                      |
| \$12,588—\$12,612                                | \$495                                      | \$20,020                               | \$14,188—\$14,212                                | \$558                                      | \$22,559                                      |
| \$12,613—\$12,637                                | \$496                                      | \$20,059                               | \$14,213—\$14,237                                | \$559                                      | \$22,599                                      |
| \$12,638—\$12,662                                | \$497                                      | \$20,099                               | \$14,238—\$14,262                                | \$560                                      | \$22,639                                      |
| \$12,663—\$12,687                                | \$498                                      | \$20,139                               | \$14,263 or more                                 | \$561                                      | Amount required<br>under section<br>401(a)(2) |
| \$12,688—\$12,712                                | \$499                                      | \$20,178                               |  |  |   |
| \$12,713—\$12,737                                | \$500                                      | \$20,218                               |  |  |   |
| \$12,738—\$12,762                                | \$501                                      | \$20,258                               |  |  |   |
| \$12,763—\$12,787                                | \$502                                      | \$20,297                               |  |  |   |
| \$12,788—\$12,812                                | \$503                                      | \$20,337                               |  |  |   |
| \$12,813—\$12,837                                | \$504                                      | \$20,377                               |  |  |   |

[Pa.B. Doc. No. 17-120. Filed for public inspection January 20, 2017, 9:00 a.m.]

# DEPARTMENT OF REVENUE

## Pennsylvania \$50,000 Pay Day Instant Lottery Game 1263

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$50,000 Pay Day (hereinafter “\$50,000 Pay Day”). The game number is PA-1263.

2. *Price:* The price of a \$50,000 Pay Day instant lottery game ticket is \$2.

3. *Play Symbols:* Each \$50,000 Pay Day instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRTY). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY) and a PAY DAY (WINALL) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are: \$2, \$4, \$5, \$10, \$20, \$25, \$50, \$100, \$200, \$500, \$1,000 and \$50,000. A player can win up to 12 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the \$50,000 Pay Day instant lottery game.

### 7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$50,000 (FTY THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol

of \$1,000 (ONE THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a PAY DAY (WINALL) symbol and a prize symbol of \$100 (ONE HUN) appears in eight of the “prize” areas and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in four of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a PAY DAY (WINALL) symbol and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in ten of the “prize” areas, a prize symbol of \$200 (TWO HUN) appears in one of the “prize” areas and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in one of the “prize” areas, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a PAY DAY (WINALL) symbol and a prize symbol of \$200 (TWO HUN) appears in two of the “prize” areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in ten of the “prize” areas, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$200.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a PAY DAY (WINALL) symbol and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in two of the “prize” areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in ten of the “prize” areas, shall be entitled to a prize of \$200.

(i) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a PAY DAY (WINALL) symbol and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in two of the “prize” areas and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in ten of the “prize” areas, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a PAY DAY (WINALL) symbol and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears

in two of the "prize" areas, a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in five of the "prize" areas and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in five of the "prize" areas, shall be entitled to a prize of \$50.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a PAY DAY (WINALL) symbol and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in two of the "prize" areas and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in ten of the "prize" areas, shall be entitled to a prize of \$50.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol

of \$10<sup>00</sup> (TEN DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

| <i>When Any Of Your Numbers Match Either Winning Number, Win Prize Shown Under The Matching Number. Win With:</i> | <i>Win:</i> | <i>Approximate Odds Are 1 In:</i> | <i>Approximate No. Of Winners Per 6,000,000 Tickets</i> |
|---|-------------|-----------------------------------|---|
| \$2   | \$2         | 9.38                              | 640,000   |
| \$2 x 2   | \$4         | 37.5                              | 160,000   |
| \$4   | \$4         | 50                                | 120,000   |
| \$5   | \$5         | 33.33                             | 180,000   |
| \$5 x 2   | \$10        | 57.69                             | 104,000   |
| (\$2 x 3) + \$4   | \$10        | 750                               | 8,000   |
| \$10  | \$10        | 750                               | 8,000   |
| \$2 x 10  | \$20        | 1,500                             | 4,000   |
| \$4 x 5   | \$20        | 300                               | 20,000  |
| \$5 x 4   | \$20        | 300                               | 20,000  |
| \$10 x 2  | \$20        | 300                               | 20,000  |
| \$20  | \$20        | 375                               | 16,000  |
| \$5 x 5   | \$25        | 1,500                             | 4,000   |
| (\$4 x 5) + \$5   | \$25        | 1,500                             | 4,000   |
| \$25  | \$25        | 1,500                             | 4,000   |
| PAY DAY w/ ((\$5 x 2) + (\$4 x 10))   | \$50        | 1,200                             | 5,000   |
| PAY DAY w/ ((\$10 x 2) + (\$4 x 5) + (\$2 x 5))   | \$50        | 1,200                             | 5,000   |
| \$25 x 2  | \$50        | 12,000                            | 500   |
| \$50  | \$50        | 12,000                            | 500   |
| PAY DAY w/ ((\$25 x 2) + (\$5 x 10))  | \$100       | 2,400                             | 2,500   |
| \$10 x 10   | \$100       | 12,000                            | 500   |
| \$20 x 5  | \$100       | 24,000                            | 250   |
| \$25 x 4  | \$100       | 24,000                            | 250   |
| \$50 x 2  | \$100       | 24,000                            | 250   |
| \$100   | \$100       | 24,000                            | 250   |
| PAY DAY w/ ((\$50 x 2) + (\$10 x 10))   | \$200       | 300,000                           | 20  |
| \$20 x 10   | \$200       | 600,000                           | 10  |
| \$50 x 4  | \$200       | 600,000                           | 10  |
| \$100 x 2   | \$200       | 600,000                           | 10  |
| \$200   | \$200       | 600,000                           | 10  |
| PAY DAY w/ ((\$200 x 2) + (\$10 x 10))  | \$500       | 600,000                           | 10  |
| PAY DAY w/ ((\$25 x 10) + \$200 + \$50)   | \$500       | 600,000                           | 10  |

When Any Of Your Numbers  
Match Either Winning Number,  
Win Prize Shown Under The  
Matching Number. Win With:

|                                       | Win:     | Approximate<br>Odds Are 1 In: | Approximate No.<br>Of Winners Per<br>6,000,000 Tickets |
|---------------------------------------|----------|-------------------------------|--|
| \$50 × 10                             | \$500    | 600,000                       | 10   |
| \$100 × 5                             | \$500    | 600,000                       | 10   |
| \$500                                 | \$500    | 600,000                       | 10   |
| PAY DAY w/ ((\$100 × 8) + (\$50 × 4)) | \$1,000  | 600,000                       | 10   |
| \$500 × 2                             | \$1,000  | 600,000                       | 10   |
| \$1,000                               | \$1,000  | 600,000                       | 10   |
| \$50,000                              | \$50,000 | 600,000                       | 10   |

Reveal a "PAY DAY" (WINALL) symbol, win all 12 prizes shown!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell \$50,000 Pay Day instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of \$50,000 Pay Day, prize money from winning \$50,000 Pay Day instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the \$50,000 Pay Day instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote \$50,000 Pay Day or through normal communications methods.

EILEEN H. McNULTY,  
Secretary

[Pa.B. Doc. No. 17-121. Filed for public inspection January 20, 2017, 9:00 a.m.]

### Pennsylvania 777 Instant Lottery Game 1260

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania 777 (hereinafter "777"). The game number is PA-1260.

2. *Price:* The price of a 777 instant lottery game ticket is \$5.

3. *Play Symbols:* Each 777 instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 7 (SVN) symbol and a 777 (WIN777) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5<sup>00</sup> (FIV DOL), \$7<sup>00</sup> (SEVNDOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$70<sup>00</sup> (SEVENTY), \$100 (ONE HUN), \$200 (TWO HUN), \$700 (SEVNHUN), \$777 (SNHNSVYSN), \$1,000 (ONE THO), \$7,000 (SEVNTHO) and \$70,000 (SVYTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$7, \$10, \$20, \$40, \$70, \$100, \$200, \$700, \$777, \$1,000, \$7,000 and \$70,000. A player can win up to 12 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 9,600,000 tickets will be printed for the 777 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$70,000 (SVYTHO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$70,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$7,000 (SEVNTHO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$7,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 (SVN) symbol and a prize symbol of \$7,000 (SEVNTHO) appears in the "prize" area under that 7 (SVN) symbol, on a single ticket, shall be entitled to a prize of \$7,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 (SVN) symbol and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area under that 7 (SVN) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$777 (SNHNSVYSN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$777.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 777 (WIN777) symbol and a prize symbol of \$777 (SNHNSVYSN) appears in the "prize" area under that 777 (WIN777) symbol, on a single ticket, shall be entitled to a prize of \$777.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$700 (SEVNTHUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$700.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 (SVN) symbol and a prize symbol of \$200 (TWO HUN) appears in the "prize" area under that 7 (SVN) symbol, on a single ticket, shall be entitled to a prize of \$200.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under the

matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 (SVN) symbol and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under that 7 (SVN) symbol, on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$70<sup>00</sup> (SEVENTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$70.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 (SVN) symbol and a prize symbol of \$70<sup>00</sup> (SEVENTY) appears in the "prize" area under that 7 (SVN) symbol, on a single ticket, shall be entitled to a prize of \$70.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 (SVN) symbol and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "prize" area under that 7 (SVN) symbol, on a single ticket, shall be entitled to a prize of \$40.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 (SVN) symbol and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "prize" area under that 7 (SVN) symbol, on a single ticket, shall be entitled to a prize of \$20.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 (SVN) symbol and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "prize" area under that 7 (SVN) symbol, on a single ticket, shall be entitled to a prize of \$10.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$7<sup>00</sup> (SEVNDOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$7.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 (SVN) symbol and a prize symbol of \$7<sup>00</sup> (SEVNDOL) appears in the "prize" area under that 7 (SVN) symbol, on a single ticket, shall be entitled to a prize of \$7.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol



of \$5<sup>00</sup> (FIV DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(x) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a 7 (SVN) symbol and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the

“prize” area under that 7 (SVN) symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

| <i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i> | <i>Win:</i> | <i>Approximate Odds Are 1 In:</i> | <i>Approximate No. Of Winners Per 9,600,000 Tickets:</i> |
|--|-------------|-----------------------------------|--|
| \$5 w/ 7 SYMBOL  | \$5         | 15                                | 640,000  |
| \$5  | \$5         | 30                                | 320,000  |
| \$7 w/ 7 SYMBOL  | \$7         | 20                                | 480,000  |
| \$7  | \$7         | 60                                | 160,000  |
| \$5 × 2  | \$10        | 120                               | 80,000   |
| \$10 w/ 7 SYMBOL   | \$10        | 120                               | 80,000   |
| \$10   | \$10        | 120                               | 80,000   |
| \$5 × 4  | \$20        | 200                               | 48,000   |
| \$10 × 2   | \$20        | 120                               | 80,000   |
| (\$5 w/ 7 SYMBOL) × 4  | \$20        | 120                               | 80,000   |
| \$20 w/ 7 SYMBOL   | \$20        | 120                               | 80,000   |
| \$20   | \$20        | 200                               | 48,000   |
| \$10 × 4   | \$40        | 600                               | 16,000   |
| \$20 × 2   | \$40        | 600                               | 16,000   |
| (( \$7 w/ 7 SYMBOL) × 5) + (\$5 w/ 7 SYMBOL)   | \$40        | 600                               | 16,000   |
| \$40 w/ 7 SYMBOL   | \$40        | 600                               | 16,000   |
| \$40   | \$40        | 600                               | 16,000   |
| \$10 × 7   | \$70        | 960                               | 10,000   |
| (\$7 w/ 7 SYMBOL) × 10   | \$70        | 800                               | 12,000   |
| (\$10 w/ 7 SYMBOL) × 7   | \$70        | 2,400                             | 4,000  |
| \$70 w/ 7 SYMBOL   | \$70        | 800                               | 12,000   |
| \$70   | \$70        | 2,400                             | 4,000  |
| \$10 × 10  | \$100       | 12,000                            | 800  |
| \$20 × 5   | \$100       | 12,000                            | 800  |
| (\$10 × 8) + (\$5 × 4)   | \$100       | 12,000                            | 800  |
| (\$20 × 2) + (\$7 × 5) + (\$5 × 5)   | \$100       | 6,000                             | 1,600  |
| (\$10 w/ 7 SYMBOL) × 10  | \$100       | 6,000                             | 1,600  |
| \$100 w/ 7 SYMBOL  | \$100       | 6,000                             | 1,600  |
| \$100  | \$100       | 12,000                            | 800  |
| \$20 × 10  | \$200       | 120,000                           | 80   |
| \$40 × 5   | \$200       | 120,000                           | 80   |
| \$100 × 2  | \$200       | 120,000                           | 80   |
| (\$20 w/ 7 SYMBOL) × 10  | \$200       | 120,000                           | 80   |
| \$200 w/ 7 SYMBOL  | \$200       | 120,000                           | 80   |
| \$200  | \$200       | 120,000                           | 80   |
| \$777 w/ 777 SYMBOL  | \$777       | 1,000                             | 9,600  |
| \$777  | \$777       | 24,000                            | 400  |
| \$100 × 10   | \$1,000     | 960,000                           | 10   |
| (\$200 w/ 7 SYMBOL) × 5  | \$1,000     | 960,000                           | 10   |
| \$1,000 w/ 7 SYMBOL  | \$1,000     | 960,000                           | 10   |
| \$1,000  | \$1,000     | 960,000                           | 10   |
| \$700 × 10   | \$7,000     | 1,920,000                         | 5  |
| \$1,000 × 7  | \$7,000     | 1,920,000                         | 5  |
| \$7,000 w/ 7 SYMBOL  | \$7,000     | 1,920,000                         | 5  |
| \$7,000  | \$7,000     | 1,920,000                         | 5  |
| \$70,000   | \$70,000    | 960,000                           | 10   |

Reveal a “7” (SVN) symbol, win prize shown under that symbol automatically.

Reveal a “777” (WIN777) symbol, win \$777 instantly!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell 777 instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket

that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of 777, prize money from winning 777 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the 777 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote 777 or through normal communications methods.

EILEEN H. McNULTY,  
Secretary

[Pa.B. Doc. No. 17-122. Filed for public inspection January 20, 2017, 9:00 a.m.]

## Pennsylvania 9s In A Line Instant Lottery Game 1264

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania 9s In A Line (hereinafter “9s In A Line”). The game number is PA-1264.

2. *Price:* The price of a 9s In A Line instant lottery game ticket is \$1.

3. *Play Symbols:* Each 9s In A Line instant lottery game ticket will contain one play area consisting of “GAME 1,” “GAME 2,” “GAME 3” and “GAME 4.” Each “GAME” is played separately. The play symbols and their captions located in each of the “GAME” areas are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6

(SIX), 7 (SEVEN), 8 (EIGHT), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 20 (TWENT), 9 (NINE) symbol and a \$9 Burst (WIN9) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$9<sup>00</sup> (NIN DOL), \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTN), \$30<sup>00</sup> (THIRTY), \$90<sup>00</sup> (NINTY), \$100 (ONE HUN), \$300 (THR HUN), \$900 (NIN HUN) and \$9,000 (NIN THO).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 ticket, \$1, \$2, \$3, \$5, \$9, \$10, \$15, \$30, \$90, \$100, \$300, \$900 and \$9,000. The player can win up to 4 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 10,800,000 tickets will be printed for the 9s In A Line instant lottery game.

