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# PENNSYLVANIA BULLETIN

Volume 47

Number 18

Saturday, May 6, 2017 • Harrisburg, PA

Pages 2531—2700

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Delaware River Basin Commission

Department of Agriculture

Department of Banking and Securities

Department of Environmental Protection

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Department of Revenue

Department of Transportation

Fish and Boat Commission

Game Commission

Independent Regulatory Review Commission

Insurance Department

Milk Marketing Board

Pennsylvania Public Utility Commission

Philadelphia Parking Authority

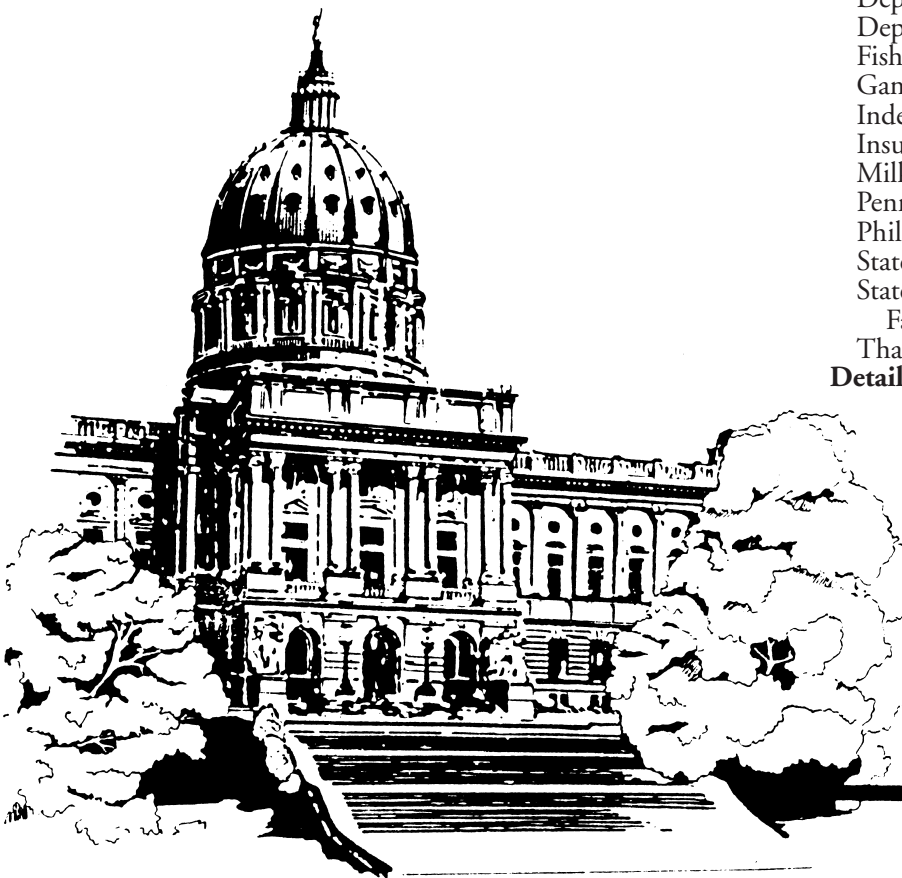
State Board of Nursing

State Board of Social Workers, Marriage and

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Thaddeus Stevens College of Technology

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

**No. 510, May 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 COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

#### Amendment of Rules 208, 215 and 219 of the Rules of Disciplinary Enforcement; No. 150 Disciplinary Rules Doc.

##### Order

##### *Per Curiam*

And Now, this 21st day of April, 2017, upon the recommendation of the Disciplinary Board of the Supreme Court of Pennsylvania; the proposal having been published for public comment in the *Pennsylvania Bulletin*, 46 Pa.B. 7520 (December 3, 2016):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 208, 215 and 219 of the Pennsylvania Rules of Disciplinary Enforcement are amended in the following form.

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

##### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart B. DISCIPLINARY ENFORCEMENT

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

##### Subchapter B. MISCONDUCT

#### Rule 208. Procedure.

\* \* \* \* \*

##### (g) *Costs.*

(1) The Supreme Court in its discretion may direct that the necessary expenses incurred in the investigation and prosecution of a proceeding which results in the imposition of discipline shall be paid by the respondent-attorney. All expenses taxed under this paragraph **pursuant to orders of suspension that are not stayed in their entirety or disbarment shall be paid by the respondent-attorney within 30 days after notice transmitted to the respondent-attorney of taxed expenses. In all other cases, expenses taxed under this paragraph shall be paid by the respondent-attorney within 30 days of entry of the order taxing the expenses against the respondent-attorney.**

(2) In the event a proceeding is concluded by informal admonition, private reprimand or public reprimand, the Board in its discretion may direct that the necessary expenses incurred in the investigation and prosecution of the proceeding shall be paid by the respondent-attorney. All expenses taxed by the Board under this paragraph shall be paid by the respondent-attorney **[ on or before the date fixed for the appearance of the respondent-attorney before Disciplinary Counsel for informal admonition or the Board for private or**

**public reprimand ] within 30 days of entry of the order taxing the expenses against the respondent-attorney.** The expenses which shall be taxable under this paragraph shall be prescribed by Board rules.

(3) **Failure to pay taxed expenses within 30 days after the date of the entry of the order taxing such expenses in cases other than a suspension that is not stayed in its entirety or disbarment will be deemed a request to be administratively suspended pursuant to Rule 219(l).**

[ (3) ] (4) The expenses taxable under paragraph (1) or (2) may include an administrative fee except that an administrative fee shall not be included where the discipline imposed is an informal admonition. The administrative fee shall be \$250.

\* \* \* \* \*

#### Rule 215. Discipline on consent.

\* \* \* \* \*

(i) *Costs.*—**[ The panel of the Board in its discretion may direct that the necessary expenses incurred in the investigation and prosecution of the matter shall be paid by the attorney as a condition to the grant of the Petition. ]** All expenses taxed under this subdivision shall be paid by the attorney **[ before the imposition of discipline under subdivision (f) or (g) ] in accordance with Rule 208(g).**

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

\* \* \* \* \*

(1) The Board shall transmit by certified mail to every attorney who fails to pay any **[ expenses taxed pursuant to Enforcement Rule 208(g) ] taxed expenses under Enforcement Rule 208(g)(3)** (relating to costs), addressed to the last known address of the attorney, a notice stating:

\* \* \* \* \*

[Pa.B. Doc. No. 17-752. Filed for public inspection May 5, 2017, 9:00 a.m.]

### PART V. PROFESSIONAL ETHICS AND CONDUCT [ 204 PA. CODE CH. 93 ]

#### Amendments to Rules of Organization and Procedure of the Disciplinary Board of the Supreme Court of Pennsylvania; Order No. 80

By Order dated February 15, 2017, the Supreme Court of Pennsylvania amended Pa.R.D.E. 219(a) and (j) and 502(b) related to the annual assessment of attorneys. By this Order, the Board is making conforming changes to its Rules to reflect the adoption of those amendments.

The Disciplinary Board of the Supreme Court of Pennsylvania finds that:

(1) To the extent that 42 Pa.C.S. § 1702 (relating to rule making procedures) and Article II of the act of July 31, 1968 (P.L. 769, No. 240), known as the Commonwealth Documents Law, would otherwise require notice of proposed rulemaking with respect to the amendments

adopted hereby, those proposed rulemaking procedures are inapplicable because the amendments adopted hereby relate to agency procedure and are perfunctory in nature.

(2) The amendments to the Rules of Organization and Procedure of the Board adopted hereby are not inconsistent with the Pennsylvania Rules of Disciplinary Enforcement and are necessary and appropriate for the administration of the affairs of the Board.

The Board, acting pursuant to Pa.R.D.E. 205(c)(12), orders:

(1) Title 204 of the *Pennsylvania Code* is hereby amended as set forth in Annex A hereto.

(2) The Secretary of the Board shall duly certify this Order, and deposit the same with the Administrative Office of Pennsylvania Courts as required by Pa.R.J.A. 103(c).

(3) The amendments adopted hereby shall take effect upon publication in the *Pennsylvania Bulletin*.

*By the Disciplinary Board of the Supreme Court of Pennsylvania*

JULIA FRANKSTON-MORRIS, Esq.,  
*Secretary*

**Annex A**

**TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS**

**PART V. PROFESSIONAL ETHICS AND CONDUCT**

**Subpart C. DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA**

**CHAPTER 93. ORGANIZATION AND ADMINISTRATION**

**Subchapter G. FINANCIAL MATTERS**

**ANNUAL REGISTRATION OF ATTORNEYS**

**§ 93.141. Annual registration.**

(a) *General rule.* Enforcement Rule 219(a) provides that every attorney admitted to practice law in this Commonwealth shall pay an annual fee of [ **\$125.00** ] **\$120.00** and electronically file the annual fee form provided for under such rule by July 1; that the fee shall be collected under the supervision of the Attorney Registration Office, which shall make the annual fee form available for filing through a link on the Board's website (<http://www.padisiplinaryboard.org>) or directly at <https://ujportal.pacourts.us>. The fee shall be used to defray the costs of disciplinary administration and enforcement under the Enforcement Rules, and for such other purposes as the Board shall, with the approval of the Supreme Court, from time to time determine. Upon an attorney's written request submitted to the Attorney Registration Office and for good cause shown, the Attorney Registration Office shall grant an exemption from the electronic filing requirement and permit the attorney to file the annual fee form in paper form.

\* \* \* \* \*

**§ 93.146. Selection of retired or inactive status and resumption of active status.**

\* \* \* \* \*

(b) *Inactive Status.* Enforcement Rule 219(j) provides that:

\* \* \* \* \*

(2) An inactive attorney under this subsection (b) shall continue to file the annual form required by § 93.142(b),

and shall file the form through the online system identified in § 93.141(a) and shall pay an annual fee of [ **\$70.00** ] **\$100.00** in the manner provided in § 93.142(b)(2). Noncompliance with this provision will result in the inactive attorney incurring late payment penalties, incurring a collection fee for any check in payment that has been returned to the Board unpaid, and being placed on administrative suspension in accordance with the provisions of § 93.144.

\* \* \* \* \*

[Pa.B. Doc. No. 17-753. Filed for public inspection May 5, 2017, 9:00 a.m.]

**Title 231—RULES OF CIVIL PROCEDURE**

**PART I. GENERAL**

**[ 231 PA. CODE CHS. 1910 AND 1920 ]**

**Proposed Amendments of Pa.R.C.P. Nos. 1910.4, 1910.16-4, 1920.1, 1920.13, 1920.15, 1920.31, 1920.51, 1920.52, 1920.54, 1920.56 and 1920.74**

The Domestic Relations Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania amendments of Pa.R.C.P. Nos. 1910.4, 1910.16-4, 1920.1, 1920.13, 1920.15, 1920.31, 1920.51, 1920.52, 1920.54, and 1920.74 and rescission of Pa.R.C.P. No. 1920.56 for the reasons set forth in the accompanying Publication 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:

Bruce J. Ferguson, Counsel  
Domestic Relations Procedural Rules Committee  
Supreme Court of Pennsylvania  
Pennsylvania Judicial Center  
PO Box 62635  
Harrisburg, PA 17106-2635  
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All communications in reference to the proposal should be received by August 11, 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 Domestic Relations Procedural Rules Committee*

DAVID J. SLESNICK, Esq.,  
*Chair*

## Annex A

## TITLE 231. RULES OF CIVIL PROCEDURE

## PART I. GENERAL

## CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.4. [ Commencement of Action. Fee. ] Domestic Relations Section. Commencement of Action. No Filing Fees. Authorized Fees.

[ (a) An action shall be commenced by filing a complaint with the domestic relations section of the court of common pleas.

**Official Note:** For the form of the complaint, see Rule 1910.27(a).

Section 961 of the Judicial Code, 42 Pa.C.S. § 961, provides that each court of common pleas shall have a domestic relations section.

(b) No filing fee shall be required in advance. ]

(a) Each court of common pleas shall have a domestic relations section, which shall be the filing office for pleadings and documents for child support, spousal support, and alimony *pendente lite* actions.

(b) Child support and spousal support actions shall be commenced by filing a complaint in the domestic relations section. A party shall commence a claim for alimony *pendente lite* by filing a complaint in the domestic relations section if a divorce complaint has been filed with the prothonotary.

**Official Note:** See Pa.R.C.P. No. 1920.31(a)(2) regarding the filing of alimony *pendente lite* actions in the domestic relations section.

(c) Payment of a filing fee shall not be required by the domestic relations section to commence an action.

**Official Note:** See Pa.R.C.P. No. 1910.27(a) for the form of the support complaint.

(d) Unless authorized by statute, additional fees shall not be imposed by a judicial district. Fees shall be collected by the domestic relations section through the Pennsylvania Child Support Enforcement System (PACSES).

**Official Note:** Currently the statutorily authorized fees are the Judicial Computer System fee, 42 Pa.C.S. §§ 3733, 3733.1, the genetic testing fee pursuant to 23 Pa.C.S. § 4343(c)(4), and the federally mandated annual fee pursuant to 23 Pa.C.S. § 4351(a)(1).