### 7. Determination of Prize Winners:

(a) Holders of tickets with three 9 (NINE) symbols in the same “GAME,” and a prize symbol of \$9,000 (NIN THO) appears in the “PRIZE” area to the right of that “GAME,” on a single ticket, shall be entitled to a prize of \$9,000.

(b) Holders of tickets with three 9 (NINE) symbols in the same “GAME,” and a prize symbol of \$900 (NIN HUN) appears in the “PRIZE” area to the right of that “GAME,” on a single ticket, shall be entitled to a prize of \$900.

(c) Holders of tickets with three 9 (NINE) symbols in the same “GAME,” and a prize symbol of \$300 (THR HUN) appears in the “PRIZE” area to the right of that “GAME,” on a single ticket, shall be entitled to a prize of \$300.

(d) Holders of tickets with three 9 (NINE) symbols in the same “GAME,” and a prize symbol of \$100 (ONE HUN) appears in the “PRIZE” area to the right of that “GAME,” on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets with three 9 (NINE) symbols in the same “GAME,” and a prize symbol of \$90<sup>00</sup> (NINTY) appears in the “PRIZE” area to the right of that “GAME,” on a single ticket, shall be entitled to a prize of \$90.

(f) Holders of tickets with three 9 (NINE) symbols in the same “GAME,” and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the “PRIZE” area to the right of that “GAME,” on a single ticket, shall be entitled to a prize of \$30.

(g) Holders of tickets with three 9 (NINE) symbols in the same “GAME,” and a prize symbol of \$15<sup>00</sup> (FIFTN) appears in the “PRIZE” area to the right of that “GAME,” on a single ticket, shall be entitled to a prize of \$15.

(h) Holders of tickets with three 9 (NINE) symbols in the same “GAME,” and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “PRIZE” area to the right of that “GAME,” on a single ticket, shall be entitled to a prize of \$10.

(i) Holders of tickets with three 9 (NINE) symbols in the same “GAME,” and a prize symbol of \$9<sup>00</sup> (NIN DOL) appears in the “PRIZE” area to the right of that “GAME,” on a single ticket, shall be entitled to a prize of \$9.

(j) Holders of tickets with a \$9 Burst (WIN9) symbol in any “GAME,” and a prize symbol of \$9<sup>00</sup> (NIN DOL) appears in the “PRIZE” area to the right of that “GAME,” on a single ticket, shall be entitled to a prize of \$9.

(k) Holders of tickets with three 9 (NINE) symbols in the same "GAME," and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$5.

(l) Holders of tickets with three 9 (NINE) symbols in the same "GAME," and a prize symbol of \$3<sup>00</sup> (THR DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$3.

(m) Holders of tickets with three 9 (NINE) symbols in the same "GAME," and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$2.

(n) Holders of tickets with three 9 (NINE) symbols in

the same "GAME," and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$1.

(o) Holders of tickets with three 9 (NINE) symbols in the same "GAME," and a prize symbol of FREE (TICKET) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of one 9s In A Line instant game ticket or one Pennsylvania Lottery instant game ticket with a \$1 sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

Reveal Three "9" (NINE) Symbols  
In The Same Game, Win Prize  
Shown To The Right Of That  
Game. Win With:

|                                 | Win:            | Approximate Odds Are 1 In: | Approximate No. Of Winners Per 10,800,000 Tickets |
|---------------------------------|-----------------|----------------------------|---|
| FREE                            | FREE \$1 TICKET | 9.52                       | 1,134,000   |
| \$1 x 2                         | \$2             | 35.29                      | 306,000   |
| \$2                             | \$2             | 37.5                       | 288,000   |
| \$1 x 3                         | \$3             | 150                        | 72,000  |
| \$2 + \$1                       | \$3             | 150                        | 72,000  |
| \$3                             | \$3             | 60                         | 180,000   |
| (\$2 x 2) + \$1                 | \$5             | 600                        | 18,000  |
| \$3 + \$2                       | \$5             | 600                        | 18,000  |
| \$5                             | \$5             | 600                        | 18,000  |
| \$3 x 3                         | \$9             | 3,000                      | 3,600   |
| \$9 w/ \$9 BURST                | \$9             | 62.5                       | 172,800   |
| \$9                             | \$9             | 3,000                      | 3,600   |
| \$5 x 2                         | \$10            | 3,000                      | 3,600   |
| (\$3 x 2) + (\$2 x 2)           | \$10            | 3,000                      | 3,600   |
| \$10                            | \$10            | 3,000                      | 3,600   |
| \$5 x 3                         | \$15            | 3,000                      | 3,600   |
| (\$9 w/ \$9 BURST) + (\$2 x 3)  | \$15            | 3,000                      | 3,600   |
| (\$9 w/ \$9 BURST) + (\$3 x 2)  | \$15            | 3,000                      | 3,600   |
| \$15                            | \$15            | 3,000                      | 3,600   |
| \$10 x 3                        | \$30            | 3,000                      | 3,600   |
| \$15 x 2                        | \$30            | 3,000                      | 3,600   |
| (((\$9 w/ \$9 BURST) x 3) + \$3 | \$30            | 1,500                      | 7,200   |
| \$30                            | \$30            | 3,000                      | 3,600   |
| \$30 x 3                        | \$90            | 4,800                      | 2,250   |
| (\$30 x 2) + (\$15 x 2)         | \$90            | 2,400                      | 4,500   |
| \$90                            | \$90            | 4,800                      | 2,250   |
| (\$30 x 3) + \$10               | \$100           | 48,000                     | 225   |
| \$100                           | \$100           | 48,000                     | 225   |
| (\$90 x 3) + \$30               | \$300           | 240,000                    | 45  |
| \$300                           | \$300           | 240,000                    | 45  |
| \$300 x 3                       | \$900           | 1,080,000                  | 10  |
| \$900                           | \$900           | 1,080,000                  | 10  |
| \$9,000                         | \$9,000         | 1,200,000                  | 9   |

Reveal a "\$9 BURST" (WIN9) symbol in any GAME, win \$9 instantly.

Each GAME played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell 9s In A Line instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a

Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not

exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of 9s In A Line, prize money from winning 9s In A Line instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the 9s In A Line instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote 9s In A Line or through normal communications methods.

EILEEN H. McNULTY,  
Secretary

[Pa.B. Doc. No. 17-123. Filed for public inspection January 20, 2017, 9:00 a.m.]

## Pennsylvania Lots O' Loot Instant Lottery Game 1262

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Lots O' Loot (hereinafter "Lots O' Loot"). The game number is PA-1262.

2. *Price:* The price of a Lots O' Loot instant lottery game ticket is \$2.

3. *Play Symbols:* Each Lots O' Loot instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV),

13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), Stack of Coins (COINS) symbol and a LOOT (WIN50) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "prize" areas are: FREE (TICKET), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$1,000 (ONE THO) and \$30,000 (TRY THO).

5. *Prizes:* The prizes that can be won in this game are: Free \$2 Ticket, \$2, \$4, \$5, \$10, \$20, \$50, \$100, \$400, \$1,000 and \$30,000. The player can win up to 10 times on a ticket.

6. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct a Four Leaf Fortune Second-Chance Game for which non-winning Lots O' Loot instant lottery game tickets may be eligible as provided for in section 10.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the Lots O' Loot instant lottery game.

### 8. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$30,000 (TRY THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$30,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Stack of Coins (COINS) symbol and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area under that Stack of Coins (COINS) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Stack of Coins (COINS) symbol and a prize symbol of \$400 (FOR HUN) appears in the "prize" area under that Stack of Coins (COINS) symbol, on a single ticket, shall be entitled to a prize of \$400.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Stack of Coins (COINS) symbol and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under that Stack of Coins (COINS) symbol, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the

“WINNING NUMBERS” play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Stack of Coins (COINS) symbol and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under that Stack of Coins (COINS) symbol, on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a LOOT (WIN50) symbol and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under that LOOT (WIN50) symbol, on a single ticket, shall be entitled to a prize of \$50.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Stack of Coins (COINS) symbol and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “prize” area under that Stack of Coins (COINS) symbol, on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Stack of Coins (COINS) symbol and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “prize” area under that Stack of Coins (COINS) symbol, on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “prize” area under the

matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(p) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Stack of Coins (COINS) symbol and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “prize” area under that Stack of Coins (COINS) symbol, on a single ticket, shall be entitled to a prize of \$5.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$4.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Stack of Coins (COINS) symbol and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the “prize” area under that Stack of Coins (COINS) symbol, on a single ticket, shall be entitled to a prize of \$4.

(s) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$2.

(t) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Stack of Coins (COINS) symbol and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the “prize” area under that Stack of Coins (COINS) symbol, on a single ticket, shall be entitled to a prize of \$2.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of FREE (TICKET) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of one Lots O’ Loot instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

| <i>When Any Of Your Numbers Match Either Winning Number, Win Prize Shown Under The Matching Number. Win With:</i> | <i>Win:</i>     | <i>Approximate Odds Are 1 In:</i> | <i>Approximate No. Of Winners Per 6,000,000 Tickets</i> |
|---|-----------------|-----------------------------------|---|
| FREE  | FREE \$2 TICKET | 8.82                              | 680,000   |
| \$2 w/ STACK OF COINS   | \$2             | 50                                | 120,000   |
| \$2   | \$2             | 150                               | 40,000  |
| \$2 × 2   | \$4             | 300                               | 20,000  |
| (\$2 w/ STACK OF COINS) × 2   | \$4             | 100                               | 60,000  |
| \$4 w/ STACK OF COINS   | \$4             | 75                                | 80,000  |
| \$4   | \$4             | 150                               | 40,000  |
| \$5 w/ STACK OF COINS   | \$5             | 100                               | 60,000  |
| \$5   | \$5             | 100                               | 60,000  |
| \$5 × 2   | \$10            | 750                               | 8,000   |
| (\$4 × 2) + \$2   | \$10            | 750                               | 8,000   |
| \$10 w/ STACK OF COINS  | \$10            | 375                               | 16,000  |
| \$10  | \$10            | 750                               | 8,000   |
| \$4 × 5   | \$20            | 1,500                             | 4,000   |
| \$5 × 4   | \$20            | 750                               | 8,000   |
| \$20 w/ STACK OF COINS  | \$20            | 300                               | 20,000  |

When Any Of Your Numbers  
Match Either Winning Number,  
Win Prize Shown Under The  
Matching Number. Win With:

| Win:                      | Approximate<br>Odds Are 1 In: | Approximate No.<br>Of Winners Per<br>6,000,000 Tickets |
|---------------------------|-------------------------------|--|
| \$20                      | 750                           | 8,000  |
| \$5 × 10                  | 1,500                         | 4,000  |
| \$50 w/ LOOT              | 107.14                        | 56,000   |
| \$50 w/ STACK OF COINS    | 1,500                         | 4,000  |
| \$50                      | 1,500                         | 4,000  |
| \$10 × 10                 | 24,000                        | 250  |
| (\$50 w/ LOOT) × 2        | 4,800                         | 1,250  |
| \$100 w/ STACK OF COINS   | 24,000                        | 250  |
| \$100                     | 24,000                        | 250  |
| \$100 × 4                 | 120,000                       | 50   |
| (\$50 w/ LOOT) × 8        | 60,000                        | 100  |
| \$400 w/ STACK OF COINS   | 120,000                       | 50   |
| \$400                     | 120,000                       | 50   |
| \$100 × 10                | 600,000                       | 10   |
| \$1,000 w/ STACK OF COINS | 600,000                       | 10   |
| \$1,000                   | 600,000                       | 10   |
| \$30,000                  | 600,000                       | 10   |

Reveal a "STACK OF COINS" (COINS) symbol, win prize shown under that symbol automatically.

Reveal a "LOOT" (WIN50) symbol, win \$50 instantly!

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Second-Chance Drawing*: Pennsylvania Lottery's Four Leaf Fortune Second-Chance Game (hereafter, the "Game").

(a) *Qualifying Tickets*: Non-winning PA-1261 Pot of Gold (\$5) and PA-1262 Lots O' Loot (\$2) instant lottery tickets ("Qualifying Tickets") are eligible for entry in the Game.

(b) *Participation and Entry*:

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Game. To join the VIP Players Club, visit <http://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Game, entrants must submit the identifying information from at least one Qualifying Ticket via the Game's promotional website, available at <http://www.palottery.com>, or the Pennsylvania Lottery's official mobile application during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Game. No other method of submission will be accepted, and entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be accepted.

(4) Only one claimant per entry allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Game.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Game Description*.

(1) The Game will consist of a drawing (hereafter the "Drawing") and a virtual non-prize-determinative game.

(2) *Drawing*.

(i) The Lottery will conduct one Drawing. All time references are Eastern Prevailing Time.

(ii) All entries received after 11:59:59 p.m. January 22, 2017, through 11:59:59 p.m. March 23, 2017, will be entered into the Drawing to be held between March 24, 2017 and April 4, 2017.

(iii) The entry period for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible website.

(3) By entering a Qualifying Ticket, each entrant will have the opportunity to play a virtual non-prize-determinative game. This game may reveal a predetermined cash prize, or a predetermined prize that triples the number of entries the entrant receives for the ticket submitted (hereafter the "Entry Tripler Prize"). Each Qualifying Ticket will have a predetermined ticket file assigned at the time the ticket is printed that will determine the outcome of the non-prize-determinative game play.

(4) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered and the Entry Tripler Prize, if applicable. The respective purchase prices and corresponding number of entries for Qualifying Tickets are as follows: PA-1262 Lots O' Loot (\$2) = 2 entries; and PA-1261 Pot of Gold (\$5) = 5 entries.

(5) Players may review prizes won and their entries for the Drawing via the Game's promotional website.

(d) *Prizes Available to be Won, Determination of Winners, and Odds of Winning*.

(1) The prize entitlements described below are subject to all restrictions and limitations described in section (e), or mentioned anywhere else in these rules.

(2) When the predetermined ticket file for a Qualifying Ticket entered in the Game indicates that the non-prize-determinative game play shall not result in an instant

cash prize or an Entry Tripler Prize, the play sequence will show the player receiving the number of entries that were assigned to the Qualifying Ticket entered for the Drawing.