**Rule 1910.16-4. Support Guidelines. Calculation of Support Obligation. Formula.**

\* \* \* \* \*

(f) *Allocation. Consequences.*

(1) An order awarding [ both ] spousal support or alimony *pendente lite* and child support may be unallocated or state the amount of support allocable to the spouse and the amount allocable to each child. [ Each ] The order shall clearly state whether it is allocated or unallocated even if the amounts calculated for spousal support or alimony *pendente lite* and child [ and spousal ] support are delineated [ on ] in the order. However, Part IV of the formula provided by these rules assumes that an order will be unallocated. Therefore, if the order is to be allocated, the formula set forth in this

rule shall be utilized to determine the amount of support allocable to the spouse. If the allocation of an order utilizing the formula would be inequitable, the court shall make an appropriate adjustment. Also, if an order is to be allocated, an adjustment shall be made to the award giving consideration to the federal income tax consequences of an allocated order as may be appropriate under the circumstances. [ No consideration ] Consideration of federal income tax consequences shall be not applied if the order is unallocated or the order is for [ the ] spousal support or alimony *pendente lite* only.

**Official Note:** The 2005 amendment supersedes *Diamant v. Diamant*, 816 A.2d 256 (Pa. Super. [ Ct. ] 2003), to the extent that it held that the tax savings from payments for the benefit of a spouse alone or from an unallocated order for the benefit of a spouse and child must be considered in determining the obligor's available net income for support purposes. [ Rule ] Pa.R.C.P. No. 1910.16-4(f)(1) states that the guidelines formula assumes that the order will be unallocated. The tax consequences of an order for a spouse alone or an unallocated order for the benefit of a spouse and child have already been built into the formula.

(2) When the parties are in higher income brackets, the income tax considerations are likely to be a more significant factor in determining an award of support. A support award for a spouse and children is taxable to the obligee while an award for the children only is not. Consequently, in certain situations, an award only for the children will be more favorable to the obligee than an award to the spouse and children. In this situation, the trier of fact should utilize the [ guidelines which result ] method that results in the greatest benefit to the obligee.

[ When ] If the obligee's net income is equal to or greater than the obligor's net income, the guideline amount for spouse and children is identical to the guideline amount for children only. Therefore, in cases involving support for spouse and children, whenever the obligee's net income is equal to or greater than the obligor's net income, the guideline amount indicated shall be attributed to child support only.

(3) Unallocated charging orders for child and spousal support[ , ] or child support and alimony *pendente lite*[ , ] shall terminate upon the death of the [ payee spouse or payee ex-spouse ] obligee.

(4) In the event that the obligor defaults on an unallocated order, the court shall allocate the order for collection of child support pursuant to the Internal Revenue Service income tax refund intercept program or for registration and enforcement of the order in another jurisdiction under the Uniform Interstate Family Support Act, 23 [ Pa.C.S.A. ] Pa.C.S. § 7101 *et seq.* The court shall provide notice of allocation to the parties.

**Official Note:** This provision is necessary to comply with various state and federal laws relating to the enforcement of child support. It is not intended to affect the tax consequences of an unallocated order.

(5) An unallocated order for spousal support or alimony *pendente lite* and child support shall be a final order as to all claims covered in the order.

## Explanatory Comment—2005

Rule 1910.16-4(a) sets forth the income shares formula used to establish the support obligation. Subdivision (b) provides the method for calculating support for seven or



more children as the basic support schedule in Rule 1910.16-3 sets forth the presumptive amount of support for only up to six children.

\* \* \* \* \*

#### CHAPTER 1920. ACTIONS OF DIVORCE OR FOR ANNULMENT OF MARRIAGE

##### Rule 1920.1. Definitions. Conformity to Civil Action.

(a) As used in this chapter,

“action” means an action of divorce or an action for annulment of marriage [ **which may include any other claim which may under the Divorce Code** ], **including ancillary claims that may be joined with the action of divorce or for annulment under the Divorce Code, except as otherwise provided in these rules;**

“custody” includes partial custody [ **and visitation** ];

“divorce” means divorce from the bonds of matrimony **or a civil union;**

\* \* \* \* \*

**Official Note:** For other claims [ **which** ] that may be joined, see Section 3104 of the Divorce Code, 23 Pa.C.S. § 3104, **except as otherwise provided in these rules. See Pa.R.C.P. No. 1920.31(a)(2) as to raising claims for child support, spousal support, and alimony pendente lite. The definition of divorce has been expanded to include civil unions. Neyman v. Buckley, 2016 Pa. Super. 307.**

##### Rule 1920.13. Pleading More Than One Cause of Action. Alternative Pleading.

(a) The plaintiff may state in the complaint one or more grounds for divorce and may join in the alternative a cause of action for annulment.

(b) [ **The plaintiff may** ] **Except as otherwise provided in these rules, the plaintiff may:**

(1) [ **join in the complaint in separate counts any other claims which may under the Divorce Code be joined with an action of divorce or for annulment or, if they have not been so joined, the plaintiff may as of course** ] **join as separate counts in the complaint the ancillary claims that may be joined with an action of divorce or for annulment under the Divorce Code;**

(2) amend the complaint to include [ **such other claims or may** ] **the ancillary claims;**

(3) file to the same term and number a separate supplemental complaint or complaints limited to [ **such other** ] **the ancillary claims;** or

[ (2) ] (4) file to the same term and number a subsequent petition raising [ **such other** ] **the ancillary claims.**

(c) The court may order [ **alimony pendente lite,** ] reasonable counsel fees[ , ] **and costs and expenses pending final disposition of any claim.**

**Official Note:** See Pa.R.C.P. No. 1920.31(a)(2) as to raising claims for child support, spousal support, and alimony *pendente lite*. See Pa.R.C.P. No. 1910.26(b) for interim or special relief for support and alimony *pendente lite* actions proceeding through the domestic relations section.

##### Rule 1920.15. Counterclaim. Subsequent Petition.

(a) The defendant may [ **set forth** ] **state** in an answer under the heading “Counterclaim” a cause of action of divorce or for annulment [ **and, whether the defendant does so or not, may set forth any other matter which under the Divorce Code may be joined with an action of divorce** ].

(b) [ **The defendant may file to the same term and number a subsequent petition raising any claims which under the Divorce Code may be joined with an action of divorce or for annulment. The averments shall be deemed denied unless admitted by an answer.** ] **Except as otherwise provided in these rules, the defendant may:**

(1) **join as separate counts in the counterclaim the ancillary claims that may be joined with an action of divorce or for annulment under the Divorce Code;**

(2) **file at the same term and number a subsequent petition raising the ancillary claims.**

(c) **The averments in the counterclaim shall be deemed denied unless admitted by an answer.**

**Official Note:** See [ **Rule** ] Pa.R.C.P. No. 1920.31, which requires the joinder of certain related claims under penalty of waiver. A claim for alimony must be raised before the entry of a final decree of divorce or annulment. See Pa.R.C.P. No. 1920.31(a)(2) as to raising claims for child support, spousal support, and alimony *pendente lite*.

##### Rule 1920.31. Joinder of Related Claims. [ **Child and Spousal Support.** ] Alimony. [ **Alimony Pendente Lite.** ] Counsel Fees. **Costs and Expenses.**

(a)(1) [ **When either** ] **If a party has raised a claim for alimony [ or ], counsel fees, or costs and expenses, each party shall file a true copy of the most recent federal income tax return, pay stubs for the preceding six months, a completed Income Statement in the form required [ at Rule ] by Pa.R.C.P. No. 1910.27(c)(1), and a completed Expense Statement in the form required by [ Rule ] Pa.R.C.P. No. 1910.27(c)(2)(B). A party may not file a motion for the appointment of a master or a request for court action regarding alimony, [ alimony pendente lite or ] counsel fees, [ cost ] or costs and expenses until at least 30 days following the filing of that party’s tax returns, Income Statement and Expense Statement. The other party shall file the tax returns, Income Statement, and Expense Statement within 20 days of service of the moving party’s documents. [ If a claim for child support, spousal support or alimony pendente lite is raised in a divorce complaint, no expense form is needed in a support action that can be decided pursuant to the support guidelines unless a party claims unusual needs or unusual fixed expenses or seeks deviation pursuant to Rule 1910.16-5 or apportionment of expenses pursuant to Rule 1910.16-6. ]**

(2) **A divorce complaint shall not include claims for child support, spousal support, and alimony pendente lite. Claims for child support, spousal support, and alimony pendente lite shall be raised by filing a complaint with the domestic relations section pursuant to Pa.R.C.P. No. 1910.4.**

[ (2) ] (3) If a party fails to file the documents as required by subdivision (a)(1), the court on motion may make an appropriate order under [ Rule ] Pa.R.C.P. No. 4019 governing sanctions.

[ (3) In those counties in which the prothonotary's office does not automatically forward a divorce complaint containing claims for support or alimony pendente lite to the domestic relations section or other appropriate office, if a claim for support or alimony pendente lite is filed as a count in a divorce rather than as a separate action, the award shall be retroactive to the date the moving party delivers a copy of the complaint to the domestic relations section or other appropriate office with a demand for hearing. ]

(b)(1) Orders [ of child support, spousal support, alimony or alimony pendente lite ] for alimony may be enforced as provided by the rules governing actions for support and divorce, and in the Divorce Code.

**Official Note:** See, *inter alia*, Section 3323(b) of the Divorce Code relating to enforcement of the rights of any party under a decree, Section 3505(a) relating to an injunction against disposition of property pending suit, and Section 3703 relating to the collection of arrearages.

(2) When so ordered by the court, [ all payments of child or spousal support, alimony or alimony pendente lite ] payments for alimony shall be made to the domestic relations section of the court [ which ] that issued the order.

(c) The failure to claim spousal support, alimony, alimony pendente lite [ or ], counsel fees, or costs and expenses prior to the entry of a final decree of divorce or annulment shall be deemed a waiver [ thereof ] of those claims, unless the court expressly provides otherwise in its decree. The failure to claim child support shall not bar a separate and subsequent action [ therefor ].

(d) Upon entry of a decree in divorce, [ any ] an existing order for spousal support shall be deemed an order for alimony pendente lite if any economic claims remain pending.

#### Explanatory Comment

As amended, Pa.R.C.P. No. 1920.31 precludes the filing of child support, spousal support, and alimony pendente lite as counts in a divorce action. Those claims should be filed in the domestic relations section as a separate action from the divorce. This Rule is not intended to affect the legal distinction between spousal support and alimony pendente lite.

#### Rule 1920.51. Hearing by the Court. Appointment of Master. Notice of Hearing.

(a)(1) The court may hear the testimony or, upon its own motion or the motion of [ either ] a party, may appoint a master with respect to [ all or any of the matters ] the claims specified in subdivision (a)(2)(i) [ to consider same ], who shall consider those claims and issue a report and recommendation. The order of appointment shall specify the [ matters ] claims which are referred to the master.

(2)(i) The court may appoint a master in an action of divorce under Section 3301(a), (b) and (d)(1)(ii) of the Divorce Code, an action for annulment, and the claims for

alimony, [ alimony pendente lite, ] equitable distribution of marital property, [ child support, ] partial custody [ or visitation, or ], counsel fees, or costs and expenses, or any aspect [ thereof ] of those claims.

\* \* \* \* \*

#### Rule 1920.52. Hearing by the Court. Decision. No Post-trial Relief. Decree.

(a) In claims involving:

- (1) marital property[ , ];
- (2) enforcement of marital agreements[ , ];
- (3) alimony[ , ]; or
- (4) a contested action of divorce, or annulment,

the order of the trial [ judge ] court shall state the reasons [ therefor ] for its decision. [ No ] A motion for post-trial relief may not be filed to [ any order ] orders involving the claims enumerated in this subdivision.

(b) In claims involving:

- [ (1) child or spousal support,
- (2) ] (1) paternity when tried by a judge[ , ];
- [ (3) ] (2) custody[ , partial custody, or visitation, ];
- [ (4) alimony pendente lite,
- (5) ] (3) counsel fees[ , ] or costs and expenses[ , or ];
- [ (6) ] (4) an uncontested action of divorce or annulment[ , ]; or
- [ (7) ] (5) protection from abuse,

the order of the trial [ judge ] court may set forth only general findings. [ No ] A motion for post-trial relief may not be filed to [ any order ] orders involving the claims enumerated in this subdivision.

\* \* \* \* \*

#### Rule 1920.54. Hearing by Master. Report. Related Claims.

(a) If claims for [ child support, alimony pendente lite, or ] counsel fees and costs and expenses have been referred to a master pursuant to [ Rule ] Pa.R.C.P. No. 1920.51(a), the master's report shall contain a separate [ sections ] section captioned [ "Child Support," "Alimony Pendente Lite," or ] "Counsel Fees and Costs and Expenses." [ as appropriate. ] The report may be in a narrative form stating the reasons for the recommendation and shall include a proposed order stating:

(1) the amount [ of support or alimony pendente lite ];

\* \* \* \* \*

#### Rule 1920.56. [ Support. Alimony Pendente Lite. Allocation of Order ] (Rescinded).

[ (a) In an order awarding child support combined with spousal support, alimony pendente lite or both, the court may on its own motion or upon the motion of either party

(1) make an unallocated award in favor of the spouse and one or more children, or



(2) state the amount of support allocable to the spouse and the amount allocable to each child.