(3) When the predetermined ticket file for a Qualifying Ticket entered in the Game indicates that the non-prize-determinative game play shall result in an award of an instant cash prize, the play sequence will show the player winning a cash prize and receiving the number of entries that were assigned to the Qualifying Ticket entered for the Drawing. The following tables set forth the approximate number of cash prize winners for each cash prize, and the approximate odds of winning a cash prize:

| Qualifying Ticket | Approximate Number of Winners Based on 100% of Eligible Qualifying Tickets: |            |             |
|-------------------|---|------------|-------------|
|                   | \$25 Prize  | \$50 Prize | \$100 Prize |
| Lots O' Loot      | 2,084   | 1,876      | 375         |
| Pot of Gold       | 4,569   | 4,112      | 822         |

| Qualifying Ticket | Approximate Odds of Winning An Instant Prize are 1 in: |            |             |
|-------------------|--|------------|-------------|
|                   | \$25 Prize   | \$50 Prize | \$100 Prize |
| Lots O' Loot      | 2,250  | 2,500      | 12,500      |
| Pot of Gold       | 900  | 1,000      | 5,000       |

(4) When the predetermined ticket file for a Qualifying Ticket entered in the Game indicates that the non-prize-determinative play sequence shall result in an award of an Entry Tripler Prize, the play sequence will show the player winning the Entry Tripler Prize and receiving three times the number of entries that were assigned to the Qualifying Ticket entered for the Drawing. The following table sets forth the approximate number of Entry Tripler Prizes and the approximate odds of winning an Entry Tripler Prize:

| Qualifying Ticket | Approximate Number of Entry Tripler Winners | Approximate Odds Are 1 in: |
|-------------------|---|----------------------------|
| Lots O' Loot      | 2,344,855                                   | 2                          |
| Pot of Gold       | 1,370,797                                   | 3                          |

(5) The Lottery will conduct one Drawing from among all the entries received during the applicable entry period as described in section (c). The first through the fourth entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall be entitled to a prize of \$25,000, less required income tax withholding. All prizes will be paid as a lump-sum cash payment.

(6) The number of winning entries to be selected for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible website.

(7) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(8) A computer-generated randomizer will be used to select the Drawing winners.

(e) *Game Restrictions.*

(1) To be eligible to participate in the Game and the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Game. The Lottery is not responsible for entries that are not entered into the Game because of incompatible internet browsers, mobile lottery application failure or other technical issues. If an entry is selected as a winner and rejected during or following the Drawing, the Lottery will select

another entry to replace the rejected entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Game, these rules shall govern.

(4) Employees of the Pennsylvania Lottery, MARC Advertising, Scientific Games International Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of any such person are not eligible to participate in the Game. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Game and change these rules if the Game cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs, or any other cause beyond the control of the Pennsylvania Lottery that, in the Pennsylvania Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity, or proper conduct of the Game.

(6) All entries shall be subject to verification by the Pennsylvania Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Game or to be acting in violation of these rules or applicable law.

(8) The Game is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within one year of the drawing date of the drawing in which the prize was won. If no claim is made within one year of the drawing date of the drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Game to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the Drawing will be disqualified and a replacement entry will be selected.

(14) Prizes are not transferrable.

(15) Other restrictions may apply.

11. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Lots O' Loot instant lottery game tickets.

12. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000

shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

13. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Lots O' Loot, prize money from winning Lots O' Loot instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Lots O' Loot instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

14. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

15. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Lots O' Loot or through normal communications methods.

EILEEN H. McNULTY,  
Secretary

[Pa.B. Doc. No. 17-124. Filed for public inspection January 20, 2017, 9:00 a.m.]

## Pennsylvania Pot of Gold Instant Lottery Game 1261

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Pot of Gold (hereinafter "Pot of Gold"). The game number is PA-1261.

2. *Price:* The price of a Pot of Gold instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pot of Gold instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22

(TWYTHO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTHO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), Double Rainbow (DOUBLE) and a Pot of Gold (WINALL) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$200, \$500, \$1,000 and \$50,000. A player can win up to 12 times on a ticket.

6. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct a Four Leaf Fortune Second-Chance Game for which non-winning Pot of Gold instant lottery game tickets may be eligible as provided for in section 10.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 5,400,000 tickets will be printed for the Pot of Gold instant lottery game.

### 8. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$50,000 (FTY THO) appears in the "PRIZE" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$1,000 (ONE THO) appears in the "PRIZE" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Double Rainbow (DOUBLE) symbol and a prize symbol of \$500 (FIV HUN) appears in the "PRIZE" area to the right of that Double Rainbow (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Pot of Gold (WINALL) symbol and a prize symbol of \$100 (ONE HUN) appears in eight of the "PRIZE" areas and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in four of the "PRIZE" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$500 (FIV HUN) appears in the "PRIZE" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Pot of Gold (WINALL) symbol and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in two of the "PRIZE" areas and a prize symbol of \$40<sup>00</sup>



(FORTY) appears in ten of the "PRIZE" areas, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$200 (TWO HUN) appears in the "PRIZE" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Double Rainbow (DOUBLE) symbol and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of that Double Rainbow (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$200.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Pot of Gold (WINALL) symbol and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in eight of the "PRIZE" areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in four of the "PRIZE" areas, on a single ticket, shall be entitled to a prize of \$200.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Pot of Gold (WINALL) symbol and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in two of the "PRIZE" areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in ten of the "PRIZE" areas, on a single ticket, shall be entitled to a prize of \$200.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Double Rainbow (DOUBLE) symbol and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "PRIZE" area to the right of that Double Rainbow (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Pot of Gold (WINALL) symbol and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in two of the "PRIZE" areas, a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in two of the "PRIZE" areas and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in eight of the "PRIZE" areas, on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Pot of Gold (WINALL) symbol and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in eight of the "PRIZE" areas and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in four of the "PRIZE" areas, on a single ticket, shall be entitled to a prize of \$100.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "PRIZE" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Double Rainbow (DOUBLE) symbol and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the "PRIZE" area to the right of that Double Rainbow (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$50.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "PRIZE" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Double Rainbow (DOUBLE) symbol and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "PRIZE" area to the right of that Double Rainbow (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$40.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the "PRIZE" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "PRIZE" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Double Rainbow (DOUBLE) symbol and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "PRIZE" area to the right of that Double Rainbow (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$20.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "PRIZE" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Double Rainbow (DOUBLE) symbol and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "PRIZE" area to the right of that Double Rainbow (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$10.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "PRIZE" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

When Any Of Your Numbers Match  
Any Winning Number, Win Prize  
Shown To The Right Of The  
Matching Number. Win With:

|   | Win:     | Approximate<br>Odds Are 1 In: | Approximate No.<br>Of Winners Per<br>5,400,000 Tickets |
|---|----------|-------------------------------|--|
| \$5   | \$5      | 8.57                          | 630,000  |
| \$5 × 2   | \$10     | 120                           | 45,000   |
| \$5 w/ DOUBLE RAINBOW   | \$10     | 30                            | 180,000  |
| \$10  | \$10     | 60                            | 90,000   |
| \$5 × 4   | \$20     | 200                           | 27,000   |
| \$10 w/ DOUBLE RAINBOW  | \$20     | 66.67                         | 81,000   |
| \$20  | \$20     | 200                           | 27,000   |
| \$5 × 5   | \$25     | 200                           | 27,000   |
| (\$5 w/ DOUBLE RAINBOW) +<br>(\$5 × 3)                        | \$25     | 300                           | 18,000   |
| (\$10 w/ DOUBLE RAINBOW) + \$5                                | \$25     | 200                           | 27,000   |
| \$25  | \$25     | 300                           | 18,000   |
| \$10 × 4  | \$40     | 600                           | 9,000  |
| \$20 × 2  | \$40     | 600                           | 9,000  |
| (\$10 w/ DOUBLE RAINBOW) × 2                                  | \$40     | 600                           | 9,000  |
| \$20 w/ DOUBLE RAINBOW  | \$40     | 600                           | 9,000  |
| \$40  | \$40     | 600                           | 9,000  |
| \$5 × 10  | \$50     | 600                           | 9,000  |
| \$10 × 5  | \$50     | 600                           | 9,000  |
| (((\$10 w/ DOUBLE RAINBOW) × 2)<br>+ (\$5 w/ DOUBLE RAINBOW)) | \$50     | 600                           | 9,000  |
| \$25 w/ DOUBLE RAINBOW  | \$50     | 600                           | 9,000  |
| \$50  | \$50     | 600                           | 9,000  |
| POT OF GOLD w/ ((\$10 × 8) +<br>(\$5 × 4))                    | \$100    | 705.88                        | 7,650  |
| POT OF GOLD w/ ((\$20 × 2) +<br>(\$10 × 2) + (\$5 × 8))       | \$100    | 705.88                        | 7,650  |
| \$25 × 4  | \$100    | 2,400                         | 2,250  |
| \$50 w/ DOUBLE RAINBOW  | \$100    | 1,200                         | 4,500  |
| \$100   | \$100    | 2,400                         | 2,250  |
| POT OF GOLD w/ ((\$50 × 2) +<br>(\$10 × 10))                  | \$200    | 12,000                        | 450  |
| POT OF GOLD w/ ((\$20 × 8) +<br>(\$10 × 4))                   | \$200    | 12,000                        | 450  |
| \$25 × 8  | \$200    | 12,000                        | 450  |
| (\$50 w/ DOUBLE RAINBOW) × 2                                  | \$200    | 12,000                        | 450  |
| \$100 w/ DOUBLE RAINBOW                                       | \$200    | 12,000                        | 450  |
| \$200   | \$200    | 12,000                        | 450  |
| POT OF GOLD w/ ((\$50 × 2) +<br>(\$40 × 10))                  | \$500    | 40,000                        | 135  |
| \$100 × 5   | \$500    | 40,000                        | 135  |
| (\$50 w/ DOUBLE RAINBOW) × 5                                  | \$500    | 40,000                        | 135  |
| \$500   | \$500    | 40,000                        | 135  |
| POT OF GOLD w/ ((\$100 × 8) +<br>(\$50 × 4))                  | \$1,000  | 270,000                       | 20   |
| (\$100 w/ DOUBLE RAINBOW) × 5                                 | \$1,000  | 270,000                       | 20   |
| \$500 w/ DOUBLE RAINBOW                                       | \$1,000  | 540,000                       | 10   |
| \$1,000   | \$1,000  | 540,000                       | 10   |
| \$50,000  | \$50,000 | 540,000                       | 10   |

Reveal a "DOUBLE RAINBOW" (DOUBLE) symbol, win double the prize shown to the right of that symbol.

Reveal a "POT OF GOLD" (WINALL) symbol, win all 12 prizes shown!

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Second-Chance Drawing*: Pennsylvania Lottery's Four Leaf Fortune Second-Chance Game (hereafter, the "Game").

(a) *Qualifying Tickets*: Non-winning PA-1261 Pot of Gold (\$5) and PA-1262 Lots O' Loot (\$2) instant lottery tickets ("Qualifying Tickets") are eligible for entry in the Game.

(b) *Participation and Entry*:

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Game. To join the VIP Players Club, visit <http://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Game, entrants must submit the identifying information from at least one Qualifying Ticket via the Game's promotional website, available at <http://www.palottery.com>, or the Pennsylvania Lottery's official mobile application during the entry period. The

identifying information from a Qualifying Ticket may be submitted only once in the Game. No other method of submission will be accepted, and entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be accepted.

(4) Only one claimant per entry allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Game.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Game Description.*

(1) The Game will consist of a drawing (hereafter the "Drawing") and a virtual non-prize-determinative game.

(2) *Drawing.*

(i) The Lottery will conduct one Drawing. All time references are Eastern Prevailing Time.

(ii) All entries received after 11:59:59 p.m. January 22, 2017, through 11:59:59 p.m. March 23, 2017, will be entered into the Drawing to be held between March 24, 2017 and April 4, 2017.

(iii) The entry period for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible website.

(3) By entering a Qualifying Ticket, each entrant will have the opportunity to play a virtual non-prize-determinative game. This game may reveal a predetermined cash prize, or a predetermined prize that triples the number of entries the entrant receives for the ticket submitted (hereafter the "Entry Tripler Prize"). Each Qualifying Ticket will have a predetermined ticket file assigned at the time the ticket is printed that will determine the outcome of the non-prize-determinative game play.

(4) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered and the Entry Tripler Prize, if applicable. The respective purchase prices and corresponding number of entries for Qualifying Tickets are as follows: PA-1262 Lots O' Loot (\$2) = 2 entries; and PA-1261 Pot of Gold (\$5) = 5 entries.

(5) Players may review prizes won and their entries for the Drawing via the Game's promotional website.

(d) *Prizes Available to be Won, Determination of Winners, and Odds of Winning.*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section (e), or mentioned anywhere else in these rules.

(2) When the predetermined ticket file for a Qualifying Ticket entered in the Game indicates that the non-prize-determinative game play shall not result in an instant cash prize or an Entry Tripler Prize, the play sequence will show the player receiving the number of entries that were assigned to the Qualifying Ticket entered for the Drawing.

(3) When the predetermined ticket file for a Qualifying Ticket entered in the Game indicates that the non-prize-determinative game play shall result in an award of an

instant cash prize, the play sequence will show the player winning a cash prize and receiving the number of entries that were assigned to the Qualifying Ticket entered for the Drawing. The following tables set forth the approximate number of cash prize winners for each cash prize, and the approximate odds of winning a cash prize:

| Qualifying Ticket | Approximate Number of Winners Based on 100% of Eligible Qualifying Tickets: |            |             |
|-------------------|---|------------|-------------|
|                   | \$25 Prize  | \$50 Prize | \$100 Prize |
| Lots O' Loot      | 2,084   | 1,876      | 375         |
| Pot of Gold       | 4,569   | 4,112      | 822         |

| Qualifying Ticket | Approximate Odds of Winning An Instant Prize are 1 in: |            |             |
|-------------------|--|------------|-------------|
|                   | \$25 Prize   | \$50 Prize | \$100 Prize |
| Lots O' Loot      | 2,250  | 2,500      | 12,500      |
| Pot of Gold       | 900  | 1,000      | 5,000       |

(4) When the predetermined ticket file for a Qualifying Ticket entered in the Game indicates that the non-prize-determinative play sequence shall result in an award of an Entry Tripler Prize, the play sequence will show the player winning the Entry Tripler Prize and receiving three times the number of entries that were assigned to the Qualifying Ticket entered for the Drawing. The following table sets forth the approximate number of Entry Tripler Prizes and the approximate odds of winning an Entry Tripler Prize:

| Qualifying Ticket | Approximate Number of Entry Tripler Winners | Approximate Odds Are 1 in: |
|-------------------|---|----------------------------|
| Lots O' Loot      | 2,344,855                                   | 2                          |
| Pot of Gold       | 1,370,797                                   | 3                          |

(5) The Lottery will conduct one Drawing from among all the entries received during the applicable entry period as described in section (c). The first through the fourth entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall be entitled to a prize of \$25,000, less required income tax withholding. All prizes will be paid as a lump-sum cash payment.

(6) The number of winning entries to be selected for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible website.

(7) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(8) A computer-generated randomizer will be used to select the Drawing winners.

(e) *Game Restrictions.*

(1) To be eligible to participate in the Game and the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Game. The Lottery is not responsible for entries that are not entered into the Game because of incompatible internet browsers, mobile lottery application failure or other technical issues. If an entry is selected as a winner and rejected during or following the Drawing, the Lottery will select another entry to replace the rejected entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Game, these rules shall govern.

(4) Employees of the Pennsylvania Lottery, MARC Advertising, Scientific Games International Inc., MDI Enter-

tainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of any such person are not eligible to participate in the Game. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Game and change these rules if the Game cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs, or any other cause beyond the control of the Pennsylvania Lottery that, in the Pennsylvania Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity, or proper conduct of the Game.

(6) All entries shall be subject to verification by the Pennsylvania Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Game or to be acting in violation of these rules or applicable law.