(b) An unallocated order in favor of the spouse and one or more children shall be a final order as to all claims covered in the order. ]

**Rule 1920.74. Form of Motion for Appointment of Master. Order.**

(a) The motion for appointment of a master shall be substantially in the following form:

(Caption)

MOTION FOR APPOINTMENT OF MASTER

\_\_\_\_\_ (Plaintiff) (Defendant), moves the court to appoint a master with respect to the following claims:

- ( ) Divorce
- ( ) Annulment
- ( ) Alimony
- [ ( ) Alimony Pendente Lite ]
- ( ) Distribution of Property
- [ ( ) Support ]
- ( ) Counsel Fees
- ( ) Costs and Expenses

and in support of the motion states:

- (1) Discovery [ is ] (is) (is not) complete as to the claim(s) for which the appointment of a master is requested.
- (2) The non-moving party (has) (has not) appeared in the action (personally) (by his or her attorney, \_\_\_\_\_, Esquire).

\* \* \* \* \*

**PUBLICATION REPORT**

**Recommendation 160**

The Domestic Relations Procedural Rules Committee (DRPRC) is proposing amendments to Pa.R.C.P. Nos. 1910.4, 1910.16-4, 1920.1, 1920.13, 1920.15, 1920.31, 1920.51, 1920.52, 1920.54, and 1920.74 and rescission of Pa.R.C.P. No. 1920.56. The primary purposes of the amendments are to preclude the charging of fees not specifically authorized by statute in domestic relations actions and to establish statewide uniformity with the filing of support-related pleadings and document in a single filing office in each county.

In 2013, the Administrative Offices of Pennsylvania Courts (AOPC) conducted a county-by-county study and survey of fees assessed by domestic relations sections. Based on the study's recommendations, the Supreme Court of Pennsylvania formed an ad hoc committee, the Domestic Relations Fees Committee, to provide definitive recommendations regarding the imposition of the domestic relations fee structure in Pennsylvania.

In November 2015, the Domestic Relations Fees Committee issued a final report setting forth specific recommendations addressing the imposition of fees by domestic relations sections and other support-related matters, which has been provided to the DRPRC. Based in part on the aforementioned reports, the DRPRC has identified rules requiring amendment and rescission to address the charging of fees not authorized by statute and the other related issues.

The Committee invites comments on this recommendation.

[Pa.B. Doc. No. 17-754. Filed for public inspection May 5, 2017, 9:00 a.m.]

**Title 255—LOCAL COURT RULES**

**SCHUYLKILL COUNTY  
Orphans' Court Rules; CP-54-AD-38-17**

**Order of Court**

And Now, this 19th day of April, 2017, at 11 a.m., the Court hereby adopts the Rules of the Court of Common Pleas of Schuylkill County, Orphans' Court Division, 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.

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.

4) Incorporate the local rule into the set of local rules on 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 Clerk of Courts 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

LOCAL RULES

Rule 1.1. Short Title.

These rules shall be known as Rules of the Court of Common Pleas of Schuylkill County, Orphans' Court Division, and shall be cited as Sch.Co.O.C. Rules. All references herein to the "P.E.F. Code" shall mean Title 20, Decedent, Estates, and Fiduciaries.

Rule 1.5A. Local Rules Committee.

The Court shall, as often as needed, appoint an Orphans' Court Rules Committee and shall designate the Chairperson to serve with an assigned Judge on the committee. Each member of the committee shall be an active, practicing member of the bar of this Court and knowledgeable and experienced in substantive and procedural matters within the jurisdiction of the Court. It shall be the duty of said committee to meet with the Court for the purpose of recommending amendment, supplementation and/or repeal of these Rules so that said Rules shall at all times constitute a modern and efficient code for the conduct of the affairs of this Court.

Rule 1.5B. Bonds and Security.

(a) When the fiduciary is a corporation having fiduciary powers and authorized to do business in the Commonwealth, a bond will not be required unless the Court, upon cause shown, deems it advisable that a bond be filed.

(b) Every application for the approval of a corporation to act as surety shall be accompanied by a statement, sworn to by the president, secretary or authorized agent of the corporation, that it is duly authorized by certificate issued to it by the Insurance Department of this Commonwealth to become surety on all bonds and obligations, that it has filed such certificate together with a copy of its financial statement with the Prothonotary of Schuylkill County in accordance with the rules of the Court of Common Pleas of Schuylkill County and that the certificate is still in full force and effect.

(c) All bonds presented for approval, except those having proper corporate surety, shall be accompanied by an affidavit of each person offered as surety, setting forth his name and residence, and that he is the owner in his individual right in fee simple of real estate located in Schuylkill County having a fair net value, after deducting all liens and encumbrances, in excess of the face amount of the bond upon which he is a surety.

(d) The Court in its discretion may permit interested parties to execute an individual bond, without surety. When interested parties are authorized to execute an individual bond, the Court may direct that the bond to be executed contains a warrant of attorney to confess judgment, with or without default, and that judgment thereon be entered of record in the office of the Prothonotary.

Rule 1.5C. Schuylkill Legal Record.

The Schuylkill Legal Record shall be the legal periodical for the publication of notices whenever publication in a legal periodical is required by Act of Assembly, by Rule, or by Order of Court.

Rule 1.7. Attorneys.

(a) As long as the name of the attorney remains in the record, he shall be considered as the attorney for the party for whom his appearance is entered and shall be served with all required notices and pleadings. Any attorney whose client has an interest in the proceeding may, by praecipe, enter an appearance as of record. Any attorney who has properly entered an appearance will receive notice of all hearings, conferences, and orders.

(b) Counsel who has appeared on behalf of a party in a matter before the Clerk shall be subject to this Rule.

Rule 1.8A. Praecipe to Transmit.

(a) All filings which require action by a judge or an assignment by the Court Administrator shall be accompanied by a praecipe to transmit on the Clerk's form "Praecipe to Transmit" and shall indicate the nature of the filing and what action is being sought to move the matter forward. The purpose of the praecipe is to advise the Court of what may be necessary for a disposition (i.e. when a hearing is required; when a matter is ripe for disposition on the record; matters that can be immediately addressed) and to expedite action on the filing.

(b) When a non-jury trial or a hearing involving witnesses is being requested, then the moving party shall list the witnesses to be presented and include an estimate as to the time required to present the case. In matters requiring a non-jury trial or hearing, opposing counsel is required to file a report in WRITING with the Clerk within 20 days of the moving party's filing of the praecipe to transmit, (1) listing the names of the witnesses they will use at trial or hearing; and (2) an estimate of time required to present their case.

(c) The Praecipe shall be in the following form:

COURT OF COMMON PLEAS OF SCHUYLKILL COUNTY, PENNSYLVANIA ORPHANS' COURT DIVISION
In Re: \_\_\_\_\_ | No. \_\_\_\_\_
| Counsel of Record: \_\_\_\_\_

PRAECIPE TO TRANSMIT—SCH.O.C. RULE 1.8A(c)

TO: THERESA SANTAI GAFFNEY, CLERK OF THE ORPHANS' COURT:

Transmit the attached matter to the Orphans' Court Administrator for assignment to a Judge. The nature of the filing and requested action is as follows:

- Petition / Motion for \_\_\_\_\_ requesting:
□ Transfer to Court for disposition, no answer having been filed;
□ Transfer to Court for Hearing on fact issues raised by pleadings;
□ Transfer to Court for Conference;
□ Other \_\_\_\_\_

(specify)

Issue that can be decided on the records and briefs, being:

- Appeal from decision of the Register of Wills;
- Post-trial Motions;
- Contested matter and fact finding complete or unnecessary;
- Other \_\_\_\_\_

\_\_\_\_\_ (specify)

I estimate it will require \_\_\_\_\_ hour(s) to present the moving party's case and I will present only the following witnesses for testimony: (attach additional sheets, if needed)

I further certify the status of the following as they pertain to the disposition of this case:

1. ALL discovery has been completed? YES NO N/A

If "NO", state status of discovery

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

2. Date last serious settlement negotiation was conducted \_\_\_\_\_. If no settlement conference was conducted, the last date that the party filing this certificate has made an unsuccessful good faith effort to conduct one \_\_\_\_\_.

3. A copy of this Certificate was served on opposing counsel on this date: \_\_\_\_\_.

DATE

ATTORNEY'S SIGNATURE

FOR HEARING REQUESTS: Opposing Counsel is required to submit a report in WRITING to the Orphans' Court Administrator within 20 days: 1) listing the names of the witnesses they will use at the hearing; and 2) an estimate of time required to present their case.

**Rule 1.8B. Orphans' Court Account Checklist.**

(a) The checklist must be executed by counsel of record and submitted with the Account in the following form:

**COURT OF COMMON PLEAS OF SCHUYLKILL COUNTY  
ORPHANS' COURT DIVISION  
ORPHANS' COURT ACCOUNT CHECK LIST**

File No. \_\_\_\_\_ Audit No. \_\_\_\_\_ Audit, 20\_\_\_\_

Estate of \_\_\_\_\_

Account of \_\_\_\_\_  
Executor, Administrator, Guardian, Trustee

FORM OF ACCOUNT SHALL COMPLY WITH STATE AND LOCAL ORPHANS' COURT RULES.

Certify whether the following have been filed (answer "yes", "no" or "N.A." if not applicable):

1. Statement of Proposed Distribution. \_\_\_\_\_

2. Proofs of Publication. \_\_\_\_\_

(a) Have 4 months elapsed since first complete Advertisement? \_\_\_\_\_

3. Inventory. \_\_\_\_\_

4. Copy of Federal Estate Tax Return. \_\_\_\_\_

(a) Has final clearance been obtained? \_\_\_\_\_

Certify as to the following:

5. Account contains:

(a) Complete description of real property on hand in kind (i.e. not converted), whether or not specifically devised \_\_\_\_\_

(b) Legible true copy of the Will. \_\_\_\_\_

(c) Copy of trust instrument or other document to be construed. \_\_\_\_\_

(d) Itemized list of all assets making up balance for distribution. \_\_\_\_\_

6. Are there any claims, whether admitted or not? \_\_\_\_\_

7. Are there any disputed claims? \_\_\_\_\_

8. Have all interested parties and claimants been given notice of audit as required by State and Local Orphans' Court Rules? \_\_\_\_\_

9. Are there any disputed questions of fact or law? \_\_\_\_\_

10. Has inheritance tax been paid in full? \_\_\_\_\_
- (a) Has final clearance from the Department of Revenue been received? \_\_\_\_\_
11. Does Account comply with State and Local Orphans' Court Rule 2.1? \_\_\_\_\_
12. If a guardian's or trustee's account, indicate briefly the purpose for filing. \_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Attorney Filing Account

**CERTIFICATION ONLY BY CLERK:**

1. Original proofs of publication and statements of proposed distribution are attached to account.
2. Inventory has been filed and a copy attached to account.
3. Copy of Federal Estate Tax Return has been filed.
4. Inheritance Tax has been paid in full and appraisal received.
5. Account complies with State and Local Rule 2.1.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Certifying Clerk

**Rule 1.8C. Account Certificate.**

(a) Prior to the date for submission of accounts to the Court for adjudication and confirmation, a Certificate shall be filed by counsel for the accountant containing the following:

(1) A statement of additional items of debit and credit not appearing in the account which shall be signed and verified by the accountant(s);

(2) A statement identifying any unresolved legal or factual issues with copies of any additional documents which the accountant believed necessary or relevant for the court's consideration;

(3) A return of service of notice to all claimants and interested parties which notice shall comply with the requirements of Pa.O.C. Rule 2.5(a)—(g) with respect to an account.

**ACCOUNTS AND DISTRIBUTION**

**Rule 2.1. Form of Accounts and Additional Requirements.**

(a) Should the account filed fail to comply with the Uniform Fiduciary Accounting Standards, the Clerk shall notify the Accountant to immediately comply with the Standards prior to 30 days before Audit Submission Day. The corrected account shall be given to all interested parties. A failure to correct the account shall result in the account being stricken.

(b) Counsel for all fiduciaries shall also submit:

(1) An Orphans' Court Account Checklist;

(2) Copies of all agreements with respect to settlements and compromises;

(3) Accurate descriptions of all real property to be awarded in kind, described by metes and bounds in the manner appearing in the last deed of record, together with the recital of title to the decedent.

(c) Counsel for personal representatives shall also attach:

(1) A copy of letters, inventory, and inheritance tax appraisal;

(2) A copy of the Will and codicils;

(3) The official receipt for any inheritance tax paid;

(4) The official receipt for any federal estate tax paid.

(d) Counsel for Trustees shall also submit:

(1) A copy of the letters, and of the Will and codicils, if any, creating the testamentary trust, or a copy of the trust instrument and any amendments thereto, creating the inter vivos trust;

(e) Counsel for a Guardian of the Estate of an Incapacitated Person shall also submit:

(1) A copy of the original inventory filed.

**Rule 2.4. Petitions for Adjudication and Statements of Proposed Distribution; Supplements and Additions.**

(a) Receipts or disbursements received or made after filing the Account and Petition for Adjudication/Statement of Proposed Distribution may be accounted for in a supplemental account, which shall be signed and verified by the accountant(s) and filed with the Clerk with notice in the same manner as required by Pa.O.C. Rule 2.5 (a)—(g) with respect to an account.

**Rule 2.5. Notice and Advertisement.**

(a) The Clerk shall give notice of all accounts filed and of the date of submission to the Court for adjudication and confirmation. The notice shall be published once a week during two consecutive weeks immediately before the day on which the Accounts shall be presented for adjudication and confirmation in the legal publication designated by these rules and in one daily newspaper of general circulation published within Schuylkill County. The Clerk shall also post copies of the confirmation list in his office.

(b) The form of advertisement shall be as follows:

**NOTICE OF CONFIRMATION OF FIDUCIARIES' ACCOUNTS**

To all claimants, beneficiaries, heirs, next-of-kin, and all other interested parties:

The following Accounts have been filed and may be examined in the Office of the Clerk. If you desire to object, you must file that objection in writing with the Clerk prior to Wednesday, \_\_\_\_\_, \_\_\_\_\_. The Account will be transmitted by the Clerk to the Court for adjudication and confirmation on Wednesday, \_\_\_\_\_, \_\_\_\_\_ and distribution may be ordered or authorized without further notice if no objections are filed prior to that date.



Estate	Fiduciary	Attorney
x	x	x
_____		
Clerk		

(c) The form of notice shall contain the information required by Pa.O.C. Rule 2.5(h) and be in substantially the following form:

**COURT OF COMMON PLEAS OF SCHUYLKILL COUNTY, PENNSYLVANIA ORPHANS' COURT DIVISION**

IN THE MATTER OF \_\_\_\_\_ ESTATE  
 FIRST ACCOUNT OF \_\_\_\_\_ (EXECUTOR)  
 UNDER THE WILL OF \_\_\_\_\_  
 NUMBER \_\_\_\_\_

**NOTICE**

Notice is hereby given that the (\_\_\_\_\_) of the above-captioned Estate has filed (\_\_\_\_\_) Account and Statement of Proposed Distribution with the Clerk of Schuylkill County, Pennsylvania. The account will be transmitted by the Clerk to the Court for adjudication and confirmation on Wednesday, \_\_\_\_\_, \_\_\_\_\_ and distribution may be ordered or authorized without further notice if no objections are filed prior to that date.

If you have any objection to any transaction or matter involving the Estate, you must file written objections with the Clerk prior to Wednesday, \_\_\_\_\_, \_\_\_\_\_.

If you fail to present objections, the Court may assume you have no objection to the Account and Statement of Proposed Distribution. You are not required to take any action if you have no objections.

A copy of the Account and Statement of Proposed Distribution is attached hereto; and if not attached, it is available for your examination at the Clerk's Office in the Schuylkill County Courthouse.

**Rule 2.6. Filing with the Clerk.**

(a) New accounts shall be submitted for audit on the first Wednesday of each month, as advertised pursuant to Sch.Co.O.C. Rule 2.5. Accounts to appear on a particular confirmation list must be filed not later than 4 P.M. of the fifth Wednesday immediately preceding the Wednesday on which it is desired the account shall be submitted to the Court for adjudication and confirmation.

(b) All accounts on the advertised confirmation list will be transmitted to the Court for adjudication and confirmation on the day set forth on the confirmation list; but, in cases requiring the taking of considerable testimony or the hearing of argument on legal questions or in which objections have been filed, a special day for conference or hearing may be fixed.

(c) When objections to an account, inventory, or statement of proposed distribution have been filed and presented to the Court by the Clerk, the adjudication and confirmation of the account shall be continued to a day fixed by the Court for disposition of the objections and the adjudication and confirmation of the account.

**Rule 2.7. Objections. Service.**

(a) Any unreasonable delay in serving objections shall constitute grounds for dismissal of the same by the Court.

**Rule 2.11. Official Examiners.**

(a) Whenever an examination of assets is ordered in connection with an accounting, the special order of appointment will be included in the adjudication of the account, and the examiner shall make his examination after the schedule of distribution has been filed and approved so that the assets distributable to fiduciaries, which are the assets to be examined will have been determined. Each estate shall be liable for the compensation of the examiner and the amount of such compensation shall be fixed by special Order of the Court.

**PETITION PRACTICE AND PLEADINGS**

**Rule 3.1. Petitions Generally.**

(a) The original of all motions, petitions, and other pleadings shall be filed in the office of the Clerk who shall assign a docket number to each new proceeding, which number shall be included in all subsequent pleadings filed. The Clerk shall promptly transmit the pleadings to the Deputy Court Administrator—Orphans' Court for assignment to a Judge for disposition.

(b) The record papers in the office of the Clerk shall be in the custody of said official, who shall be responsible for their safekeeping. No person, other than the Clerk, or his duly authorized clerks shall have access to the files in which such record papers are kept. No one is authorized to remove records from the office of the Clerk. It is the duty of the Clerk to insure full compliance with this rule. The record papers in any proceeding may be examined and copied by any interested parties in the office of the Clerk. While the record papers in any case may be photocopied, the file copy of testimony may not be photocopied.

(c) Any party or his attorney may request oral argument upon a motion or issue involved in any controversial proceeding and the Court shall have the right to require oral argument. Unless oral argument is requested or specifically directed, the Court will decide the issues on briefs as submitted, per the briefing schedule set by the Court.

**Rule 3.3. Pleadings.**

(a) Every original petition or motion filed shall set forth in its first paragraph the citation of any statute, rule of court, or other authority relied upon to justify the relief requested.

(b) Every petition and motion shall be accompanied by a praecipe to transmit and a proposed order which, if approved by the Court, would grant the relief sought by the pleading. Every response in opposition to a motion or petition shall be accompanied by a proposed order which, if approved by the Court, would deny or amend the relief sought by the pleading.

(c) All pleadings containing an allegation or allegations of fact, shall be signed by the petitioner or petitioners and their attorney and attested either by an affidavit or by a verified statement setting forth that it is subject to the penalties of 18 Pa.C.S.A § 4904 (relating to unsworn falsifications to authorities) by one or more of the petitioners. When it is impractical to comply with the foregoing, the pleading may be signed and attested by someone familiar with the facts, in which case the reason for the failure of petitioner or petitioners to sign shall be set forth in the attestation.

**Rule 3.4. Signing.**

(a) The signature of an attorney to a petition shall constitute a certification by that attorney that all copies

of written or printed instruments, records, or documents which are not certified or authenticated are true and correct copies of the original.

**Rule 3.5. Mode of Proceeding on Petition. Citation Practice.**

(a) The return of notice shall be filed with the Clerk on or before the date set for the occurrence of the event of which notice has been given.

(b) Proof of service of a citation by registered or certified mail shall be by affidavit of the person making service, which shall set forth that true and correct copies of the citation, petition, and preliminary order awarding the citation were mailed to the respondent postage prepaid, return receipt requested, the date of mailing, the address to which notice was mailed and that attached to the return is the signed return receipt card which accompanied the letter.

(c) Proof of service of a citation by publication shall consist of proofs of publication together with affidavits by the publisher. It shall also set forth the date(s) and newspaper and/or local periodicals of publication

(d) All petitions shall aver that all interested parties are petitioners, or that consents or joinders of all interested parties are attached. If the petitioner is unable to attach a necessary consent or joinder, he shall so state in his petition together with the reason.

(e) Whenever a party other than a petitioner desires to consent to or join in the prayer of a petition, there shall be appended to the petition a written "Consent" or "Joinder" signed by the party in the following form:

I, \_\_\_\_\_, having read and considered the contents of the foregoing petition, do herewith waive the benefit of all requirements of notice of the presentation, or service upon me, of said petition, do authorize the Court to note my general appearance in said proceeding as though I had appeared personally or by counsel, do herewith waive all objections to the Court's jurisdiction over my person, and do herewith consent to or join in [add specifics of prayer for relief]

(f) All "Consents" and "Joinders" shall be signed by at least 2 witnesses.

**SPECIAL PETITIONS**

**Rule 5.2. Family Exemption, Appraisal and Allowance Prior to Audit.**

(a) *Personal property*

(1) The petitioner shall file a petition and thereupon shall give 20 days written notice of intention to request the exemption on a stated citation returnable date to the personal representative, if any, and to all persons adversely affected thereby who do not join in the prayer of the petition.

(2) Where the exemption is claimed from personal property included in the inventory filed, the value of each item so claimed shall be that given in the inventory filed. Where the exemption is claimed from personal property forming part of a small estate and no inventory has been filed, the value of each item claimed shall be the fair value thereof.

(b) *Real property*

(1) The appraisers shall, within 30 days after their appointment, file with the Clerk an appraisal of the property claimed, and written notice of such filing shall be given to the personal representative and to the next of kin, or, if there be neither personal representative nor

next of kin, to the Attorney General. The notice shall contain a copy of the petition and the appraisal, and a statement that confirmation of the appraisal and the setting apart of the real estate to the petitioner will be requested and may be allowed by the Court at a stated Citation Returnable date, of which not less than 20 days notice is given therein, unless objections are filed. If the address or whereabouts of any of the next of kin is unknown, notice shall be given in such manner as the Court may direct.

(2) If an appraisal of property is needed, the manner of appraising the property, of filing and confirming the appraisal, and of advertising or giving notice thereof shall be by special order in each case.

(c) Unless otherwise directed by the Court, no appraisal shall be required if the exemption is claimed;

(1) in money;

(2) from personal property and the gross value of the estate does not exceed the amount of the exemption;

(3) in real or personal property at valuations agreed upon by all interested parties.

(d) When the personal representative at his own risk delivers assets of the estate in satisfaction of the exemption he shall set forth the same as a disbursement in his account under the subheading "Family Exemption". Such delivery may be the subject of objection by any claimant or interested parties.

(e) In the absence of any objection, on presentation of a verified return of notice on the stated citation returnable date, an appropriate decree may be entered. Where all interested parties adversely affected have joined in the prayer of the petition and 20 days prior notice of the filing of the petition has been given to the personal representative, if any, the petitioner may present the petition to the Court on a citation returnable date, whereupon, in the absence of objections and on presentation of a verified return of notice upon the personal representative, an appropriate decree may be entered.

**Rule 5.6A. Appointment of Guardian for Minor. Consents Required.**

(a) When the proposed guardian is an individual, his written consent to act as such shall contain the following:

(1) His business, and domicile;

(2) A statement that he is a citizen of the United States, able to speak, read, and write the English language;

(3) A statement that he is not the fiduciary or an officer or employee of the corporate fiduciary of an estate in which the minor has an interest nor the surety or an officer or an employee of the corporate surety of such a fiduciary; and

(4) A statement that he has no interest adverse to the minor.

(b) When the proposed guardian is a corporation authorized to act as fiduciary, its written consent to act as such shall contain a statement that it is not the fiduciary of an estate in which the minor has an interest nor the surety of such a fiduciary and that it has no interest adverse to the minor.

(c) Written consent of the parents or surviving parent of the minor is required. If both parents are deceased, such consent is required of the adult person with whom the minor resides or of the superintendent or other official in charge of the institution having custody of the



minor. If such consent is not obtained, the petitioner shall set forth the reason and give such notice of the petition as the Court may direct.

**Rule 5.6B. Minors Accounts and Age of Majority.**

(a) If no withdrawals have been made from the minor's account prior to the minor reaching his majority, the institution may pay over the funds when the minor attains age 18 years, upon the joint requests of the guardian and the former minor without further Order of the Court.

(b) If withdrawals have been made from the account, the guardian shall file a petition for his discharge upon the minor's attaining age 18. There shall be attached to the petition:

- (1) A statement in the nature of an account;
- (2) An affidavit by the guardian setting forth that he has received no additional assets belonging to the minor, and that all claims of which he has notice have been paid.

**Rule 5.6C. Petition for Allowance from a Minor's Estate.**

(a) A petition for an allowance from a minor's estate, for the maintenance, support, or education of the minor, his spouse or children, shall be presented by the guardian of the estate and shall set forth:

- (1) the manner of the guardian's appointment and the date thereof; and, where appropriate, the terms of the instrument creating the estate;
- (2) the age and residence of the minor; whether his parents are living; the name of the person with whom he resides; and, if married, the name and age of his spouse and children;
- (3) the value of the minor's estate, real and personal, and the net annual income;
- (4) the circumstances of the minor, whether employed or attending school; if the minor's parents are living, the reason why the parents cannot support and educate the minor without resorting to the minor's estate;
- (5) the date and amount of any previous allowances by the Court;
- (6) a recommendation to the Court of the amount of the allowance the petitioner believes should be decreed;
- (7) if the petition is presented by someone other than the guardian of the estate, that demand was made upon the guardian to act, and the reason, if any, given by him for his failure to do so.
- (8) if the minor is fourteen years of age or older, he shall attach a joinder to the petition, and of the parents or surviving parent; or, if both parents are deceased, the joinder of the adult person with whom the minor resides, or the superintendent or other official in charge of the institution having custody of the minor.

**Rule 5.6D. Petition for Settlement of an Action Involving a Minor.**

(a) Except as provided in the next subsection, no settlement of an action of a minor for personal injuries will be authorized or approved without the appearance of the minor in court, medical evidence as to the extent of the minor's injuries, and whether such injuries have fully resolved, and such further information as the Court shall deem necessary.

(b) The Court may approve the petition without requiring the appearance of the minor, his guardian, or his

doctor, provided the Court concludes that the information contained in the petition is sufficient to satisfy that the proposed settlement adequately compensates the minor and his guardian for the injuries sustained and expenses incurred and so long as the petition contains all information set forth in Sch.R.C.P. 2039.