(8) The Game is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within one year of the drawing date of the drawing in which the prize was won. If no claim is made within one year of the drawing date of the drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Game to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the Drawing will be disqualified and a replacement entry will be selected.

(14) Prizes are not transferrable.

(15) Other restrictions may apply.

11. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pot of Gold instant lottery game tickets.

12. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of

at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

13. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pot of Gold, prize money from winning Pot of Gold instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pot of Gold instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

14. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

15. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pot of Gold or through normal communications methods.

EILEEN H. McNULTY,  
Secretary

[Pa.B. Doc. No. 17-125. Filed for public inspection January 20, 2017, 9:00 a.m.]

## Pennsylvania Red Hot 10s Instant Lottery Game 1259

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Red Hot 10s (hereinafter "Red Hot 10s"). The game number is PA-1259.

2. *Price:* The price of a Red Hot 10s instant lottery game ticket is \$10.

3. *Play Symbols:* Each Red Hot 10s instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions printed in red ink and located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWININ), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions printed in black ink and located in the "WINNING NUMBERS" area are: 1 (ONE),

2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions printed in red ink and located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY) and a Red Hot 10 (WIN10) symbol. The play symbols and their captions printed in black ink and located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY) and a Flame (FLAME) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTN), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$30,000 (TRY THO) and \$300,000 (THRHUNHTO).

5. *Prizes:* The prizes that can be won in this game are: \$10, \$15, \$20, \$40, \$50, \$100, \$200, \$500, \$1,000, \$10,000, \$30,000 and \$300,000. A player can win up to 15 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 7,200,000 tickets will be printed for the Red Hot 10s instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$300,000 (THRHUNHTO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$300,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$30,000 (TRY THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$30,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Flame (FLAME) symbol,

with the symbol and caption printed in black ink, and a prize symbol of \$30,000 (TRY THO) appears in the "prize" area under that Flame (FLAME) symbol, on a single ticket, shall be entitled to a prize of \$30,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$10,000 (TEN THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Flame (FLAME) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$10,000 (TEN THO) appears in the "prize" area under that Flame (FLAME) symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Flame (FLAME) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area under that Flame (FLAME) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in red ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in red ink, and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$500 (FIV HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Flame (FLAME) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$500 (FIV HUN) appears in the "prize" area under that Flame (FLAME) symbol, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in red ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in red ink, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in red ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption

printed in red ink, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$400.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols, with the symbol and caption printed in black ink, matches any of the “WINNING NUMBERS” play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$200.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Flame (FLAME) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under that Flame (FLAME) symbol, on a single ticket, shall be entitled to a prize of \$200.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols, with the symbol and caption printed in red ink, matches any of the “WINNING NUMBERS” play symbols, with the symbol and caption printed in red ink, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$200.

(p) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols, with the symbol and caption printed in black ink, matches any of the “WINNING NUMBERS” play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Flame (FLAME) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Flame (FLAME) symbol, on a single ticket, shall be entitled to a prize of \$100.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols, with the symbol and caption printed in red ink, matches any of the “WINNING NUMBERS” play symbols, with the symbol and caption printed in red ink, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(s) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols, with the symbol and caption printed in black ink, matches any of the “WINNING NUMBERS” play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(t) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Flame (FLAME) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under that Flame (FLAME) symbol, on a single ticket, shall be entitled to a prize of \$50.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols, with the symbol and

caption printed in black ink, matches any of the “WINNING NUMBERS” play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(v) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Flame (FLAME) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the “prize” area under that Flame (FLAME) symbol, on a single ticket, shall be entitled to a prize of \$40.

(w) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols, with the symbol and caption printed in black ink, matches any of the “WINNING NUMBERS” play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(x) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Flame (FLAME) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “prize” area under that Flame (FLAME) symbol, on a single ticket, shall be entitled to a prize of \$20.

(y) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols, with the symbol and caption printed in black ink, matches any of the “WINNING NUMBERS” play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$15<sup>00</sup> (FIFTN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(z) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Flame (FLAME) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$15<sup>00</sup> (FIFTN) appears in the “prize” area under that Flame (FLAME) symbol, on a single ticket, shall be entitled to a prize of \$15.

(aa) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols, with the symbol and caption printed in black ink, matches any of the “WINNING NUMBERS” play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(bb) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Flame (FLAME) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “prize” area under that Flame (FLAME) symbol, on a single ticket, shall be entitled to a prize of \$10.

(cc) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Red Hot \$10 (WIN10) symbol, with the symbol and caption printed in red ink, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “prize” area under that Red Hot \$10 (WIN10) symbol, on a single ticket, shall be entitled to a prize of \$10.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

When Any Of Your Numbers  
Match Any Winning Number,  
Win Prize Shown Under The  
Matching Number. Win With:

|  | Win:      | Approximate<br>Odds Are 1 In: | Approximate No.<br>Of Winners Per<br>7,200,000 Tickets: |
|--|-----------|-------------------------------|---|
| \$10 w/ RED HOT \$10                                     | \$10      | 12                            | 600,000   |
| \$10 w/ FLAME  | \$10      | 20                            | 360,000   |
| \$10   | \$10      | 30                            | 240,000   |
| \$15 w/ FLAME  | \$15      | 30                            | 240,000   |
| \$15   | \$15      | 30                            | 240,000   |
| \$10 × 2   | \$20      | 120                           | 60,000  |
| (\$10 w/ RED HOT \$10) × 2                               | \$20      | 120                           | 60,000  |
| \$20 w/ FLAME  | \$20      | 120                           | 60,000  |
| \$20   | \$20      | 120                           | 60,000  |
| \$10 × 4   | \$40      | 600                           | 12,000  |
| \$20 × 2   | \$40      | 600                           | 12,000  |
| (\$10 w/ RED HOT \$10) × 4                               | \$40      | 200                           | 36,000  |
| (((\$15 w/ FLAME) × 2) + (\$10 w/<br>RED HOT \$10))      | \$40      | 300                           | 24,000  |
| \$40 w/ FLAME  | \$40      | 300                           | 24,000  |
| \$40   | \$40      | 600                           | 12,000  |
| \$10 × 5   | \$50      | 600                           | 12,000  |
| (\$10 w/ RED HOT \$10) × 5                               | \$50      | 600                           | 12,000  |
| (((\$20 w/ FLAME) × 2) + (\$10 w/<br>FLAME))             | \$50      | 600                           | 12,000  |
| (\$40 w/ FLAME) + (\$10 w/ FLAME)                        | \$50      | 120                           | 60,000  |
| \$50 w/ FLAME  | \$50      | 600                           | 12,000  |
| \$50   | \$50      | 600                           | 12,000  |
| \$10 × 10  | \$100     | 600                           | 12,000  |
| \$50 × 2   | \$100     | 600                           | 12,000  |
| (\$10 w/ RED HOT \$10) × 10                              | \$100     | 600                           | 12,000  |
| \$10 w/ RED MATCH  | \$100     | 600                           | 12,000  |
| \$100 w/ FLAME   | \$100     | 600                           | 12,000  |
| \$100  | \$100     | 600                           | 12,000  |
| \$20 × 10  | \$200     | 12,000                        | 600   |
| \$40 × 5   | \$200     | 12,000                        | 600   |
| \$50 × 4   | \$200     | 12,000                        | 600   |
| (\$20 × 5) + (\$10 × 10)                                 | \$200     | 12,000                        | 600   |
| (\$10 w/ RED MATCH) + (((\$10 w/<br>RED HOT \$10) × 10)) | \$200     | 6,000                         | 1,200   |
| (\$10 w/ RED MATCH) × 2                                  | \$200     | 12,000                        | 600   |
| \$20 w/ RED MATCH  | \$200     | 6,000                         | 1,200   |
| \$200 w/ FLAME   | \$200     | 12,000                        | 600   |
| \$200  | \$200     | 12,000                        | 600   |
| \$50 × 10  | \$500     | 24,000                        | 300   |
| \$100 × 5  | \$500     | 24,000                        | 300   |
| (\$40 × 10) + (\$20 × 5)                                 | \$500     | 24,000                        | 300   |
| (\$40 w/ RED MATCH) + (((\$10 w/<br>RED HOT \$10) × 10)) | \$500     | 6,000                         | 1,200   |
| \$50 w/ RED MATCH  | \$500     | 6,000                         | 1,200   |
| \$500 w/ FLAME   | \$500     | 6,000                         | 1,200   |
| \$500  | \$500     | 24,000                        | 300   |
| \$500 × 2  | \$1,000   | 12,000                        | 600   |
| (\$100 × 5) + (\$50 × 10)                                | \$1,000   | 24,000                        | 300   |
| (\$10 w/ RED MATCH) × 10                                 | \$1,000   | 12,000                        | 600   |
| \$100 w/ RED MATCH                                       | \$1,000   | 12,000                        | 600   |
| \$1,000 w/ FLAME   | \$1,000   | 12,000                        | 600   |
| \$1,000  | \$1,000   | 24,000                        | 300   |
| (\$1,000 × 5) + (\$500 × 10)                             | \$10,000  | 1,440,000                     | 5   |
| (\$100 w/ RED MATCH) × 10                                | \$10,000  | 1,440,000                     | 5   |
| \$10,000 w/ FLAME  | \$10,000  | 1,440,000                     | 5   |
| \$10,000   | \$10,000  | 1,440,000                     | 5   |
| \$10,000 × 3   | \$30,000  | 720,000                       | 10  |
| \$30,000 w/ FLAME  | \$30,000  | 1,440,000                     | 5   |
| \$30,000   | \$30,000  | 1,440,000                     | 5   |
| \$300,000  | \$300,000 | 720,000                       | 10  |

When matching numbers are RED, win 10 times the prize shown under the matching number.

Reveal a "FLAME" (FLAME) symbol, win prize shown under that symbol automatically.

Reveal a "RED HOT \$10" (WIN10) symbol, win \$10 instantly.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards*: The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Red Hot 10s instant lottery game tickets.

10. *Retailer Bonus*: The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money*: For a period of 1 year from the announced close of Red Hot 10s, prize money from winning Red Hot 10s instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Red Hot 10s instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law*: In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game*: The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Red Hot 10s or through normal communications methods.

EILEEN H. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 17-126. Filed for public inspection January 20, 2017, 9:00 a.m.]

## Realty Transfer Tax; Revised 2015 Common Level Ratio; Real Estate Valuation Factors

The following real estate valuation factors are based on sales data compiled by the State Tax Equalization Board in 2015. These factors are the mathematical reciprocal of the actual common level ratios. For Pennsylvania Realty Transfer Tax purposes, these factors are applicable for documents accepted from July 1, 2016, to June 30, 2017. The date of acceptance of a document is rebuttably presumed to be its date of execution, that is, the date specified in the body of the document as the date of the instrument (61 Pa. Code § 91.102 (relating to acceptance of documents)).

| <i>County</i> | <i>Revised Common Level Ratio Factor</i> |
|---------------|--|
| Blair         | *1.00                                    |
| Washington    | *1.00                                    |
| Forest        | **3.17                                   |

\* Adjusted by the Department of Revenue to reflect an assessment base change effective January 1, 2017.

\*\* Adjusted by the Department of Revenue to reflect an assessment ratio change effective January 1, 2017.

EILEEN H. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 17-127. Filed for public inspection January 20, 2017, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Approval to Merge with Donegal Mutual Insurance Company

Donegal Mutual Insurance Company, a Pennsylvania domiciled mutual property insurance company, has submitted a Plan of Merger, whereby it proposes to merge with Mountain States Mutual Casualty Company, a New Mexico domiciled mutual casualty insurance company. The survivor of the merger would be Donegal Mutual Insurance Company. The filing was made under the requirements set forth under section 1402 of The Insurance Company Law of 1921 (40 P.S. § 991.1402).

Persons wishing to comment on the merger 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 Steven L. Yerger, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@pa.gov.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 17-128. Filed for public inspection January 20, 2017, 9:00 a.m.]



## Eligible Surplus Lines Insurer List

In accordance with section 1605(b) of The Insurance Company Law of 1921 (40 P.S. § 991.1605(b)), the Insurance Department publishes the most recent Eligible Surplus Lines Insurer List. This list replaces in its entirety the Eligible Surplus Lines Insurer List published at 46 Pa.B. 730 (February 6, 2016).

Persons with questions concerning this notice should contact Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735, cbybee@pa.gov.

| <i>Key #</i> | <i>Company Name</i>                             | <i>Statutory Home Address</i>   |
|--------------|---|---|
| 48123        | ACE EUROPEAN GROUP LIMITED                      | 100 LEADENHALL STREET<br>LONDON, United Kingdom EC3A 3BP                  |
| 10512        | ADMIRAL INSURANCE COMPANY                       | 1209 ORANGE STREET<br>WILMINGTON, DE 19801                                |
| 10513        | ADRIATIC INSURANCE COMPANY                      | 314 EAST THAYER AVENUE<br>BISMARCK, ND 58501                              |
| 39135        | AGENT ALLIANCE INSURANCE COMPANY                | 3800 SOLLIE ROAD<br>MOBILE, AL 36619                                      |
| 119792       | AIG EUROPE LIMITED                              | AIG BUILDING<br>58 FENCHURCH STREET<br>LONDON, United Kingdom<br>EC3M 4AB |
| 10521        | AIG SPECIALTY INSURANCE COMPANY                 | 500 WEST MADISON STREET<br>SUITE 3000<br>CHICAGO, IL 60661                |
| 67489        | AIX SPECIALTY INSURANCE COMPANY                 | 1209 ORANGE STREET<br>WILMINGTON, DE 19801-1120                           |
| 48099        | ALLIANZ GLOBAL CORPORATE & SPECIALTY SE         | KONIGINASTRASSE 28<br>MUNICH, Germany D80802                              |
| 10516        | ALLIANZ UNDERWRITERS INSURANCE COMPANY          | 225 W. WASHINGTON STREET<br>SUITE 1800<br>CHICAGO, IL 60606               |
| 10535        | ALLIED WORLD ASSURANCE COMPANY (U.S.) INC.      | 2711 CENTERVILLE ROAD<br>SUITE 400<br>WILMINGTON, DE 19808                |
| 10600        | ALLIED WORLD SURPLUS LINES INSURANCE COMPANY    | 425 WEST CAPITOL AVENUE<br>SUITE 1800<br>LITTLE ROCK, AR 72201-3525       |
| 106563       | ALLY INTERNATIONAL INSURANCE COMPANY LTD        | VICTORIA HALL<br>11 VICTORIA STREET<br>HAMILTON, Bermuda HM11             |
| 10519        | AMERICAN EMPIRE SURPLUS LINES INSURANCE COMPANY | 1209 ORANGE STREET<br>WILMINGTON, DE 19801                                |
| 10520        | AMERICAN EQUITY INSURANCE COMPANY               | 20860 N TATUM BOULEVARD<br>SUITE 400<br>PHOENIX, AZ 85050                 |
| 63828        | AMERICAN MODERN SURPLUS LINES INSURANCE COMPANY | 7000 MIDLAND BLVD<br>AMELIA, OH 45102-2607                                |
| 107529       | AMERICAN NATIONAL LLOYDS INSURANCE COMPANY      | ONE MOODY PLAZA<br>GALVESTON, TX 77550                                    |
| 104146       | AMERICAN SAFETY INSURANCE COMPANY               | 3715 NORTHSIDE PARKWAY<br>ATLANTA, GA 30327-2806                          |
| 10522        | AMERICAN WESTERN HOME INSURANCE COMPANY         | 600 BANK OF OKLAHOMA PLAZA<br>OKLAHOMA CITY, OK 73102                     |
| 83774        | AMTRUST INTERNATIONAL UNDERWRITERS LIMITED      | 40 WESTLAND ROW<br>DUBLIN, Ireland 2                                      |
| 10524        | APPALACHIAN INSURANCE COMPANY                   | 270 CENTRAL AVENUE<br>JOHNSTON, RI 02919-4949                             |
| 33748        | ARCH EXCESS & SURPLUS INSURANCE COMPANY         | 2345 GRAND BOULEVARD<br>SUITE 900<br>KANSAS CITY, MO 64108                |