(c) The form of proposed order shall be as follows:

**COURT OF COMMON PLEAS OF SCHUYLKILL COUNTY, PENNSYLVANIA ORPHANS' COURT DIVISION**

In Re:		No.
a Minor		
		Minor's Compromise

**ORDER OF COURT**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_ m., upon consideration of the Petition for Approval of Minor's Settlement, it is hereby ORDERED and DIRECTED that the Compromise Settlement in the sum of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) is APPROVED, and that the Settlement be distributed as follows:

- 1. The sum of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) shall be paid to \_\_\_\_\_ for his legal representation of the petitioners.
- 2. The sum of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) shall be paid to \_\_\_\_\_ for costs expended.
- 3. The sum of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) shall be distributed to the benefit of \_\_\_\_\_, a minor, to be placed in one or more federally insured savings accounts or federally insured savings certificates in the name of the minor so that the amount deposited in any one such savings institution shall not exceed the amount to which accounts are insured, and to be marked "NOT TO BE WITHDRAWN UNTIL THE MINOR REACHES THE AGE OF EIGHTEEN (18), EXCEPT FOR THE PAYMENT OF LOCAL, STATE AND FEDERAL INCOME TAXES ON INTEREST EARNED BY THE SAVINGS ACCOUNT OR CERTIFICATE, IF ANY, OR UNTIL FURTHER ORDER OF THIS COURT".

Counsel for petitioners is ORDERED to cause the restricted account to be created and to file an affidavit of deposit of minor's funds within thirty (30) days with the Clerk.

If no withdrawals are made from the account prior to the minor reaching his/her majority, the institution may pay over the funds when the minor attains age eighteen (18) years, upon the joint requests of the natural parent(s) and the former minor without further Order of this Court.

BY THE COURT,

(d) The affidavit of deposit of minor's funds shall be filed within 30 days of the creation of the restricted account and shall be in the following form:

**COURT OF COMMON PLEAS OF SCHUYLKILL COUNTY, PENNSYLVANIA ORPHANS' COURT DIVISION**

In Re:		No.
a Minor		
		Minor's Compromise

## AFFIDAVIT OF DEPOSIT OF MINOR'S FUNDS

The undersigned, counsel for \_\_\_\_\_, parents and natural guardians of \_\_\_\_\_, a minor, hereby certifies that the net settlement amount of \$\_\_\_\_\_ as set forth in this Court's order dated \_\_\_\_\_ was deposited by \_\_\_\_\_ into a restricted, federally insured account, marked "NOT TO BE WITHDRAWN UNTIL THE MINOR REACHES THE AGE OF EIGHTEEN (18), EXCEPT FOR THE PAYMENT OF LOCAL, STATE AND FEDERAL INCOME TAXES ON INTEREST EARNED BY THE SAVINGS ACCOUNT OR CERTIFICATE, IF ANY, OR UNTIL FURTHER ORDER OF THIS COURT" on \_\_\_\_\_. Account No. \_\_\_\_\_ is entitled: \_\_\_\_\_, a minor. Proof of deposit is attached hereto as Exhibit A.

\_\_\_\_\_  
Counsel for Parents and Natural Guardians  
of \_\_\_\_\_, a minor

**Rule 5.9. Partition.**

(a) Distribution of real property under Section 3534 of the P.E.F. Code, where at the time of distribution of the estate the personal representative or a distributee requests the Court to divide, partition, and allot the real estate or to direct a sale thereof, an interlocutory decree shall be entered fixing a day certain, not less than 20 days from the date of the interlocutory decree, for hearing; the interlocutory decree to be entered shall be in the form of a notice to all interested parties that on the day so fixed for hearing the Court will hear the objections of the interested parties with respect to:

(1) whether the real estate can be divided among less than all of the interested parties without prejudice to or spoiling the whole and if so, how;

(2) whether the Court should direct the personal representative to sell at a sale confined to the distributees or at a private or public sale not so confined.

(b) A copy of the interlocutory decree, duly certified, shall be served by certified or registered mail, by the personal representative, upon all interested parties, not less than 20 days before the return day fixed in the decree; proof of service of notice, in the form of return receipts, to be filed upon the return day.

**Rule 5.10A. Public Sale of Real Property by a Personal Representative.**

(a) The petition shall set forth in separate paragraphs:

(1) name, residence, and date of death of the decedent; whether he died testate or intestate; and the date of grant of letters;

(2) that the personal representative is not otherwise authorized to sell by the P.E.F. Code, or that the personal representative is not authorized or is denied the power to do so by the Will; or that it is desirable that the sale have the effect of a judicial sale, stating the reasons;

(3) the total value of the personal estate and all of the real property, respectively, as shown in the inventory filed, including the value at which the real property to be sold was included therein;

(4) a full description of the real property to be sold, improvements thereon, by whom it is occupied and its rental value;

(5) if the personal representative entered bond with the Clerk, the amount of such bond and the name of the surety;

(6) the names of all interested parties, as heirs, devisees, legatees, or lienholders, who will be affected by the granting of the petition and the interest of each; whether any of them are minors, incapacitated persons, or deceased, and if so, the names and the record of the appointment of their fiduciaries;

(7) the liens and charges, if any, of record against the property to be sold;

(8) the terms of the proposed sale;

(9) any additional facts which may aid the Court to determine that the sale is desirable for the proper administration and distribution of the estate.

(b) If the petition is for the payment of debts, it shall set forth in separate paragraphs:

(1) the information required to be set forth under subparagraph (a) of this rule, so far as appropriate;

(2) a statement that the personal estate and the rents of real property are insufficient for payments of debts;

(3) a statement of all real property owned by decedent, wherever situated, which is of the petitioner's knowledge; and

(4) a just and true account of all debts of decedent which have come to petitioner's knowledge; and which, if any, of the debts not of record have had their liens preserved.

**Rule 5.10B. Public Sale of Real Property by a Trustee.**

(a) The petition shall set forth in separate paragraphs:

(1) a statement, in substance, of the provisions of the instrument creating the trust, particularly the powers, if any, therein given to the trustee in respect of real property;

(2) a copy of the instrument creating the trust, in the form of an exhibit;

(3) the total value of the personal property and the real property, respectively, forming the corpus of the trust;

(4) the amount of the bond, if any, filed;

(5) the names of all interested parties as beneficiaries, including life tenants and remaindermen, who will be affected by the granting of the petition, whether any of them are minors, incapacitated persons, or deceased, and if so, the names and the record of appointment of their fiduciaries;

(6) a full description of the real property proposed to be sold, the improvements thereon, by whom it is occupied, and the rental value thereof;

(7) the reasons the sale of the real property involved is necessary or desirable for the proper administration of the trust estate;

(8) the liens and charges, if any, of record against the real property to be sold;

(9) that the trustee is not otherwise authorized to sell by the P.E.F. Code, or is denied the power by the trust instrument; or that it is advisable that the sale have the effect of a judicial sale, stating the reasons;

(10) the terms of the proposed sale.

**Rule 5.10C. Public Sale of Real Property by a Guardian of an Incapacitated Person or a Minor's Estate.**

(a) The petition shall set forth in separate paragraphs:

(1) the name, age, marital status and domicile of the incapacitated person or the minor; the date of appointment of the guardian and by what Court; and the amount of bond filed;

(2) the total value of the personal estate and all of the real property, respectively, as shown in the inventory filed, or if no inventory filed, then the value of each item as received by the guardian and how and when received;

(3) a full description of the real property proposed to be sold, the improvements thereon, by whom occupied, and the rental value thereof;

(4) the names of the interested parties as next of kin;

(5) why the sale of the real property involved is necessary or desirable for the administration of the incapacitated person's estate or in the best interest of the minor;

(6) the liens and charges, if any, of record against the property to be sold;

(7) the terms of the proposed sale.

**Rule 5.10D. Public Sale of Real Property. Advertisement.**

(a) Public notice of any proposed sale under Order of Court shall be given by advertisement one time in at least one newspaper of general circulation published in the County of Schuylkill and in the legal publication designated by these rules, and shall be placed under a general heading as follows:

**COURT OF COMMON PLEAS OF SCHUYLKILL  
COUNTY ORPHANS' COURT DIVISION  
PUBLIC SALE OF REAL ESTATE**

In pursuance of an Order of the Orphans' Court Division aforesaid, the real estate indicated below will be offered for sale at the time and place stated. The terms and conditions of sale are of record in the office of the Clerk at the Schuylkill County Courthouse, Pottsville, Pennsylvania, where they may be examined by the interested parties.

(b) The advertisement shall give the name of the decedent, trust beneficiary, minor, or incapacitated person, the municipality in which he resided, the place in which lies the real estate to be offered for sale, an abridged description of the real estate (including, where possible, the street and house number, and block and lot number), the improvements thereon erected, the place, date, and time of sale, the name and title of the fiduciary directed to make the sale, and the name of the attorney representing the fiduciary.

(c) At least 20 days written notice shall be given to all non-joining interested parties (1) as heirs, devisees, legatees, or lien holders, where the property to be sold is that of a decedent's estate; or (2) as the next of kin, where the property to be sold is that of an incapacitated person; or (3) as beneficiaries, including life tenant and remaindermen, of the trust estate where the sale is to be by a trustee; or (4) as the parents or other person maintaining the minor where the property to be sold is that of a minor.

(1) The written notice herein provided for shall be by personal service or by registered mail to the last known address of the person to be notified.

(d) All returns of sale of real estate sold at public sale shall be in writing and sworn to and shall include:

(1) proofs of publication of the notice required by Sch.Co.O.C. Rule 5.10D(a);

(2) when and to whom written notice was given;

(3) the name of the purchaser and the purchase price.

(e) Upon return of sale, the Court may enter a Decree of Confirmation Nisi and fix the amount of security or additional security which the personal representative, trustee, or guardian shall be required to enter or the Court may excuse the fiduciary from entering additional security; and the Decree of Confirmation Nisi so entered is FINAL unless a motion for reconsideration is filed within 20 days of the date signed.

**Rule 5.11. Private Sale of Real Property.**

(a) A petition of a fiduciary to sell real property at private sale shall also conform as closely as practicable to the requirements of Sch.Co.O.C. Rule 5.10 with regard to a petition to sell real property at public sale by the same fiduciary and shall also be supported by the affidavits required under Pa.O.C. Rule 5.11.

(b) Any proposed private sale under Order of Court shall be given by advertisement one time in at least one newspaper of general circulation published in the County of Schuylkill and in the legal publication designated by these rules; unless excused by Order of Court, notice shall also be given by personal service or registered mail to the last known address of all non-joining interested parties and shall be in the following form:

**COURT OF COMMON PLEAS OF SCHUYLKILL  
COUNTY ORPHANS' COURT DIVISION  
PRIVATE SALE OF REAL ESTATE**

In the matter of the Estate of \_\_\_\_\_, (deceased—a minor—an incapacitated person). To the heirs, legatees, devisees, next of kin, and all other interested parties in said estate:

Notice is hereby given that \_\_\_\_\_ (personal representative—trustee—guardian) has filed in the office of the Clerk of the said Court his petition praying for an order of sale of the real estate of said (decedent—minor—incapacitated person) situate \_\_\_\_\_ at private sale to \_\_\_\_\_ for the sum of \$ \_\_\_\_\_ for the purposes in the petition set forth. If no objections are made to granting the same, the Court will be asked to take action upon the petition on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ a.m., at the Schuylkill County Courthouse, Pottsville, Pennsylvania.

\_\_\_\_\_  
Attorney for Petitioner

(c) Any person desiring to make a substantially higher offer for real property offered at private sale may do so at the time the petition is presented for confirmation of the proposed sale, whereupon the Court will make such order as it deems advisable under the circumstances. If no objections are made, or substantially higher offer presented, the Court may enter a decree:

(1) fixing the amount of security or additional security which the personal representative, trustee, or guardian shall be required to enter or excusing the fiduciary from entering additional security;

(2) confirming the sale absolutely effective immediately or as of the time the required security or additional security, if any, is approved and filed.



**Rule 5.12. Pledge, Lease, or Exchange of Real Property.**

(a) A petition by a fiduciary to mortgage real property shall conform as closely as practicable to the requirements of Sch.Co.O.C. Rule 5.10 with regard to a petition to sell real property at public sale by the same fiduciary; shall set forth the amount and terms of the proposed loan; and shall provide sufficient facts to enable the Court to determine whether the proposed loan should be approved.

**Rule 5.13A. Inalienable Property. Public Sale by a Trustee or Personal Representative.**

(a) The petition shall set forth in separate paragraphs:

(1) how title was acquired, stating the date and place of probate of the Will or recording of the deed;

(2) a full description of the real property, its improvements, by whom it is occupied, its rental value, and the liens and charges to which it is subject;

(3) the interest of the petitioner, if a fiduciary, how and when he was appointed; if other than a fiduciary, the name of the fiduciary, if any, and how and when such fiduciary was appointed;

(4) a recital of the history of the trust, and of the relevant provisions of the Will or Deed pertaining to the real property to be sold; the names of all interested parties and the nature and extent of their interests, stating which, if any, are minors or incapacitated persons, and giving the names and record of appointment of their guardians, if any; and the names of the next of kin and the age of any minors;

(5) that the purpose of the proceeding is to obtain a decree stating that the title transferred to the purchaser shall be indefeasible by any person ascertained or unascertained, or by any class of persons mentioned in the petition or decree having a present or expectant interest in the premises, and unprejudiced by any error in the proceedings of the Court;

(6) sufficient facts to enable the Court to determine whether the proposed sale will be to the interest and advantage of the interested parties, and whether the proposed sale may be made without prejudice to any trust, charity, or purpose for which the real property is held, and without violation of any laws which may confer an immunity or exemption from sale or alienation;

(7) the names of any interested parties who do not voluntarily appear.