| <i>Key #</i> | <i>Company Name</i>                                  | <i>Statutory Home Address</i>   |
|--------------|--|---|
| 97477        | ARCH INSURANCE COMPANY (EUROPE) LIMITED              | 6TH FLOOR<br>PLANTATION PLACE SOUTH<br>60 GREAT TOWER STREET<br>LONDON, United Kingdom EC3R 5AZ |
| 10587        | ARCH SPECIALTY INSURANCE COMPANY                     | 2345 GRAND BOULEVARD<br>SUITE 900<br>KANSAS CITY, MO 64108                                      |
| 10588        | ARROWOOD SURPLUS LINES INSURANCE COMPANY             | 2711 CENTERVILLE ROAD<br>SUITE 400<br>WILMINGTON, DE 19808                                      |
| 51442        | ASPEN INSURANCE UK LIMITED                           | 30 FENCHURCH STREET<br>LONDON, United Kingdom<br>EC3M 3BD                                       |
| 35611        | ASPEN SPECIALTY INSURANCE COMPANY                    | 314 EAST THAYER AVENUE<br>BISMARCK, ND 58501  |
| 22348        | ASSICURAZIONI GENERALI S.P.A.                        | PIAZZA DUCA DEGLI ABRUZZI, 2<br>TRIESTE, Italy 34132  |
| 22349        | ASSOCIATED ELECTRIC & GAS INSURANCE SERVICES LIMITED | THE MAXWELL ROBERTS<br>BUILDING 4TH FLOOR<br>ONE CHURCH STREET<br>HAMILTON, Bermuda HM11        |
| 94396        | ASSOCIATED INDUSTRIES INSURANCE COMPANY              | 903 N W 65TH STREET<br>SUITE 300<br>BOCA RATON, FL 33487-2864                                   |
| 10525        | ASSOCIATED INTERNATIONAL INSURANCE COMPANY           | TEN PARKWAY NORTH<br>DEERFIELD, IL 60015  |
| 52712        | ATAIN INSURANCE COMPANY                              | 2301 E. LAMAR BOULEVARD<br>5TH FLOOR<br>ARLINGTON, TX 76006                                     |
| 41586        | ATLANTIC CASUALTY INSURANCE COMPANY                  | 400 COMMERCE COURT<br>GOLDSBORO, NC 27534   |
| 41562        | AXA CORPORATE SOLUTIONS ASSURANCE                    | 4 RUE JULES LEFEBVRE<br>PARIS, France 75009   |
| 59554        | AXIS SPECIALTY EUROPE SE                             | MOUNT HERBERT COURT<br>34 UPPER MOUNT STREET<br>DUBLIN, Ireland 2                               |
| 10592        | AXIS SURPLUS INSURANCE COMPANY                       | 111 SOUTH WACKER DRIVE<br>SUITE 3500<br>CHICAGO, IL 60606                                       |
| 115461       | BANKERS SPECIALTY INSURANCE COMPANY                  | 3636 SOUTH I-10 SERVICE ROAD<br>STE. 204<br>METAIRIE, LA 70001                                  |
| 10584        | BERKLEY ASSURANCE COMPANY                            | 11201 DOUGLAS AVENUE<br>URBANDALE, IA 50322   |
| 75458        | BERKLEY REGIONAL SPECIALITY INSURANCE COMPANY        | 1209 ORANGE STREET<br>WILMINGTON, DE 19801-1120   |
| 63055        | BERKSHIRE HATHAWAY INTERNATIONAL INSURANCE LIMITED   | 33 ST MARY AXE<br>LONDON, United Kingdom EC3A 8LL   |
| 116246       | BLUE HILL SPECIALTY INSURANCE COMPANY INC.           | 104 SOUTH MICHIGAN AVENUE<br>STE. 600<br>CHICAGO, IL 60603                                      |
| 8689         | BURLINGTON INSURANCE COMPANY                         | 238 INTERNATIONAL ROAD<br>BURLINGTON, NC 27215-5129   |
| 10528        | CANAL INDEMNITY COMPANY                              | 400 EAST STONE AVENUE<br>GREENVILLE, SC 29601   |
| 75544        | CANOPIUS US INSURANCE, INC                           | C/O THE CORPORATION TRUST<br>COMPANY<br>1209 ORANGE STREET<br>WILMINGTON, DE 19801              |

| <i>Key #</i> | <i>Company Name</i>  | <i>Statutory Home Address</i>  |
|--------------|--|--|
| 48319        | CAPITOL SPECIALTY INSURANCE CORPORATION                      | 1600 ASPEN COMMONS<br>MIDDLETON, WI 53562  |
| 64641        | CATLIN INSURANCE COMPANY (UK) LIMITED                        | 20 GRACECHURCH STREET<br>LONDON, United Kingdom<br>3C3V OBG                                |
| 63239        | CATLIN SPECIALTY INSURANCE COMPANY                           | 160 GREENTREE DRIVE<br>SUITE 101<br>DOVER, DE 19904  |
| 10529        | CENTENNIAL CASUALTY COMPANY                                  | 2200 WOODCREST PLACE<br>SUITE 200<br>BIRMINGHAM, AL 35209                                  |
| 10531        | CENTURY SURETY COMPANY                                       | 550 POLARIS PARKWAY<br>WESTERVILLE, OH 43082   |
| 10532        | CHUBB CUSTOM INSURANCE COMPANY                               | 15 MOUNTAIN VIEW ROAD<br>WARREN, NJ 07059  |
| 72782        | CINCINNATI SPECIALTY UNDERWRITERS INSURANCE<br>COMPANY (THE) | BRANDYWINE VILLAGE<br>1807 NORTH MARKET STREET<br>WILMINGTON, DE 19802-4810                |
| 45736        | CLEAR BLUE SPECIALTY INSURANCE COMPANY                       | 6100 FAIRVIEW ROAD<br>UNIT 103<br>CHARLOTTE, NC 28210                                      |
| 118669       | CM VANTAGE SPECIALTY INSURANCE COMPANY                       | 3000 SCHUSTER LANE<br>MERRILL, WI 54452  |
| 10533        | COLONY INSURANCE COMPANY                                     | 8720 STONY POINT PARKWAY<br>SUITE 300<br>RICHMOND, VA 23235                                |
| 10534        | COLUMBIA CASUALTY COMPANY                                    | 333 S. WABASH, 43S<br>CHICAGO, IL 60604  |
| 86914        | CONIFER INSURANCE COMPANY                                    | 550 W. MERRILL STREET<br>SUITE 200<br>BIRMINGHAM, MI 48009                                 |
| 115462       | COVERYS SPECIALTY INSURANCE COMPANY                          | 67 EAST PARK PLACE<br>SUITE 703<br>MORRISTOWN, NJ 07960                                    |
| 96047        | COVINGTON SPECIALTY INSURANCE COMPANY                        | c/o NIXON PEABODY LLP<br>900 ELM STREET<br>MANCHESTER, NH 03101                            |
| 37372        | CRUM & FORSTER SPECIALTY INSURANCE COMPANY                   | 2999 NORTH 44TH STREET<br>SUITE 250<br>PHOENIX, AZ 85018                                   |
| 66658        | CUMIS SPECIALTY INSURANCE COMPANY, INC.                      | 2000 HERITAGE WAY<br>WAVERLY, IA 50677   |
| 37001        | DISCOVER SPECIALTY INSURANCE COMPANY                         | ONE TOWER SQUARE<br>HARTFORD, CT 06183   |
| 10541        | EMPIRE INDEMNITY INSURANCE COMPANY                           | BROADWAY EXECUTIVE<br>PARK 9<br>200 NW 66TH STREET<br>SUITE 965<br>OKLAHOMA CITY, OK 73116 |
| 63338        | ENDURANCE AMERICAN SPECIALTY INSURANCE<br>COMPANY            | 1209 ORANGE STREET<br>WILMINGTON, DE 19801   |
| 94256        | ENDURANCE SPECIALTY INSURANCE LTD                            | THE WELLESLEY HOUSE<br>90 PITTS BAY ROAD<br>PEMBROKE, Bermuda HM 08                        |
| 111852       | ENDURANCE WORLDWIDE INSURANCE LIMITED                        | 7TH FLOOR, MINSTER COURT<br>MINCING LANCE<br>LONDON, United Kingdom<br>EC3R 7BB            |

| <i>Key #</i> | <i>Company Name</i>                           | <i>Statutory Home Address</i>   |
|--------------|---|---|
| 10543        | EVANSTON INSURANCE COMPANY                    | TEN PARKWAY NORTH<br>DEERFIELD, IL 60015  |
| 10544        | EVEREST INDEMNITY INSURANCE COMPANY           | CORPORATION TRUST CENTER<br>1209 ORANGE STREET<br>WILMINGTON, DE 19801                                |
| 10545        | EXECUTIVE RISK SPECIALTY INSURANCE COMPANY    | 82 HOPMEADOW STREET<br>SIMSBURY, CT 06070-7683  |
| 105001       | FAIR AMERICAN SELECT INSURANCE COMPANY        | 80 PINE STREET<br>NEW YORK, NY 10005  |
| 10547        | FIREMAN'S FUND INSURANCE COMPANY OF OHIO      | 41 SOUTH HIGH STREET<br>SUITE 1700<br>COLUMBUS, OH 43215-6101   |
| 10549        | FIRST MERCURY INSURANCE COMPANY               | 1209 ORANGE STREET<br>WILMINGTON, DE 19801  |
| 10550        | FIRST SPECIALTY INSURANCE CORPORATION         | 237 EAST HIGH STREET<br>JEFFERSON CITY, MO 65101-3206   |
| 18477        | GEMINI INSURANCE COMPANY                      | CORPORATION TRUST CENTER<br>1209 ORANGE STREET<br>WILMINGTON, DE 19801                                |
| 10552        | GENERAL SECURITY INDEMNITY COMPANY OF ARIZONA | 2338 W. ROYAL PALM ROAD<br>SUITE J<br>PHOENIX, AZ 85021   |
| 10554        | GENERAL STAR INDEMNITY COMPANY                | 1209 ORANGE STREET<br>WILMINGTON, DE 19801  |
| 58119        | GEOVERA SPECIALTY INSURANCE COMPANY           | 2711 CENTERVILLE ROAD<br>SUITE 400<br>WILMINGTON, DE 19808-1645                                       |
| 73754        | GNV CUSTOM INSURANCE COMPANY                  | 200 MADISON AVENUE<br>NEW YORK, NY 10016-3904   |
| 10556        | GOTHAM INSURANCE COMPANY                      | 59 MAIDEN LANE<br>27TH FLOOR<br>NEW YORK, NY 10038  |
| 10514        | GREAT AMERICAN E & S INSURANCE COMPANY        | THE CORPORATION TRUST<br>COMPANY<br>1209 ORANGE STREET<br>WILMINGTON, DE 19801                        |
| 10518        | GREAT AMERICAN FIDELITY INSURANCE COMPANY     | THE CORPORATION TRUST<br>COMPANY<br>1209 ORANGE STREET<br>WILMINGTON, DE 19801                        |
| 10540        | GREAT AMERICAN PROTECTION INSURANCE COMPANY   | 301 EAST FOURTH STREET<br>CINCINNATI, OH 45202  |
| 22412        | GREAT LAKES REINSURANCE (UK) SE               | PLANTATION PLAN<br>30 FENCHURCH STREET<br>LONDON, United Kingdom<br>EC3M 3AJ                          |
| 100854       | GUIDEONE NATIONAL INSURANCE COMPANY           | 1111 ASHWORTH ROAD<br>WEST DES MOINES, IA 50265-3538  |
| 36489        | GUILFORD INSURANCE COMPANY                    | C/O HINSHAW & CULBERTSON,<br>LLP<br>400 SOUTH NINTH STREET<br>SUITE 200<br>SPRINGFIELD, IL 62701-1822 |
| 10557        | GULF UNDERWRITERS INSURANCE COMPANY           | ONE TOWER SQUARE<br>HARTFORD, CT 06183  |
| 103324       | HALLMARK SPECIALTY INSURANCE COMPANY          | 201 ROBERT S. KERR AVENUE<br>SUITE 600<br>OKLAHOMA CITY, OK 73102                                     |

| <i>Key #</i> | <i>Company Name</i>                                       | <i>Statutory Home Address</i>   |
|--------------|---|---|
| 79945        | HAMILTON SPECIALTY INSURANCE COMPANY                      | 1209 ORANGE STREET<br>WILMINGTON, DE 19801  |
| 66133        | HCC SPECIALTY INSURANCE COMPANY                           | 201 ROBERT S. KERR AVENUE<br>OKLAHOMA, OK 73102-4267                                      |
| 121546       | HELVETIA SWISS INSURANCE COMPANY IN<br>LIECHTENSTEIN LTD. | HERRENGASSE 11<br>9490 VADUZ<br>LIECHTENSTEIN, Liechtenstein                              |
| 100960       | HOMELAND INSURANCE COMPANY OF DELAWARE                    | 1209 ORANGE STREET<br>WILMINGTON, DE 19801  |
| 44169        | HOMELAND INSURANCE COMPANY OF NEW YORK                    | 1000 WOODBURY ROAD<br>SUITE 403<br>WOODBURY, NY 11797                                     |
| 10559        | HOUSTON CASUALTY COMPANY                                  | 13403 NORTHWEST FREEWAY<br>HOUSTON, TX 77040  |
| 75182        | HOUSTON SPECIALTY INSURANCE COMPANY                       | 800 GESSNER, SUITE 600<br>HOUSTON, TX 77024   |
| 102374       | HSB SPECIALTY INSURANCE COMPANY                           | ONE STATE STREET<br>HARTFORD, CT 06102-5024   |
| 106322       | HUDSON EXCESS INSURANCE COMPANY                           | 1209 ORANGE STREET<br>WILMINGTON, DE 19801  |
| 37373        | HUDSON SPECIALTY INSURANCE COMPANY                        | 100 WILLIAM STREET<br>5TH FLR<br>NEW YORK, NY 10038                                       |
| 10560        | ILLINOIS EMCASCO INSURANCE COMPANY                        | 717 MULBERRY STREET<br>DES MOINES, IA 50309-3872  |
| 10561        | ILLINOIS UNION INSURANCE COMPANY                          | 525 WEST MONROE STREET<br>SUITE 700<br>CHICAGO, IL 60661                                  |
| 10562        | INDIAN HARBOR INSURANCE COMPANY                           | c/o THE CORPORATION TRUST CO.<br>1209 ORANGE STREET<br>WILMINGTON, DE 19801               |
| 28076        | INTERNATIONAL INSURANCE COMPANY OF HANNOVER SE            | 2ND FLOOR<br>1 ARLINGTON SQUARE<br>DOWNSHIRE WAY<br>BERKSHIRE, United Kingdom<br>RG12 1WA |
| 10564        | INTERSTATE FIRE & CASUALTY COMPANY                        | 33 WEST MONROE<br>CHICAGO, IL 60603   |
| 103749       | IRONSHORE EUROPE LIMITED                                  | 33 SIR JOHN ROGERSON'S QUAY<br>2ND FLOOR<br>DUBLIN, Ireland 2                             |
| 70118        | IRONSHORE INSURANCE LTD.                                  | 141 FRONT STREET<br>HAMILTON, Bermuda HM19  |
| 10596        | IRONSHORE SPECIALTY INSURANCE COMPANY                     | 8601 NORTH SCOTTSDALE ROAD<br>SUITE 300<br>SCOTTSDALE, AZ 85253                           |
| 119790       | ISMIE INDEMNITY COMPANY                                   | 20 NORTH MICHIGAN AVENUE<br>SUITE 700<br>CHICAGO, IL 60602-4811                           |
| 10546        | JAMES RIVER INSURANCE COMPANY                             | 52 EAST GAY STREET<br>COLUMBUS, OH 43215  |
| 36855        | KINSALE INSURANCE COMPANY                                 | 425 W. CAPITOL AVENUE<br>SUITE 1800<br>LITTLE ROCK, AR 72201                              |
| 108670       | KNIGHT SPECIALTY INSURANCE COMPANY                        | BRANDYWINE VILLAGE<br>1807 NORTH MARKET STREET<br>WILMINGTON, DE 19802-4810               |

| <i>Key #</i> | <i>Company Name</i>  | <i>Statutory Home Address</i>   |
|--------------|--|---|
| 80046        | LANCASHIRE INSURANCE COMPANY (UK) LIMITED                              | 20 FENCHURCH STREET<br>29TH FLR.<br>LONDON, United Kingdom<br>EC3M 3BY                |
| 75297        | LANCASHIRE INSURANCE COMPANY LIMITED                                   | POWERHOUSE<br>7 PAR-LA-VILLE ROAD<br>HAMILTON, Bermuda HM 11                          |
| 8967         | LANDMARK AMERICAN INSURANCE COMPANY                                    | 201 ROBERT KERR AVENUE<br>SUITE 600<br>OKLAHOMA CITY, OK 73102-4267                   |
| 10569        | LEXINGTON INSURANCE COMPANY  | 2711 CENTERVILLE ROAD<br>SUITE 400<br>WILMINGTON, DE 19808                            |
| 22415        | LIBERTY MUTUAL INSURANCE EUROPE LIMITED                                | 3RD FLOOR, TWO MINSTER COURT<br>MINCING LANE<br>LONDON, United Kingdom<br>EC3R 7YE    |
| 18457        | LIBERTY SURPLUS INSURANCE CORPORATION                                  | 175 BERKELEY STREET<br>BOSTON, MA 02117   |
| 22416        | LLOYD'S, LONDON (UNDERWRITERS AT)                                      | ONE LIME STREET<br>LONDON, United Kingdom<br>EC3M7HA                                  |
| 92689        | MAPFRE GLOBAL RISKS COMPANIA INTERNACIONAL DE SEGUROS Y REASEGUROS S A | CARRETERA POZUELO 52<br>EDIFICIO M-11<br>MADRID, Spain                                |
| 22418        | MARINE INSURANCE COMPANY LIMITED                                       | ST MARKS COURT. CHART WAY<br>HORSHAM, WEST SUSSEX<br>ENGLAND, Great Britain RH 12 1XL |
| 22455        | MARKEL INTERNATIONAL INSURANCE COMPANY LIMITED                         | THE MARKEL BUILDING<br>49 LEADENHALL STREET<br>LONDON, United Kingdom EC3A2EA         |
| 10527        | MAXUM INDEMNITY COMPANY  | 1209 ORANGE STREET<br>WILMINGTON, DE 19801  |
| 69016        | MEDICAL MUTUAL LIABILITY INSURANCE SOCIETY OF MARYLAND                 | 225 INTERNATIONAL CIRCLE<br>HUNT VALLEY, MD 21030                                     |
| 104147       | MEDICAL SECURITY INSURANCE COMPANY                                     | 700 SPRING FOREST ROAD<br>SUITE 400<br>RALEIGH, NC 27609                              |
| 75542        | MERCHANTS NATIONAL INSURANCE COMPANY                                   | 5 BEDFORD FARMS<br>SUITE 101<br>BEDFORD, NH 03110                                     |
| 10553        | MESA UNDERWRITERS SPECIALTY INSURANCE COMPANY                          | 40 WANTAGE AVENUE<br>BRANCHVILLE, NJ 07890  |
| 96043        | MID-CONTINENT EXCESS AND SURPLUS INSURANCE COMPANY                     | 1209 ORANGE STREET<br>WILMINGTON, DE 19801  |
| 75518        | MITSUI SUMITOMO INSURANCE COMPANY (EUROPE) LIMITED                     | 25 FENCHURCH AVENUE<br>LONDON, United Kingdom<br>EC3M 5AD                             |
| 10571        | MT. HAWLEY INSURANCE COMPANY   | 9025 N. LINDBERGH DRIVE<br>PEORIA, IL 61615   |
| 10572        | NAMIC INSURANCE COMPANY, INC.  | 3601 VINCENNES ROAD<br>INDIANAPOLIS, IN 46268   |
| 10573        | NATIONAL FIRE & MARINE INSURANCE COMPANY                               | 1314 DOUGLAS STREET<br>SUITE 1400<br>OMAHA, NE 68102-1944                             |
| 10574        | NAUTILUS INSURANCE COMPANY   | 7233 E. BUTHERUS DRIVE<br>SCOTTSDALE, AZ 85260  |

| <i>Key #</i> | <i>Company Name</i>                                  | <i>Statutory Home Address</i>   |
|--------------|--|---|
| 10575        | NAVIGATORS SPECIALTY INSURANCE COMPANY               | ONE PENN PLAZA<br>32nd FLOOR<br>NEW YORK, NY 10119-0002   |
| 10537        | NOETIC SPECIALTY INSURANCE COMPANY                   | 100 EAST STATE STREET<br>MONTPELIER, VT 05602   |
| 10576        | NORTH AMERICAN CAPACITY INSURANCE COMPANY            | 650 ELM STREET<br>MANCHESTER, NH 03101-2524   |
| 79123        | NORTH LIGHT SPECIALTY INSURANCE COMPANY              | 2775 SANDERS ROAD<br>NORTHBROOK, IL 60062-7127  |
| 10577        | NORTHFIELD INSURANCE COMPANY                         | 505 5TH AVENUE<br>SUITE 729<br>DES MOINES, IA 50309   |
| 10578        | NUTMEG INSURANCE COMPANY                             | ONE HARTFORD PLAZA<br>HARTFORD, CT 06155  |
| 22421        | OCEAN MARINE INSURANCE COMPANY LIMITED               | ST. HELEN'S<br>1 UNDERSHAFT<br>LONDON, United Kingdom<br>EC3P3DQ  |
| 10579        | OLD REPUBLIC UNION INSURANCE COMPANY                 | 307 NORTH MICHIGAN AVENUE<br>CHICAGO, IL 60601  |
| 10566        | PACIFIC INSURANCE COMPANY, LIMITED                   | ONE HARTFORD PLAZA<br>HARTFORD, CT 06155  |
| 99478        | PARTNERRE IRELAND INSURANCE LIMITED                  | 5TH FLOOR, BLOCK 1<br>THE OVAL<br>160 SHELBOURNE ROAD<br>BALLSBRIDGE<br>DUBLIN, Ireland 4                     |
| 10582        | PELEUS INSURANCE COMPANY                             | 8720 STONY POINT PARKWAY<br>SUITE 300<br>RICHMOND, VA 23235   |
| 58179        | PENN-PATRIOT INSURANCE COMPANY                       | 526 KING STREET<br>ALEXANDRIA, VA 22314   |
| 74667        | PRIME INSURANCE COMPANY                              | 303 WEST MADISON #2075<br>CHICAGO, IL 60606   |
| 23150        | PRINCETON EXCESS AND SURPLUS LINES INSURANCE COMPANY | 2711 CENTERVILLE ROAD<br>SUITE 400<br>WILMINGTON, DE 19808  |
| 44436        | PROASSURANCE SPECIALTY INSURANCE COMPANY, INC.       | 100 BROOKWOOD PLACE<br>SUITE 500<br>BIRMINGHAM, AL 35209  |
| 117812       | PROFESSIONAL SECURITY INSURANCE COMPANY              | C/O S. DAVID CHILDERS KUTAK<br>ROCK, LLP<br>8601 N. SCOTTSDALE ROAD<br>SUITE 300<br>SCOTTSDALE, AZ 85253-2742 |
| 75543        | PROTECTIVE SPECIALTY INSURANCE COMPANY               | 111 CONGRESSIONAL BLVD<br>SUITE 500<br>CARMEL, IN 46032   |
| 22449        | QBE INSURANCE (EUROPE) LIMITED                       | PLANTATION PLACE<br>30 FENCHURCH STREET<br>LONDON, United Kingdom<br>EC3M 3BD                                 |
| 47448        | QBE SPECIALTY INSURANCE COMPANY                      | 314 EAST THAYER AVENUE<br>BISMARCK, ND 58501  |
| 117810       | RADNOR SPECIALTY INSURANCE COMPANY                   | 10330 REGENCY PARKWAY DRIVE<br>SUITE 100<br>OMAHA, NE 68114   |

| <i>Key #</i> | <i>Company Name</i>                                    | <i>Statutory Home Address</i>   |
|--------------|--|---|
| 44715        | RENAISSANCERE SPECIALTY RISKS LIMITED                  | RENAISSANCE HOUSE<br>12 CROW LANE<br>PEMBROKE, Bermuda HM19             |
| 70898        | REPUBLIC-VANGUARD INSURANCE COMPANY                    | 2390 E. CAMELBACK ROAD<br>PHOENIX, AZ 85016                             |
| 10603        | ROCKHILL INSURANCE COMPANY                             | 8601 N. SCOTTSDALE ROAD<br>SUITE 300<br>SCOTTSDALE, AZ 85253            |
| 122122       | ROCKINGHAM INSURANCE COMPANY                           | 633 EAST MARKET STREET<br>HARRISONBURG, VA 22801                        |
| 10589        | SAFECO SURPLUS LINES INSURANCE COMPANY                 | 62 MAPLE AVENUE<br>KEENE, NH 03431                                      |
| 86970        | SAFETY SPECIALTY INSURANCE COMPANY                     | 1832 SCHUETZ ROAD<br>ST. LOUIS, MO 63146                                |
| 10590        | SAVERS PROPERTY AND CASUALTY INSURANCE COMPANY         | 120 SOUTH CENTRAL AVENUE<br>CLAYTON, MO 63105                           |
| 94496        | SCOR UK COMPANY LIMITED                                | 10 LIME STREET<br>LONDON, United Kingdom<br>EC3M 7AA                    |
| 10591        | SCOTTSDALE INSURANCE COMPANY                           | ONE NATIONWIDE PLAZA<br>COLUMBUS, OH 43215                              |
| 107528       | SCOTTSDALE SURPLUS LINES INSURANCE COMPANY             | 8877 N GAINNEY CENTER DRIVE<br>SCOTTSDALE, AZ 85258-2108                |
| 44276        | SENECA SPECIALTY INSURANCE COMPANY                     | 2999 NORTH 44TH STREET<br>SUITE 250<br>PHOENIX, AZ 85018-7256           |
| 33514        | SIRIUS INTERNATIONAL INSURANCE CORPORATION             | BIRGER JARISGATAN 57B<br>STOCKHOLM, Sweden SE 113 96                    |
| 10593        | ST. PAUL SURPLUS LINES INSURANCE COMPANY               | 2711 CENTERVILLE ROAD<br>SUITE 400<br>WILMINGTON, DE 19808              |
| 79898        | STARR SURPLUS LINES INSURANCE COMPANY                  | 500 WEST MONROE STREET<br>31ST FLOOR CHICAGO, IL 60661                  |
| 98475        | STARSTONE INSURANCE PLC                                | 5TH FLOOR<br>88 LEADENHALL STREET<br>LONDON, United Kingdom<br>EC3A 3BP |
| 40659        | STARSTONE SPECIALTY INSURANCE COMPANY                  | 1209 ORANGE STREET<br>WILMINGTON, DE 19801-1120                         |
| 10594        | STEADFAST INSURANCE COMPANY                            | SUITE 202<br>32 LOOCKERMAN SQUARE<br>DOVER, DE 19904                    |
| 22453        | SWISS RE INTERNATIONAL SE                              | 2A, RUE ALBERT BORSCHETTE<br>KIRCHBERG, Luxembourg L1246                |
| 10583        | TDC SPECIALTY INSURANCE COMPANY                        | 1050 K STREET<br>SUITE 400<br>WASHINGTON, DC 20001                      |
| 22456        | THROUGH TRANSPORT MUTUAL INSURANCE ASSOCIATION LIMITED | FIRST FLOOR CHEVRON HOUSE<br>11 CHURCH STREET<br>HAMILTON, Bermuda HM11 |
| 73071        | TOKIO MARINE KILN INSURANCE LIMITED                    | 20 FENCHURCH STREET<br>LONDON, United Kingdom<br>EC3M 3BY               |
| 8705         | TOKIO MARINE SPECIALTY INSURANCE COMPANY               | 1807 NORTH MARKET STREET<br>WILMINGTON, DE 19802                        |
| 10597        | TRAVELERS EXCESS AND SURPLUS LINES COMPANY             | ONE TOWER SQUARE<br>HARTFORD, CT 06183                                  |



| <i>Key #</i> | <i>Company Name</i>                         | <i>Statutory Home Address</i>   |
|--------------|---|---|
| 54486        | TT CLUB MUTUAL INSURANCE LIMITED            | 90 FENCHURCH STREET<br>LONDON, United Kingdom<br>ECM 4ST                    |
| 10598        | TUDOR INSURANCE COMPANY                     | 300 KIMBALL DRIVE<br>SUITE 500<br>PARSIPPANY, NJ 07054                      |
| 10599        | U.S. UNDERWRITERS INSURANCE COMPANY         | 316 NORTH FIFTH STREET<br>SIXTH FLOOR<br>BISMARCK, ND 58501                 |
| 10558        | UNITED NATIONAL SPECIALTY INSURANCE COMPANY | 411 EAST WISCONSIN AVENUE<br>SUITE 700<br>MILWAUKEE, WI 53202               |
| 64798        | UNITED SPECIALTY INSURANCE COMPANY          | 160 GREENTREE DRIVE<br>SUITE 101<br>DOVER, DE 19904                         |
| 82097        | UTICA SPECIALTY RISK INSURANCE COMPANY      | 2435 N CENTRAL EXPRESSWAY<br>SUITE 400<br>RICHARDSON, TX 75080              |
| 10605        | VOYAGER INDEMNITY INSURANCE COMPANY         | 260 INTERSTATE NORTH<br>CIRCLE SE<br>ATLANTA, GA 30339                      |
| 99476        | W. R. BERKLEY INSURANCE (EUROPE) LIMITED    | 2ND FLOOR<br>40 LIME STREET<br>LONDON, United Kingdom<br>EC3M 7AW           |
| 117811       | WATFORD SPECIALTY INSURANCE COMPANY         | 445 SOUTH STREET, SUITE 15824<br>P.O. BOX 1988<br>MORRISTOWN, NJ 07962-1988 |
| 10607        | WESTCHESTER SURPLUS LINES INSURANCE COMPANY | 11575 GREAT OAKS WAY<br>SUITE 200<br>ALPHARETTA, GA 30022                   |
| 10608        | WESTERN HERITAGE INSURANCE COMPANY          | 9200 E. PIMA CENTER PKWY<br>SUITE 350<br>SCOTTSDALE, AZ 85258               |
| 10610        | WESTERN WORLD INSURANCE COMPANY             | 300 KIMBALL DRIVE<br>SUITE 500<br>PARSIPPANY, NJ 07054                      |
| 49219        | WILSHIRE INSURANCE COMPANY                  | 702 OBERLIN ROAD<br>RALEIGH, NC 27605-0800                                  |
| 10604        | XL SELECT INSURANCE COMPANY                 | 1209 ORANGE STREET<br>WILMINGTON, DE 19801                                  |

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 17-129. Filed for public inspection January 20, 2017, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following document during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a

statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

*Governor's Office*

Management Directive No. 245.15—Pennsylvania  
Statewide Radio Network, Amended December 5, 2016.