(b) Consents to the sale signed by interested parties shall be attached as exhibits.

**Rule 5.13B. Inalienable Property. Public Sale by a Guardian of a Minor.**

(a) The petition shall set forth in separate paragraphs:

(1) that the petitioner was appointed guardian of the estate of the minor, stating the method, date, and record of his appointment; or, if the estate of the minor consists of an interest in real property to the value prescribed by statute, that the petitioner is the natural guardian, or the person by whom the minor is maintained, stating the relationship of the petitioner to the minor;

(2) the interest of the minor and full description of the real property proposed to be sold; its improvements; by whom occupied; its rental value; and the liens and charges to which it is subject;

(3) whether title was acquired by Will, descent, or Deed; the date of decedent's death; the date and place of probate of the Will or recording of deed with respect to the real property proposed to be sold; and if the interest of the minor is partial, the names of the other interested parties; the nature of their interest; that they desire the sale to be made and are willing to join in the deed;

(4) the age of the minor; the names of his next of kin; and the notice given them of the presentation of the petition;

(5) sufficient facts to enable the Court to determine that it would be in the interest of such minor that the real property be sold.

(b) Consents to the sale signed by those interested parties who consent thereto shall be attached as exhibits.

**Rule 5.14A. Petition for the Settlement of a Small Estate.**

(a) A petition for the settlement of a small estate under Section 3102 of the P.E.F. Code shall set forth:

(1) the name, date of death, and residence of the decedent;

(2) the name and address of the petitioner and his relationship to the decedent;

(3) if the petitioner is the surviving spouse, the date and place of marriage to the decedent;

(4) whether the decedent died testate or intestate;

(5) the names, relationship, and interest of all persons entitled to share in the decedent's estate under the Will or intestate laws, stating who are minors, incapacitated persons, or decedents, with the names of their fiduciaries, if any, and whether any of them received or retained any property of the decedent by payment of wages, salary or any accrued pension under Section 3101 of the P.E.F. Code or otherwise;

(6) where a claim for family exemption is included, a statement that claimant formed a part of the decedent's household at the date of his death and, if the claimant is the surviving spouse, that he has not forfeited his right to the family exemption;

(7) an itemized statement of the gross personal estate to be distributed and the fair value of each item other than cash, such value to be that given in the inventory filed, and if none was filed, then the fair value, if not readily ascertainable, shall be fixed by two appraisers whose affidavits of value shall be attached to the petition;

(8) the disbursements made prior to the filing of the petition; the date and name of the person to whom paid; and the nature and amount of each payment;

(9) the names of all unpaid claimants of whom the petitioner has notice, the nature and amount of each claim, and whether such claims are admitted;

(10) that a schedule of assets and deductions for inheritance tax purposes has been filed with the Clerk; the amount of any inheritance tax assessed, and the date of payment thereof;

(11) a statement that 20 days written notice of intention to present the petition has been given to every unpaid beneficiary, heir, or claimant who has not joined in the petition, or to the Attorney General, if the decedent's heirs are unknown;

(12) a statement of distribution of the property, setting forth the persons entitled and their distributive shares

and requesting the discharge of the personal representative if letters have been granted.

(b) The following exhibits shall be attached to the petition:

- (1) a copy of the decedent's Will;
- (2) the consents of unpaid beneficiaries, heirs, and claimants;
- (3) a copy of the inventory, if one was filed;
- (4) a copy of the notice given;
- (5) the inheritance tax voucher, or in lieu thereof a statement from the inheritance tax department that no tax is due.

#### PRE-HEARING AND HEARING RULES.

##### Rule 7.1. Pre-Hearing Conference.

In any action the Court, on its own motion or upon the motion of any party, may direct the attorneys for the interested parties to appear for a conference to consider simplification of the issues, possibility of obtaining admissions of facts and documents, and such other matters as may aid in the disposition of the action.

#### AUDITORS AND MASTERS

##### Rule 9.1. Notice of Hearings.

(a) The Court, on its own motion, or upon petition of the accountant, or of any other interested parties, may appoint an Auditor or Master to assist the Court in the audit of an account or the disposition of an issue of fact in a matter. The Court may, at or after a conference on the issues or in lieu thereof, direct that each counsel of record and any interested parties not represented by counsel shall file with the Clerk a praecipe listing Witnesses and the anticipated length of the Master's or Auditor's hearing.

(b) The Clerk shall give written notice of an Auditor's or Master's appointment and give 20 days prior written notice of the time and place of the first hearing to all counsel of record and all interested parties not represented by counsel known to the Clerk.

(c) Notice of succeeding hearings, if any, given by the Auditor or Master at a hearing of which proper notice has been given shall constitute sufficient notice of such succeeding hearings.

(d) The hearing shall be held at a time and place indicated and not later than 45 days after the Auditor's or Master's appointment and shall be extended only upon application to the Court for good cause shown.

##### Rule 9.5. Transcript of Testimony.

(a) Testimony given at an Auditor's or Master's hearing shall be stenographically recorded.

(b) The Auditor or Master shall, in the first instance, pass on questions of evidence. If he is of the opinion that the testimony is clearly frivolous and irrelevant, or that the witness is clearly incompetent, he need not take the testimony, but the Record shall show the offer and the purpose of it, the objection and the ground of it, as well as the decision of the Auditor or Master, so that if objection be taken to the Report of the Auditor or Master on this ground his decision may be properly reviewed by the Court. However, if the Auditor or Master is in doubt, the testimony shall be taken subject to a motion for reconsideration and the question may be raised upon such motion to his Report.

##### Rule 9.6. Notice of Filing Report.

(a) An Auditor or Master shall give 20 days notice in writing to all interested parties or their counsel of record of his intention to file his report with the Clerk on a day certain and shall file proof of the giving of notice with the Clerk. A copy of said report together with the proposed Decree of Confirmation Nisi shall accompany the notice to interested parties or their counsel of record. A copy thereof together with the transcript of testimony shall be made available in the office of the Clerk for inspection during the notice period.

(b) The Auditor or Master shall file his original Report and proposed Decree with the Clerk upon expiration of the 20 days notice period.

##### Rule 9.7. Report of Auditor or Master. Disposition. Procedure.

(a) The report of an Auditor or Master shall be transmitted to the Court for a Decree of Confirmation Nisi upon filing with the Clerk and shall become FINAL unless written motions for reconsideration thereto are filed within 20 days after the date of filing the report.

(b) Any interested parties shall have the right to file a motion for reconsideration of the report of an Auditor or Master within 20 days after the filing of the Decree of Confirmation Nisi thereof.

(c) In the event that a motion for reconsideration is filed, the Auditor or Master shall have a period of 20 days to re-examine the subject of the motion and shall file a supplemental report disposing of it seriatim, setting forth his reason or reasons for sustaining or dismissing the motion.

(d) Written notice of the filing of the supplemental report shall be given by the Auditor or Master to all interested parties or their counsel and proof of such notice shall be filed with the Clerk.

(e) The supplemental report shall become absolute upon filing with the Clerk, unless a written motion for reconsideration is filed within 20 days after the date of filing the supplemental report.

##### Rule 9.8. Compensation and Security.

(a) Any Auditor or Master appointed by the Court under these rules shall be compensated by reasonable fees as fixed by the Court and paid from such sources as the Auditor or Master shall recommend and the Court shall direct.

(b) Fees may be taxed as costs and the Auditor or Master shall have authority to recommend to the Court that the Auditor's or Master's fees follow the award as costs in appropriate cases.

(c) All interested parties shall deposit into the Clerk a payment on account of fees and costs in an amount to be fixed by the Court. Failure to deposit said funds as ordered may result in a dismissal of the issues or imposition of appropriate sanctions.

#### CLERK OF THE ORPHANS' COURT

##### Rule 10.1. Monies Paid.

(a) All monies paid or securities delivered into Court shall be deposited immediately in such bank or trust company as the Clerk may designate, to the credit of the Court, in the particular estate or proceeding to which the money or securities may belong; and such depository shall keep a separate account of each payment and delivery, designating the same by name of the estate or proceeding.

(b) No money shall be paid out of Court by the depository, or securities delivered, except on checks or orders of the Clerk accompanied by a certified copy of the Order of Court authorizing such withdrawal or delivery.

(c) The Clerk shall maintain in his office a Money in Court Docket in which shall be entered concisely under the name of the respective estates, the Orders of Court directing money to be paid into Court, as well as an accurate account of the money paid in and paid out, so that the record will fully explain itself.

(d) Acknowledgment of receipt of sums of money or property ordered to be paid or delivered by any award or decree of the Court may be made by appropriate release filed of record and noted in the docket entries.

**Rule 10.4. Form of Appeal from Register of Wills' Decision.**

(a) When an appeal is taken from a judicial act or proceeding before the Register of Wills, the petitioner shall do so by petition which sets forth:

- (1) the nature of the proceedings;
- (2) the reasons for the appeal;
- (3) the names and addresses of all interested parties, including those who have not been made parties to the record;
- (4) a request that a Citation be issued directed to all interested parties including those not represented on the record to show cause why the appeal should not be sustained and the judicial act or proceeding complained of be set aside and reversed. Upon the issuance of the Citation, the Clerk shall certify the record.

**INCAPACITATED PERSONS**

**Rule 14.2A. Counsel for Incapacitated Persons.**

(a) Upon the filing of a petition alleging incapacity and seeking appointment of a guardian, the Court shall appoint separate counsel for the alleged incapacitated person.

(b) Counsel, as guardian ad litem, for the alleged incapacitated person shall immediately investigate the matter; shall file pleadings and defend the petition, if contested; or shall report and recommend to the Court at the hearing on the petition as to those matters which affect the rights of the alleged incapacitated person.

**Rule 14.2B. Reports of Guardian. Notice.**

(b) In addition to the filing of an inventory, which must be filed within 90 days of appointment, the guardian of the estate, whether plenary or limited, shall file a report with the Court at least once within the first twelve months of the appointment and annually thereafter as to the administration of the ward's estate. The Court, in its discretion, may require that the report be filed more frequently. The form of the report shall be substantially the same as the Clerk's Form No. G-02 and G-03. A final report shall be filed within 60 days after the death of the ward.

(c) The guardian shall serve written notice of the filing of the report upon each care provider, next-of-kin, and all interested parties by first-class mail within 20 days of filing the report in substantially the following form:

**COURT OF COMMON PLEAS OF SCHUYLKILL COUNTY, PENNSYLVANIA ORPHANS' COURT DIVISION**

**ANNUAL REPORT OF GUARDIAN**

In the matter of the Estate of \_\_\_\_\_, an Incapacitated Person. To the care providers, next-of-kin, and all interested parties in said affairs:

Notice is hereby given that \_\_\_\_\_, (guardian of the estate—guardian of the person) has filed in the office of the Clerk the annual report concerning the affairs of the ward. A copy of the report is available for inspection in the office of the Clerk, Schuylkill County Courthouse, 401 North Second Street, Pottsville, Pennsylvania.

**Rule 14.2C. Guardians. Bond.**

(a) Except in special circumstances, the Court will not appoint an individual as a guardian of the estate of an incapacitated person without setting bond, as the Court in its discretion, deems appropriate. (Exceptions made for special circumstances may include situations where a corporate guardian cannot be secured or the only asset of the incapacitated person is a regular benefit payment such as pension, Social Security, Veterans' Administration, public assistance, railroad retirement payments.)

**Rule 14.2D. Notice.**

(a) Proof of service of notice shall be presented at the hearing. The affidavit of service shall, in all cases, relate that the petition and citation were read to the alleged incapacitated person in the terms that person is most likely to understand.

(b) The completed notification form required by the Uniform Firearms Act, 18 Pa.C.S.A. § 6105, and available in the office of the Clerk, shall be presented at the hearing.

**Rule 14.2E. Allowance for Maintenance and Support.**

(a) A petition for an allowance for maintenance and support of an incapacitated person during incapacity or incompetency shall set forth:

- (1) the name of the guardian and the date of his appointment; if the petitioner is not the guardian, his relationship to the incapacitated person, and if not related, the nature of his interest;
- (2) a summary of the inventory, the date it was filed, and the nature and present value of the estate;
- (3) the address and occupation, if any, of the incapacitated person;
- (4) the names and addresses of the incapacitated person's dependents, if any;
- (5) a statement of all claims of the incapacitated person's creditors known to petitioner;
- (6) a statement of the requested allowance and the reason therefor; a statement of all previous allowances made by the Court;
- (7) if any portion of the incapacitated person's estate is received from the United States Veterans' Administration or its successor that notice of the request for allowance has been given to that agency.

(b) The practice and procedure with respect to the filing and audit of accounts, as well as the distribution of the assets of the estate, shall conform to all State and Sch.Co.O.C. Rules.



## ADOPTIONS

**Rule 15.1A. Petition to Confirm Consent of Natural Parent. Notice. Copy of Consent to Natural Parent.**

(a) A petition to confirm the consent of a natural parent to the adoption of a child under Section 2504 of the Adoption Act, where the natural parent executed the consent outside this Commonwealth, must include a certification by petitioner's attorney that the consent is in accordance with the laws of the jurisdiction where it was executed.

(b) A copy of the notice of the hearing prescribed by Section 2513(b) of the Adoption Act shall be a part of each petition. Service of the notice of hearing shall be as prescribed by Section 2504 of the Adoption Act and Pa.O.C. Rule 15.6.

(c) Petitioner's attorney shall certify at hearing that the natural parent has received a copy of the consent of adoption which he/she signed.

**Rule 15.4A. Involuntary Termination of Parental Rights. Notice.**

A copy of the notice of the hearing shall be a part of each petition. Service of the notice of hearing shall be as prescribed by Pa.O.C. Rule 15.6 and by Section 2513(b) of the Adoption Act.

**Rule 15.4B. Involuntary Termination of Parental Rights. Service.**

(a) Where service is attempted by registered mail at the natural parent's last known address pursuant to Pa.O.C. Rule 15.6 and the post office's return indicates that service was not made, petitioner may petition the Court to order service by publication.

(b) A petition for publication must outline efforts made by petitioner through postal authorities, relatives, mutual friends, or other means to locate the present address of the natural parents.

(c) Where the Court orders service by publication, it shall be made in a newspaper of general circulation one (1) time in the area of the natural parent's last known address. Proof of publication must be submitted at the hearing on the petition for involuntary termination.

(d) Where service of the hearing has been made by publication, the Decree Nisi shall be immediately published in the same newspaper of general circulation referred to in subparagraph (c) of this rule.

**Rule 15.4C. Involuntary Termination of Parental Rights. Incarcerated Parent.**

Where the natural parent is incarcerated, a petition for involuntary termination of that parent's parental rights must include a statement in the proposed Preliminary Order, submitted with the petition setting the hearing date, that if the natural parent desires to contest the petition, the parent may do so by requesting the issuance of a Writ of Habeas Corpus Ad Testificandum and/or by filing a petition for appointed counsel pursuant to 23 Pa.C.S.A. § 2313.

**Rule 15.4D. Contested Involuntary Termination of Parental Rights. Appointment of Counsel for Minor Child. Costs.**

(a) Whenever a proceeding for involuntary termination of parental rights is contested, an Answer shall be filed and the Court shall appoint counsel for the minor child or children in accordance with Section 2313 of the Adoption Act.

(b) In every contested involuntary termination proceeding, Petitioner and Respondent shall each deposit into the Clerk's office a payment on account for the transcript fees and for fees and costs of counsel for the minor in an amount to be fixed by the Court. Additional fees may be assessed, and said fees may be taxed as costs and may be ultimately charged against the interested parties as the Court deems appropriate.

(1) Respondent shall deposit said payment upon the filing of the Answer and Petitioner shall deposit said payment within 20 days after service of the Answer. Failure to deposit said funds may result in civil contempt of court or imposition of sanctions as the Court deems appropriate.

(c) All interested parties shall file a list of witnesses and the expected time required for hearing within 20 days after service of court order appointing counsel for the minor.

**Rule 15.5A. Adoptions.**

(a) When a Report of Intention to Adopt has been filed, a Petition for Adoption must include in all cases a statement that petitioner's attorney has made arrangements for a public child care agency or a consenting private child care agency or appropriate person designated by the Court to perform a Home Investigation on the adopting parent(s).

(b) If a public or private child care agency is to be used to perform the study, counsel for petitioners must provide that agency with a copy of the Report of Intent to Adopt or other similar information and take whatever steps are necessary to cause the required Home Investigation to be sent directly to the Orphans' Court Division.

(c) If an appropriate person is to be designated by the Court to perform the study, counsel for petitioners shall seek such appointment by presenting a motion and proposed order along with the petition for adoption. Subsequent thereto, counsel shall supply information and take whatever steps are necessary to cause the required Home Investigation to be sent directly to the Orphans' Court Division.

(d) A Home Investigation should contain in all cases:

(1) A report from the agency/designated person outlining the investigation made into the adopting parents' background and character;

(2) A report of criminal history from the Pennsylvania State Police;

(3) A certification from the Pennsylvania Department of Public Welfare certifying that the proposed adopting parent(s) are not registered as the perpetrator(s) of a founded or indicated report of child abuse;

(4) An FBI fingerprint certification.

(e) Where the Petition for Adoption contains the consent of the natural parent whose parental rights have not previously been terminated, petitioner's attorney shall certify at the hearing that the natural parent has received a copy of the consent of adoption which he/she signed.

[Pa.B. Doc. No. 17-755. Filed for public inspection May 5, 2017, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Collection Fee and Late Payment Penalty; 2017-2018 Registration Year

Notice is hereby given that in accordance with Pennsylvania Rules of Disciplinary Enforcement 219(d)(2) and 219(f), The Disciplinary Board of the Supreme Court of Pennsylvania has established the collection fee for checks returned as unpaid and the late payment penalty for the 2017-2018 Registration Year as follows:

Where a check in payment of the annual registration fee for attorneys has been returned to the Board unpaid, the collection fee will be \$100.00 per returned item.

Any attorney who fails to complete registration by July 31 shall be automatically assessed a non-waivable late payment penalty of \$200.00. A second non-waivable late payment penalty of \$200.00 shall be automatically added to the delinquent account of any attorney who has failed to complete registration by August 31.

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

[Pa.B. Doc. No. 17-756. Filed for public inspection May 5, 2017, 9:00 a.m.]

## SUPREME COURT

### Modification of the Magisterial Districts within the 7th Judicial District; No. 414 Magisterial Rules Doc.

#### Order

*Per Curiam*

*And Now*, this 21st day of April, 2017, upon consideration of the Request of the President Judge of Seventh Judicial District (Bucks County) to eliminate Magisterial

Districts 7-2-03 and 7-1-06 and realign Magisterial Districts 7-1-07, 7-2-05 and 7-2-08 of the Seventh Judicial District (Bucks County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Request is granted. This Order is effective January 1, 2018. The judgeships for Magisterial Districts 7-2-03 and 7-1-06 shall not appear on the ballot for the 2017 municipal election. The Order of April 24, 2013 and Amended Order of July 3, 2013, shall remain in effect in all other respects.

The realigned Magisterial Districts shall be as follows:

Magisterial District 07-1-07	Hulmeville Borough
Magisterial District Judge	Langhorne Borough
Daniel E. Baranoski	Langhorne Manor Borough
	Penndel Borough
	Lower Southampton
	Township
	Middletown Township
	(Voting Districts Lower 1,
	2, and 13; Upper 2 & 4)
Magisterial District 07-2-05	Quakertown Borough
Vacant	Richlandtown Borough
	Trumbauersville Borough
	East
	East Rockhill Township
	Milford Township
	Richland Township
	West Rockhill Township
Magisterial District 07-2-08	Chalfont Borough
Magisterial District Judge	New Britain Borough
Regina Armitage-Smith	Perkasie Borough
	Sellersville Borough
	Silverdale Borough
	Telford Borough
	Hilltown Township
	New Britain Township

[Pa.B. Doc. No. 17-757. Filed for public inspection May 5, 2017, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 52—PUBLIC UTILITIES

### PHILADELPHIA PARKING AUTHORITY

[ 52 PA. CODE CHS. 1001, 1002, 1003, 1005, 1011, 1013, 1017, 1019, 1021, 1027, 1029, 1030, 1051, 1053, 1055, 1057, 1059 AND 1063 ]

### Taxicab and Limousine Temporary Regulations

*Amendments to Taxicab and Limousine Temporary Regulations; Doc. No. 17-002*

#### Order

*By the Authority:*

The Philadelphia Parking Authority (“Authority”) is the sole regulator of all taxicab and limousine service in Philadelphia.<sup>1</sup> The purpose of this order is to amend the temporary taxicab and limousine regulations that were promulgated on January 27, 2017 pursuant to 53 Pa.C.S. § 57B02.<sup>2</sup>

#### *Background*

On January 27, 2017, the Authority entered an Order adopting temporary taxicab and limousine regulations to become part of 52 Pa. Code Part II with an effective date of February 25, 2017. However, the Authority’s Taxicab and Limousine Division (“TLD”) has since received and reviewed written comments from various industry members and the public relating to the temporary regulations.

#### *Discussion*

Upon consideration of all comments received concerning the temporary regulations and further review by the TLD, the Authority is proposing certain amendments to the temporary regulations, including but not limited to, the following:

- Taxicab meter system will not be required to have a driver distress button.
- Upon the death or incapacitation of an individual medallion taxicab certificate holder or a person with controlling interest in a medallion taxicab certificate holder, the operation or use of the medallion may continue until the medallion or securities are properly transferred.
- Requirements for wheelchair accessible vehicle (WAV) taxicabs will be consistent with the vehicle standards under the Americans with Disabilities Act.
- The Authority and medallion and limousine certificate holders will enforce a zero-tolerance policy on the use of drugs or alcohol by a taxicab or limousine driver while providing service.
- As a result of the changes made to the statutory structure for the Authority’s regulation of taxicabs and limousines, the temporary regulations address the additions or amendments to the following fees: the fee for a state inspection conducted by the Authority will be \$50; the fee to attend taxicab driver training is \$100; the fee for a limousine driver certificate will be \$25; and the fee for a stand-by fleet owner application will be \$350.

<sup>1</sup> See the act of July 16, 2004, (P.L. 758, No. 94), 53 Pa.C.S. §§ 5701 et seq., as amended, (the “Act”)

<sup>2</sup> See the act of November 4, 2016, (P.L. 12220, No. 164), 53 Pa.C.S. Chapter 57B, et seq. (relating to regulation of taxicabs and limousines in cities of the first class) (the “Act”).

- Limousine rates and tariffs may be filed as follows: nonflexible rates based on time, mileage or both but meters prohibited; or flexible rates subject to approval by the TLD Director allowing for rates to change in real time based on supply and demand, meters prohibited, and customer protection procedure for disclosing the estimated fare customers and compliance with the Price Gouging Act.

*Amended temporary taxicab and limousine regulations*

Based on all of the comments received and a review of the temporary regulations adopted on January 27, 2017, the Authority proposes the adoption of the amended temporary regulations set forth in Annex A to this Order to become part of 52 Pa. Code Part II and to replace the temporary regulations in their entirety that were adopted by the Authority on January 27, 2017.

*Therefore,*

*It Is Ordered That:*

1. The regulations of the Authority, 52 Pa. Code Chapters 1001, 1002, 1003, 1005, 1011, 1013, 1017, 1019, 1021, 1027, 1029, 1030, 1051, 1053, 1055, 1057, 1059 and 1063, are amended by adding §§ 1002.1—1002.4, 1017.79, 1017.81—1017.85, 1030.1, 1030.2 and 1057.17, deleting § 1055.12 and amending §§ 1001.10, 1001.42, 1001.61, 1003.31, 1003.32, 1003.51, 1005.102, 1005.111, 1005.241, 1005.243, 1011.2, 1011.3, 1011.4, 1011.5, 1011.7, 1011.9, 1011.11, 1011.14, 1011.15, 1013.3, 1013.37, 1017.1, 1017.4, 1017.5, 1017.6, 1017.8, 1017.11, 1017.12, 1017.14, 1017.21, 1017.23, 1017.24, 1017.25, 1017.31, 1017.32, 1017.33, 1017.38, 1017.42, 1017.71, 1017.72, 1017.73, 1017.74, 1017.76, 1017.77, 1017.78, 1019.3, 1019.5, 1019.6, 1019.7, 1019.8, 1019.9, 1021.2, 1021.4, 1021.5, 1021.5a, 1021.7, 1021.8, 1021.10, 1021.11, 1021.12, 1021.17, 1027.3, 1027.7, 1027.9, 1027.12, 1027.15, 1029.5, 1051.2, 1051.3, 1051.4, 1051.5, 1051.6, 1051.8, 1051.10, 1051.13, 1051.14, 1053.1, 1053.42, 1053.43, 1055.1, 1055.3, 1055.4, 1055.11, 1055.17, 1055.19, 1055.31, 1057.2, 1057.4, 1057.5, 1057.8, 1057.10, 1057.16, 1059.2, 1059.3, 1059.6, 1059.8, 1059.11, 1059.13 and 1063.2 to read as set forth in Annex A.

2. The Authority hereby adopts the amended temporary regulations set forth in Annex A to this Order to become part of 52 Pa. Code Part II and to replace the temporary regulations in their entirety that were adopted by the Authority on January 27, 2017. The amended temporary regulations are hereby effective on February 25, 2017.

*(Editor’s Note: The Order entered on January 27, 2017, was not published in the Pennsylvania Bulletin.)*

3. The Secretary of the Board shall certify this Order and Annex A and that the Executive Director shall deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.

4. A copy of this Order and Annex A shall be served on the City of the First Class Taxicab and Limousine Advisory Committee and a copy shall be posted on the Authority’s website at [www.philapark.org/tld](http://www.philapark.org/tld).