LAURA CAMPBELL,  
*Director*  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 17-130. Filed for public inspection January 20, 2017, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule; All Milk Marketing Areas; Over-Order Premium

Under the Milk Marketing Law (31 P.S. §§ 700j-101—700j-1302) the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on February 27, 2017, at 10 a.m. in Room 309, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the level and duration of the Class I over-order premium to be effective April 1, 2017.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 12 p.m. on January 27, 2017, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 12 p.m. on January 27, 2017, notification of their desire to be included as a party. Parties shall indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to [deberly@state.pa.us](mailto:deberly@state.pa.us).

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. Copies of the filings will be available on the Board web site at <http://www.mmb.pa.gov/Public%20Hearings/>.

1. By 12 p.m. on February 7, 2017, the petitioner shall file with the Board, in person or by mail, one original and five copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the petitioner, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a written report or written testimony explaining the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 12 p.m. on February 17, 2017, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 12 p.m. on February 23, 2017, parties shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, five copies shall be provided for Board use and one copy shall be provided to each interested party.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 12 p.m. on February 21, 2017.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

TIM MOYER,  
*Secretary*

[Pa.B. Doc. No. 17-131. Filed for public inspection January 20, 2017, 9:00 a.m.]

### Rescheduled Meeting

The February 1, 2017, meeting of the Milk Marketing Board has been rescheduled for February 3, 2017, at 1 p.m. in Room 202, Agriculture Building, Harrisburg, PA 17110.

TIM MOYER,  
*Secretary*

[Pa.B. Doc. No. 17-132. Filed for public inspection January 20, 2017, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### General Rule Transaction

**A-2017-2583431; A-2017-2583432; A-2017-2583433; A-2017-2583434; A-2017-2583435; A-2017-2583436; A-2017-2583437. Consolidated Communications Holdings, Inc., Consolidated Communications of Pennsylvania Company, LLC, Consolidated Communications Enterprise Services, Inc., FairPoint Communications, Inc., Bentleyville Communications Corporation, Marianna & Scenery Hill Telephone Company, BE Mobile Communications, Inc., Marianna Tel, Inc. and FairPoint Business Services, LLC.** Joint application of Consolidated Communications Holdings, Inc., Consolidated Communications of Pennsylvania Company, LLC, Consolidated Communications Enterprise Services, Inc., FairPoint Communications, Inc., Bentleyville Communications Corporation, Marianna & Scenery Hill Telephone Company, BE Mobile Communications, Inc., Marianna Tel, Inc. and FairPoint Business Services, LLC for approval of a general rule transaction involving a transfer of control and registration of related securities certificates.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before February 6, 2017. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

*Applicants:* Consolidated Communications Holdings, Inc.; Consolidated Communications of Pennsylvania Com-

pany, LLC; Consolidated Communications Enterprise Services, Inc.; FairPoint Communications, Inc.; Bentleyville Communications Corporation; Marianna & Scenery Hill Telephone Company; BE Mobile Communications, Inc.; Marianna Tel, Inc.; FairPoint Business Services, LLC

*Through and By Counsel:* Charles E. Thomas, III, Esquire, Charles E. Thomas, Jr., Esquire, Thomas, Niesen & Thomas, LLC, 212 Locust Street, Suite 600, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-133. Filed for public inspection January 20, 2017, 9:00 a.m.]

**PMO III—Change in Meeting Schedule of Pennsylvania Carrier Working Group—M-00011468; PMO III—Docket for 2017 Matters and Filings—M-2017-2582567**

The Pennsylvania Carrier Working Group (PA CWG) meeting schedule will change from the first Tuesday at 10 a.m. in even numbered months to the second Tuesday at 10:30 a.m. in the third month of each calendar quarter, beginning with the next meeting now scheduled for March 14, 2017, at 10:30 a.m. The meetings will continue to be held by conference call with call-in details announced by e-mail to active participants prior to the meeting.

The PA CWG<sup>1</sup> was formed in 2003 under Pennsylvania Public Utility Commission (Commission) Order to provide a mechanism for Verizon Pennsylvania, LLC<sup>2</sup> (Verizon PA) and competitive local exchange carriers (CLEC) in this Commonwealth to resolve metrics and remedies issues relative to the wholesale interconnection services that the CLECs obtain from Verizon PA and to coordinate with similar carrier working groups in other jurisdictions. Primary participation in the PA CWG is open to this Commonwealth's incumbent local exchange carriers, CLECs, statutory advocates and Commission staff, as well as consultants sponsored by these Commonwealth entities. Secondary participation is open to entities from other jurisdictions in the traditional Verizon footprint.

Further, the new industry facilitator of the PA CWG is Margaret Rubino of Windstream. Carrier-to-carrier matters related to metrics and remedies proposals and reports of performance in calendar year 2017 will be processed at Doc. No. M-2017-2582567.

The Commission will publish this Secretarial Letter in the *Pennsylvania Bulletin*. For questions related to the PA CWG, contact either Margaret Rubino, Margaret.rubino@windstream.com, or Louise Fink Smith, Pennsylvania Public Utility Commission, finksmith@pa.gov.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-134. Filed for public inspection January 20, 2017, 9:00 a.m.]

<sup>1</sup> For more information on the PA CWG, see [http://www.puc.pa.gov/utility\\_industry/telecommunications/carrier\\_working\\_group.aspx](http://www.puc.pa.gov/utility_industry/telecommunications/carrier_working_group.aspx). PA CWG Statement of Purpose: [http://www.puc.pa.gov/telecom/pdf/PACWG\\_Purpose\\_Stmt.pdf](http://www.puc.pa.gov/telecom/pdf/PACWG_Purpose_Stmt.pdf). PA CWG Agreement: [http://www.puc.pa.gov/telecom/pdf/PACWG\\_Agreement.pdf](http://www.puc.pa.gov/telecom/pdf/PACWG_Agreement.pdf)

<sup>2</sup> References to "Verizon PA" are limited to Verizon PA and affiliate operations within this Commonwealth, not including Verizon North operations. References to "Verizon" more generally reflect footprint-wide operations by various Verizon affiliates in the former Bell Atlantic and NYNEX states.

**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 February 6, 2017. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-2016-2580923. All Platinum Transportation, LLC** (415 Elmwood Avenue, Sharon Hill, Delaware County, PA 19079) in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in Chester, Montgomery, Bucks and Delaware Counties, to points in Pennsylvania, and return.

**A-2016-2582061. Call-A-Car, Inc., t/a AVP Taxi** (1163 Miller Road, Lake Ariel, Wayne County, PA 18436) for the right to begin to transport, as a common carrier, by motor vehicle, persons in airport transfer service, from points in Pennsylvania to AVP airport; and from points in the Counties of Bradford, Carbon, Columbia, Lackawanna, Luzerne, Monroe, Montour, Pike, Schuylkill, Susquehanna, Wayne and Wyoming to all public, commercial or municipal Pennsylvania airports.

**A-2017-2581783. D B Fisher School Student Transportation, Inc.** (1715 Grace Avenue, Lebanon, Lebanon County, PA 17046) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, between points in the County of Lebanon, and within an airline distance of 20 statute miles of the limits of the City of Lebanon, Lebanon County.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.**

**A-2016-2580720. Huyett's Auctioneering, LLC** (3025 North Street, Morgantown, Berks County, PA 19543) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, from points in the Counties of Berks, Chester, Lancaster, Bucks, Lehigh, Schuylkill, Delaware and Philadelphia, to points in Pennsylvania, and return.

**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-2016-2581777. AA Taxi, Inc.** (220 Reese Road, Suite B, State College, Centre County, PA 16803) discontinuance of service and cancellation of its certificate—persons upon call or demand service in the County of Centre.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-135. Filed for public inspection January 20, 2017, 9:00 a.m.]

### Service of Notice of Motor Carrier Formal Complaints

Formal Complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due February 6, 2017, and must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

### Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Metro Transportation of Pennsylvania, LLC, t/a Metro Taxi; Docket No. C-2016-2548930

#### COMPLAINT

Now Comes the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), by its prosecuting attorneys, and files this Complaint against Metro Transportation of Pennsylvania, LLC, t/a Metro Taxi (Respondent), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

#### Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P.O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
717.705.4366  
komyers@pa.gov

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimer@pa.gov

Michael L. Swindler  
Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

4. Respondent is Metro Transportation of Pennsylvania, LLC, t/a Metro Taxi and maintains its principal place of business at 251 West 12th Street, Suite 369, Erie, PA 16505, Attention: Mark J. McEnery.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a Certificate of Public Convenience on or about June 26, 2009, at A-2009-2095408, for taxi authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

#### Factual Background

12. On July 23, 2015, I&E filed a Complaint against Respondent at Docket No. C-2015-2494317, alleging that Respondent violated Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c), by failing to pay its 2014-2015 Fiscal Year Assessment.

13. On March 21, 2016, I&E filed a Certificate of Satisfaction pursuant to 52 Pa. Code § 5.24, noting that Respondent satisfied the outstanding assessment and civil penalty requested in I&E's Complaint.

14. On or about February 6, 2015, the Commission mailed to Respondent an assessment report for Respondent to report its gross intrastate operating revenues for the 2014 calendar year.

15. The assessment report was accompanied by a letter, which notified Respondent that the report was to be completed and returned to the Commission on or before March 31, 2015.

16. Respondent failed to file an assessment report stating its 2014 calendar year revenues.

17. On or about September 10, 2015, the Commission mailed to Respondent, by certified mail, an assessment invoice for the July 1, 2015 to June 30, 2016 Fiscal Year

(2015-2016 Fiscal Year) that was based, in part, on Respondent's estimated revenues for the 2014 calendar year. Respondent's assessment was \$1,009.

18. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days.

19. On September 16, 2015, Respondent signed a certified mail card, which indicated that it received an assessment invoice for the 2015-2016 Fiscal Year.

20. The Commission received no objections from Respondent to this assessment.

21. Respondent failed to pay its 2015-2016 Fiscal Year Assessment Invoice.

22. The total outstanding assessment balance for Respondent is \$1,009.

#### Violations

##### COUNT 1

23. That Respondent failed to report its gross intrastate operating revenues for the 2014 calendar year in that it did not file an assessment report for that year. If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,000.

##### COUNT 2

24. That Respondent failed to satisfy its 2015-2016 Fiscal Year assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice. If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 25% of the outstanding assessment balance or \$252. This civil penalty is based, in part, on Respondent's history of noncompliance with the Public Utility Code involving a failure to timely pay assessments, as set forth above.

Wherefore, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that:

(a) Respondent be ordered to pay a total of \$2,261, which consists of its outstanding assessment balance of \$1,009 and a total civil penalty of \$1,252 for the above-described violations;

(b) Respondent be directed to file assessment reports on a going-forward basis; and

(c) If payment of the assessment and civil penalty is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Kourtney L. Myers  
Prosecutor

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
717.705.4366  
komyers@pa.gov

Date: June 2, 2016

#### VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, 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 the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: June 2, 2016

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania" to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Michael L. Swindler  
 Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. TTM Operating Corporation, Inc.; Docket No. C-2016-2558445**

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), by its prosecuting attorneys, and files this Complaint against TTM Operating Corporation, Inc. (Respondent), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

*Parties and Jurisdiction*

1. The Pennsylvania Public Utility Commission, with a mailing address of P.O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers  
 Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265  
 717.705.4366  
 komyers@pa.gov

Stephanie M. Wimer  
 Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265  
 717.772.8839  
 stwimer@pa.gov

4. Respondent is TTM Operating Corporation, Inc. and maintains its principal place of business at 146 North Canal Street, Suite 210, Seattle, WA 98103, Attention: Lynn Refer.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in conveying or transmitting messages or communications by telephone in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a Certificate of Public Convenience on or about December 30, 2008, at A-1008-2059235, for competitive access provider authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in conveying or transmitting messages or communications by telephone, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

*Factual Background*

12. On or about September 10, 2015, the Commission mailed to Respondent, by certified mail, an assessment invoice for the July 1, 2015 to June 30, 2016 Fiscal Year (2015-2016 Fiscal Year). Respondent's assessment was \$3,840.

13. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days.

14. On September 17, 2015, Respondent signed a certified mail card, which indicated that it received an assessment invoice and notice of assessment for the 2015-2016 Fiscal Year.

15. The Commission received no objections from Respondent to the assessment amount set forth in the 2015-2016 Fiscal Year Assessment Invoice.

16. Respondent failed to pay its 2015-2016 Fiscal Year Assessment Invoice.

17. The total outstanding assessment balance for Respondent is \$3,840.

*Violation*

18. That Respondent failed to satisfy its 2015-2016 Fiscal Year Assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice. If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). I&E's proposed civil penalty for this violation is 15% of the outstanding assessment balance or \$576.

Wherefore, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that:

(a) Respondent be ordered to pay a total of \$4,416, which consists of its outstanding assessment balance of \$3,840 and a civil penalty of \$576 for the above-described violation; and

(b) If payment of the assessment and civil penalty is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent; and

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action.

Respectfully submitted,  
Kourtney L. Myers  
Prosecutor

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
717.705.4366  
komyers@pa.gov

Date: July 26, 2016

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, 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 the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: July 26, 2016

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located

under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania" to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Sawink, Inc., t/a County Cab Co.; Docket No. C-2016-2558449**

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), by its prosecuting attorneys, and files this Complaint against Sawink, Inc., t/a County Cab Co. (Respondent), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

*Parties and Jurisdiction*

1. The Pennsylvania Public Utility Commission, with a mailing address of P.O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

## 3. Complainant is represented by:

Kourtney L. Myers  
 Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265  
 717.705.4366  
 komyers@pa.gov

Stephanie M. Wimer  
 Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265  
 717.772.8839  
 stwimer@pa.gov

Michael L. Swindler  
 Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

4. Respondent is Sawink, Inc., t/a County Cab Co. and maintains its principal place of business at 702 McDade Boulevard, Collingdale, PA 19023, Attention: Ronald L. Winkelvoss.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a Certificate of Public Convenience on or about July 11, 2006, at A-00122187, for taxi authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

*Factual Background*

12. On or about September 10, 2015, the Commission mailed to Respondent, by certified mail, an assessment invoice for the July 1, 2015 to June 30, 2016 Fiscal Year (2015-2016 Fiscal Year). Respondent's assessment was \$4,894.

13. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days.

14. The assessment invoice was mailed to Respondent at P.O. Box 269, Wallingford, PA 19086, which is the mailing address that Respondent provided to the Commission for assessment purposes.

15. On October 13, 2015, the assessment invoice was returned to the Commission by the United States Postal Service as being undeliverable.

16. On or about October 14, 2015, the Commission re-mailed the 2015-2016 Fiscal Year Assessment Invoice to Respondent by first class mail at P.O. Box 269, Wallingford, PA 19086 and there is no indication that this mailing was returned to the Commission as being undeliverable.

17. The Commission received no objections from Respondent to the assessment amount set forth in the 2015-2016 Fiscal Year Assessment Invoice.

18. Respondent failed to pay its 2015-2016 Fiscal Year Assessment Invoice.

19. The total outstanding assessment balance for Respondent is \$4,894.

*Violation*

20. That Respondent failed to satisfy its 2015-2016 Fiscal Year Assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice. If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). I&E's proposed civil penalty for this violation is 15% of the outstanding assessment balance or \$734.

*Wherefore*, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that:

(a) Respondent be ordered to pay a total of \$5,628, which consists of its outstanding assessment balance of \$4,894 and a civil penalty of \$734 for the above-described violation; and

(b) If payment of the assessment and civil penalty is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
 Kourtney L. Myers  
 Prosecutor

Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265  
 717.705.4366  
 komyers@pa.gov

Date: July 26, 2016

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, 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 the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: July 26, 2016

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania" to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. American Luxury Limousine, Inc.; Docket No. C-2016-2558531**

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), by its prosecuting attorneys, and files this Complaint against American Luxury Limousine, Inc. (Respondent), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

*Parties and Jurisdiction*

1. The Pennsylvania Public Utility Commission, with a mailing address of P.O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
717.705.4366  
[komyers@pa.gov](mailto:komyers@pa.gov)

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
[stwimer@pa.gov](mailto:stwimer@pa.gov)

Michael L. Swindler  
Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

4. Respondent is American Luxury Limousine, Inc. and maintains its principal place of business at 2659 South 67th Street, Philadelphia, PA 19142, Attention: Mihretu Tefera.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a Certificate of Public Convenience on or about March 21, 2002, at A-00118446, for limousine authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

#### *Factual Background*

##### *Prior Case*

12. On October 4, 2011, I&E filed a Complaint against Respondent at Docket No. C-2011-2256676, alleging that Respondent violated Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b), by failing to file assessment reports for the 2007, 2008, 2009, and 2010 calendar years. I&E requested that Respondent file an assessment report with the Commission for the 2011 calendar year and if not, that the Commission impose a civil penalty in the amount of \$1,000 upon Respondent.

13. On November 3, 2011, Respondent filed its assessment report for the 2011 calendar year and the Complaint docketed at C-2011-2256676 was marked closed.

##### *2015-2016 Fiscal Year*

14. On or about February 6, 2015, the Commission mailed to Respondent an assessment report for Respondent to report its gross intrastate operating revenues for the 2014 calendar year in order to calculate Respondent's July 1, 2015 to June 30, 2016 Fiscal Year (2015-2016 Fiscal Year) Assessment.

15. The assessment report was accompanied by a letter, which notified Respondent that the report was to be completed and returned to the Commission on or before March 31, 2015.

16. Respondent failed to file an assessment report stating its 2014 calendar year revenues.

17. On or about September 10, 2015, the Commission mailed to Respondent, by certified mail, an assessment invoice for the 2015-2016 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2014 calendar year due to Respondent's failure to file an assessment report stating its 2014 calendar year revenues. Respondent's assessment was \$6,538.

18. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days.

19. The assessment invoice was mailed to Respondent at 2659 South 67th Street, Philadelphia, PA 19142, which is the mailing address that Respondent provided to the Commission.

20. On October 15, 2015, the assessment invoice was returned to the Commission by the United States Postal Service as being undeliverable.

21. On or about October 16, 2015, the Commission re-mailed the 2015-2016 Fiscal Year Assessment Invoice to Respondent by first class mail at 2659 South 67th Street, Philadelphia, PA 19142 and there is no indication that this mailing was returned to the Commission as being undeliverable.

22. The Commission received no objections from Respondent to the assessment amount set forth in the 2015-2016 Fiscal Year Assessment Invoice.

23. Respondent failed to pay its 2015-2016 Fiscal Year Assessment Invoice.

24. The total outstanding assessment balance for Respondent is \$6,538.

#### *Violations*

##### *COUNT 1*

25. That Respondent failed to report its gross intrastate operating revenues for the 2014 calendar year in that it did not file an assessment report for that year. If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,500. This civil penalty is based, in part, on Respondent's history of non-compliance with the Public Utility Code involving a failure to file assessment reports, as set forth above.

##### *COUNT 2*

26. That Respondent failed to satisfy its 2015-2016 Fiscal Year Assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice. If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 15% of the outstanding assessment balance or \$981.

*Wherefore*, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that:

(a) Respondent be ordered to pay a total of \$9,019, which consists of its outstanding assessment balance of \$6,538 and a total civil penalty of \$2,481 for the above-described violations;

(b) Respondent be directed to file assessment reports on a going-forward basis; and

(c) If payment of the assessment and civil penalty is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Kourtney L. Myers  
Prosecutor

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
717.705.4366  
komyers@pa.gov

Date: July 26, 2016

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, 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 the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: July 26, 2016

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania" to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Atlantic Express of PA, Inc.; Docket No. C-2016-2573198**

COMPLAINT

*Now Comes* the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), by its prosecuting attorneys, and files this Complaint against Atlantic Express of PA, Inc. (Respondent), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

*Parties and Jurisdiction*

1. The Pennsylvania Public Utility Commission, with a mailing address of P.O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
717.705.4366  
komyers@pa.gov

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimer@pa.gov

Michael L. Swindler  
Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

4. Respondent is Atlantic Express of PA, Inc. and maintains its principal place of business at 3740 East Thompson Street, Philadelphia, PA 19137-1421.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a Certificate of Public Convenience on or about July 18, 1995, at A-00111639, for group and party 16 or greater authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

#### *Factual Background*

##### *2014-2015 Fiscal Year*

12. On or about September 11, 2014, the Commission mailed to Respondent, by certified mail, an assessment invoice for the July 1, 2014 to June 30, 2015 Fiscal Year (2014-2015 Fiscal Year). Respondent's assessment was \$9,120.

13. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days.

14. The assessment invoice and notice of assessment were mailed to Respondent at 3740 East Thompson Street, Philadelphia, PA 19137-1421, which is the mailing address that Respondent provided to the Commission for assessment purposes.

15. On September 17, 2014, Respondent signed a certified mail card, which indicated that it received the assessment invoice and notice of assessment for the 2014-2015 Fiscal Year.

16. On September 29, 2014, Durham School Services, L.P. (Durham School Services) filed a letter (September 29, 2014 letter) with the Commission objecting to Respondent's 2014-2015 Fiscal Year Assessment Invoice noting

that it acquired certain assets of Respondent's corporation through a bankruptcy auction in February 2014.

17. In its September 29, 2014 letter, Durham School Services provided that the last known mailing address for Respondent was at 7 North Street, Staten Island, NY 10302.

18. Respondent did not file with the Commission any copy of a petition for bankruptcy or apprise the Commission of a change in its current address.

19. On February 3, 2016, Durham School Services filed a letter with the Commission withdrawing its objection to Respondent's 2014-2015 Fiscal Year Assessment noting that its September 29, 2014 letter should not be considered an objection to Respondent's 2014-2015 Fiscal Year Assessment. Durham School Services stated that the reason for the withdrawal of its objection was that it did not have the authority, intent, or legal right to object to Respondent's 2014-2015 Fiscal Year Assessment or to take any other action on behalf of Respondent as Durham School Services acquired certain assets of Respondent's corporation, but did not assume ownership or any liabilities for current or past operations of Respondent.

20. Respondent failed to pay its 2014-2015 Fiscal Year Assessment Invoice.

##### *2015-2016 Fiscal Year*

21. On or about February 6, 2015, the Commission mailed to Respondent an assessment report for Respondent to report its gross intrastate operating revenues for the 2014 calendar year in order to calculate Respondent's July 1, 2015 to June 30, 2016 Fiscal Year (2015-2016 Fiscal Year) Assessment.

22. The assessment report was accompanied by a letter, which notified Respondent that the report was to be completed and returned to the Commission on or before March 31, 2015.

23. Respondent failed to file an assessment report stating its 2014 calendar year revenues.

24. On or about September 10, 2015, the Commission mailed to Respondent, by certified mail, an assessment invoice for the 2015-2016 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2014 calendar year due to Respondent's failure to file an assessment report stating its 2014 calendar year revenues. Respondent's assessment was \$8,443.

25. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days.

26. The assessment invoice and notice of assessment were mailed to Respondent at 3740 East Thompson Street, Philadelphia, PA 19137-1421, which is the mailing address that Respondent provided to the Commission for assessment purposes.

27. On September 15, 2015, Respondent signed a certified mail card, which indicated that it received the assessment invoice and notice of assessment for the 2015-2016 Fiscal Year.

28. The Commission received no objections from Respondent to this assessment.

29. Respondent failed to pay its 2015-2016 Fiscal Year Assessment Invoice.

30. Being that Respondent's 2014-2015 and 2015-2016 Fiscal Year Assessments remained unpaid, on or about July 27, 2016, the Commission re-mailed the assessment

invoices and notice of assessments for the 2014-2015 and 2015-2016 Fiscal Years to Respondent, via certified mail and first class mail, at 7 North Street, Staten Island, NY 10302, which is the last known mailing address of Respondent that Durham School Services provided to the Commission in its September 29, 2014 letter.

31. On August 24, 2016, the 2014-2015 and 2015-2016 Fiscal Year Assessment Invoices were returned to the Commission by the United States Postal Service as being undeliverable.

32. Respondent failed to pay its 2014-2015 and 2015-2016 Fiscal Year Assessment Invoices.

33. The total outstanding assessment balance for Respondent related to the 2014-2015 and 2015-2016 Fiscal Years is \$17,563.

#### Violations

#### COUNT 1

34. That Respondent failed to report its gross intrastate operating revenues for the 2014 calendar year in that it did not file an assessment report for that year. If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,000.

#### COUNTS 2-3

35. That Respondent failed to satisfy its 2014-2015 and 2015-2016 Fiscal Year Assessments in that it did not pay the amounts due within thirty (30) days of receipt of the invoices. If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 15% of the outstanding assessment balance or \$2,634.

Wherefore, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that:

(a) Respondent be ordered to pay a total of \$21,197, which consists of its outstanding assessment balance of \$17,563 related to the 2014-2015 and 2015-2016 Fiscal Years and a total civil penalty of \$3,634 for the above-described violations;

(b) Respondent be directed to file assessment reports on a going-forward basis; and

(c) If payment of the assessment and civil penalty is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,  
Kourtney L. Myers  
Prosecutor

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
717.705.4366  
komyers@pa.gov

Date: October 28, 2016

#### VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, 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 the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: October 28, 2016

Mandy Freas, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania" to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound

by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Aurand Trucking, LLC; Docket No. C-2016-2577549**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Aurand Trucking, LLC, (respondent) is under suspension effective November 04, 2016 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 225 Patton Road, Danville, PA 17821.
3. That respondent was issued a Certificate of Public Convenience by this Commission on February 09, 2012, at A-8914138.
4. That respondent has failed to maintain evidence of Liability insurance and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 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-8914138 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: 11-30-16

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

*Applicant:* Community Utilities of PA, Inc.

*Through and By Counsel:* Margaret A. Morris, Esquire,  
 Reger, Rizzo & Darnall, LLP, CIRA Center, 13th Floor,  
 2929 Arch Street, Philadelphia, PA 19104

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-137. Filed for public inspection January 20, 2017, 9:00 a.m.]

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-136. Filed for public inspection January 20, 2017, 9:00 a.m.]

## STATE CONSERVATION COMMISSION

### Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), 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) 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 any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, 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, so individuals interested in challenging this action 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.

### Sewer Service

**A-2017-2583679. Community Utilities of PA, Inc.** Application of Community Utilities of PA, Inc. for approval to begin to offer, render, furnish or supply domestic sewer service to the public in additional territory to a portion of West Bradford Township, Chester County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before February 6, 2017. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

### Odor Management Plan—Public Notice Spreadsheet—Actions

| <i>Ag Operation Name, Address</i>   | <i>County/Township</i>            | <i>Animal Equivalent Units</i> | <i>Animal Type</i> | <i>New, Amended or Existing</i> | <i>Action Taken</i> |
|---|-----------------------------------|--------------------------------|--------------------|---------------------------------|---------------------|
| Drew Remley—<br>Nursery Barn Farm<br>11091 SR 414<br>Roaring Branch, PA 17765 | Tioga County/<br>Liberty Township | 251.7                          | Swine              | New                             | Approved            |

## NOTICES

| <i>Ag Operation Name, Address</i>  | <i>County/Township</i>                       | <i>Animal<br/>Equivalent<br/>Units</i> | <i>Animal<br/>Type</i> | <i>New,<br/>Amended<br/>or Existing</i> | <i>Action<br/>Taken</i> |
|--|--|--|------------------------|---|-------------------------|
| Scott Wagner<br>385 King Pen Road<br>Quarryville, PA 17566                           | Lancaster County/<br>Little Britain Township | 350.01                                 | Turkeys                | New                                     | Approved                |
| Windy Ridge Breeder Farm, LLC<br>166 Dugan Lane<br>Lock Haven, PA 17745              | Clinton County/<br>Pine Creek Township       | 308.84                                 | Layers                 | Amended                                 | Approved                |
| Galen Nolt—Westview Farm<br>222 Little Britain Church Road<br>Peach Bottom, PA 17563 | Lancaster County/<br>Fulton Township         | 371                                    | Cattle                 | Amended                                 | Approved                |
| We-Kings Farm, LLC<br>6028 Guitner Road<br>Greencastle, PA 17225                     | Franklin County/<br>Antrim Township          | 233                                    | Turkey                 | New                                     | Approved                |
| Leroy Troester, Jr.<br>175 Cannon Road<br>Mifflinburg, PA 17844                      | Union County/<br>Buffalo Township            | 614                                    | Cattle                 | New                                     | Approved                |

PATRICK McDONNELL,  
*Acting Chairperson*

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