5. The contact person for this Order is Michael Casey, Taxicab and Limousine Division, (215) 683-9417.

CLARENA TOLSON,  
*Executive Director*

**Fiscal Note:** 126-13. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 52. PUBLIC UTILITIES**

**PART II. PHILADELPHIA PARKING AUTHORITY**

**Subpart A. GENERAL PROVISIONS**

**CHAPTER 1001. RULES OF ADMINISTRATIVE PRACTICE AND PROCEDURE**

**Subchapter A. GENERAL PROVISIONS**

**§ 1001.10. Definitions.**

(a) Subject to additional definitions contained in subparts which are applicable to specific chapters or subchapters, the following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

*Act*—53 Pa.C.S. Chapters 55, 57, 57A and 57B.

*Adjudication*—An order, decree, decision, determination or ruling by the Authority affecting personal or property rights, privileges, immunities, duties, liabilities or obligations of the parties to the proceeding in which the adjudication is made.

*Adversarial proceeding*—A proceeding initiated by a person to seek Authority approvals, tariff changes, enforcement, remedies, issuance of fines or other relief by order of the Authority which is contested by one or more other persons and which will be decided on the basis of a formal record.

*Applicant*—A person, who on his own behalf or on behalf of another, is applying for permission to engage in an act or activity which is regulated under the act or this part.

*Approved, approval or approve*—The date that an application to the Authority is granted regardless of the pendency of administrative or judicial appeals or other legal action challenging the decision of the Authority.

*Arrest*—Detaining, holding or taking into custody by police or other law enforcement authorities to answer for an alleged commission of an offense.

*Authority*—The Philadelphia Parking Authority.

*Authorized agent*—A person with permission to legally act on behalf of the filing user.

*Board*—A quorum of the members of the Philadelphia Parking Authority appointed under 53 Pa.C.S. § 5508.1 (relating to special provisions for authorities in cities of the first class).

*Broker*—An individual authorized by the Authority as provided in § 1029.8 (relating to broker registration approval) to prepare application-related documents, appear at settlements, and otherwise act on behalf of a party as to matters related to the sale or transfer of transferable rights.

*Call or demand service*—Local common carrier service for passengers, rendered on an exclusive basis, when the service is characterized by the fact that passengers normally hire the vehicle and its driver either by telephone call or by hail, or both.

*Certificate*—

(i) A certificate of public convenience issued by the Authority under the act.

(ii) The term does not include a driver's certificate or broker registration.

*Certificate holder*—The person to whom a certificate is issued.

*City of Philadelphia or Philadelphia*—A city of the first class in this Commonwealth.

*Clerk*—The Authority employee with whom pleadings and other documents are filed, and with whom official records are kept under § 1001.5 (relating to Office of the Clerk) and as otherwise provided for in this part.

*Common carrier*—

(i) A common carrier by motor vehicle, within the scope of the act, who or which holds out or undertakes, directly or indirectly, the transportation of passengers within the City of Philadelphia by motor vehicle for compensation.

(ii) The term does not include common carriers by rail, water or air, and express or forwarding public utilities insofar as the common carriers or public utilities are engaged in these motor vehicle operations.

*Compensation*—A thing of value, money or a financial benefit conferred on or received by a person in return for services rendered, or to be rendered, whether by that person or another.

*Contested complaint*—A formal complaint.

*Conviction*—A finding of guilt or a plea of guilty or nolo contendere whether or not a judgment of sentence has been imposed as determined by the law of the jurisdiction in which the prosecution was held relating to any of the following:

(i) A crime for any of the following within the preceding 7 years:

(A) A felony conviction involving theft.

(B) A felony conviction for fraud.

(C) A felony conviction for a violation of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).

(D) A felony conviction under 18 Pa.C.S. § 2706 (relating to terroristic threats) or a similar statute in another jurisdiction.

(ii) A crime for any of the following within the preceding 10 years:

(A) Use of a motor vehicle to commit a felony.

(B) Burglary or robbery.

(iii) A crime for any of the following at any time:

(A) A sexual offense under 42 Pa.C.S. § 9799.14(c) or (d) (relating to sexual offenses and tier system) or similar offenses under the laws of another jurisdiction or under a former law of the Commonwealth.

(B) A crime of violence as defined in 18 Pa.C.S. § 5702 (relating to definitions).

(C) An act of terror.

*Criminal history report*—The report issued by the State Police, similar government entity in a jurisdiction outside this Commonwealth or a third-party report which will identify any convictions associated with an individual. A third-party report shall be conducted on a local and National background check, which must include a multistate or multijurisdictional criminal records locator or other similar Nationwide database with primary source validation and a review of the United States Department of Justice's National Sex Offender Public Website.

*Director*—The Director of the Authority's Taxicab and Limousine Division as provided in § 1003.72 (relating to TLD staffing generally).



*Dispatcher—*

(i) The owner of a certificate of public convenience to operate a dispatching service in Philadelphia issued by the Authority under section 5711(c)(6) of the act (relating to power of authority to issue certificates of public convenience) and Chapter 1019 (relating to dispatchers).

(ii) The term includes a wheelchair accessible vehicle (WAV) taxicab dispatcher as provided in § 1011.2 (relating to definitions).

*Electronic mail or email—*A means of dispatching or receiving notice or a submittal in relation to an Authority matter through electronic means.

*Enforcement Department—*The department of the TLD created under § 1003.74 (relating to Enforcement Department).

*Enforcement proceeding—*A proceeding initiated by the Authority through the issuance of a formal complaint averring any violation of the act, this part or an order of the Authority.

*Exclusive service—*Transportation on a given trip when the first or principal person, party or group hiring the vehicle has the exclusive right to determine where, when or if another passenger shall be carried on that trip.

*Ex parte communication—*

(i) Any off-the-record communications regarding a pending matter before the Authority or which may reasonably be expected to come before the Board in a contested on-the-record proceeding.

(ii) The term does not include off-the-record communications by and between members, staff and employees of the Authority, the PUC, the State Police, the Attorney General or other law enforcement officials necessary for their official duties under this part.

*Executive Director—*The Authority's chief operating officer.

*Fiscal year—*The period which begins on July 1 and terminates the following June 30.

*Formal complaint—*A written document filed with the Clerk initiating an enforcement action as provided in Chapter 1005 (relating to formal proceedings).

*Formal proceeding—*A matter intended to produce a formal record.

*Formal record—*The pleadings and submittals in a matter or proceeding, a notice or Authority order initiating the matter or proceeding and, if a hearing is held, all of the following: the designation of the presiding officer, transcript of hearing, exhibits received in evidence, offers of proof, motions, stipulations, subpoenas, proofs of service, references to the Authority and determinations made by the Authority thereon, certifications to the Authority, and anything else upon which action of the presiding officer or the Authority may be based.

*Friendly cross-examination—*Cross-examination of a witness by a party who does not disagree with the witness' position on an issue.

*General Counsel—*The chief legal counsel to the Authority.

*Individual—*A natural person.

*Informal complaint—*A document or communication to the Authority seeking action on a matter as provided in § 1003.41 (relating to form and content of informal complaints).

*Informal investigation—*A matter initiated by Authority staff that may result in a formal complaint, a settlement or other resolution of the matter or termination by letter.

*Limousine—*A vehicle authorized to by the Authority to provide limousine service.

*Limousine driver—*The individual to whom a current and valid limousine driver's certificate has been issued by the Authority under section 5706 of the act (relating to driver certification program).

*Limousine service—*The term as defined in section 5701 of the act (relating to definitions).

*Manager of Administration—*The individual appointed to manage the Administration Department of the TLD as provided in § 1003.72. The Manager of Administration may be contacted at TLD Headquarters or by email to TLDAdmin@philapark.org.

*Manager of Enforcement—*The individual appointed to manage the Enforcement Department of the TLD as provided in § 1003.74. The Manager of Enforcement may be contacted at TLD Headquarters or by email to TLDEnforcement@philapark.org.

*Nonadversarial proceeding—*A proceeding initiated by a person which is not contested or a proceeding initiated by the Authority or at the request of a person to develop regulations, policies, procedures, technical rules or interpretations of law.

*PUC—*The Pennsylvania Public Utility Commission.

*Party—*

(i) A person who appears in a proceeding before the Authority, including interveners, protestants, petitioners, respondents and certificate holders.

(ii) The term includes the interests of the Authority which may be represented by the Enforcement Department, the TLD, other Authority staff or trial counsel, or all of them.

*Person—*Except as otherwise provided in this part or in the act, a natural person, corporation, foundation, organization, business trust, estate, limited liability company, licensed corporation, trust, partnership, limited liability partnership, association, representatives, receivers, agencies, governmental entities, municipalities or other political subdivisions, or other form of legal business entity.

*Personal vehicle—*A vehicle used by a TNC driver to provide transportation network service in accordance with Chapter 57A of the act (relating to transportation network companies).

*Petitioners—*Persons seeking relief, not otherwise designated in this section.

*Pleading—*An application, complaint, petition, answer, motion, preliminary objection, protest, reply, new matter and reply to new matter or other similar document filed in a formal proceeding.

*Presiding officer—*

(i) A member or members of the Authority's Board, or other person designated by the Authority or this part to conduct proceedings.

(ii) A hearing officer as used in section 5705 of the act (relating to contested complaints).

(iii) This definition supersedes 1 Pa. Code § 31.3 (relating to definitions).

*Proof of service*—A certificate of service which complies with §§ 1001.55 and 1001.56 (relating to proof of service; and form of certificate of service).

*Protestants*—Persons objecting on the ground of private or public interest to the approval of an application or other matter which the Authority may have under consideration.

*Recommended decision*—An opinion and order submitted for the approval of the Authority by the presiding officer.

*Regulated person or regulated party*—A certificate holder, broker, taxicab driver or other person subject to the act.

*Respondents*—Persons subject to a statute or other delegated authority administered by the Authority who are required to respond to an order or notice issued by the Authority instituting a proceeding or investigation on its own initiative or otherwise.

*Rights*—A certificate of public convenience, driver's certificate, registration or waiver issued to a regulated party by the Authority under the act.

*Sale*—A change in ownership of a transferable right, including a change in ownership of securities in an entity that owns transferable rights.

*Securities*—The term as defined in section 102 of the Pennsylvania Securities Act of 1972 (70 P.S. § 1-102).

*Staff*—Employees or agents of the Authority assigned to implement the act, this part or an order of the Authority.

*State Police*—The Pennsylvania State Police.

*Submittal*—An application, amendment, exhibit or similar document involving matters filed in an adversarial or nonadversarial proceeding.

*TLD—Taxicab and Limousine Division*—The division of the Authority comprised of staff assigned to implement the purposes of the act, this part and the orders of the Authority.

*TLD Headquarters*—The office of the TLD identified on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld). Unless specifically provided otherwise, communications with any Authority staff member shall be directed to TLD Headquarters.

*TNC—Transportation network company*—A person or an entity that obtains a license to operate a transportation network service by the Authority and uses a digital network to facilitate prearranged rides under Chapter 57A of the act.

*TNC driver*—A person who uses a personal vehicle to offer or provide a prearranged ride to passengers upon connection through a digital network controlled by a TNC in return for compensation or payment of a fee under Chapter 57A of the act.

*Taxicab*—

(i) A motor vehicle designed for carrying no more than eight passengers, exclusive of the driver, as defined in section 5701 of the act and certified by the Authority under the act, this part or an order of the Authority.

(ii) The term includes partial-rights taxicabs, medallion taxicabs and other vehicles authorized by the Authority to provide call or demand service.

*Taxicab certificate*—

(i) A certificate issued by the Authority authorizing the holder to provide taxicab service under the act, this part or an order of the Authority.

(ii) The term includes medallion taxicab certificates and partial-rights taxicab certificates.

*Taxicab driver*—

(i) The individual to whom a current and valid taxicab driver's certificate has been issued by the Authority under section 5706 of the act.

(ii) The term includes a WAV taxicab driver as provided in § 1011.2.

*Taxicab driver's certificate*—The original photographic identification card issued by the Authority which confirms that an individual has complied with Chapter 1021 (relating to taxicab drivers) and is authorized to provide taxicab service under section 5706 of the act.

*Taxicab service*—

(i) The transportation of passengers or offering to transport passengers in a taxicab as a common carrier call or demand service in Philadelphia.

(ii) The term includes the stopping, standing or parking of a taxicab in a taxicab stand line or other location commonly used by the public to access taxicabs.

(iii) The term includes partial-rights taxicabs, medallion taxicabs and other vehicles authorized by the Authority to provide call or demand service.

*Transferable rights*—Rights issued by the Authority and identified as transferable in § 1027.2 (relating to transferable rights).

*Trial counsel*—An attorney admitted to practice law before the Supreme Court of Pennsylvania who is assigned to the Office of Trial Counsel to prosecute complaints on behalf of the Authority as provided in § 1003.75 (relating to Office of Trial Counsel).

*Verification*—When used in reference to a written statement of fact by the signer, the term means supported by one of the following:

(i) An oath or affirmation before an officer authorized by law to administer oaths, or before a particular officer or individual designated by law as one before whom it may be taken, and officially certified to in the case of an officer under seal of office.

(ii) An unsworn statement made subject to the penalties in 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

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

**Subchapter E. FEES**

**§ 1001.42. Mode of payment to the Authority.**

(a) The Authority will accept payment for fees, penalties, assessments or other costs required under the act, this part or an order of the Authority by money order or cashiers' check made payable to the "Philadelphia Parking Authority" at TLD Headquarters, in person, by mail or by an authorized credit card in person only.

(b) Subsection (a) supersedes 1 Pa. Code § 33.22 (relating to mode of payment of fees).

**Subchapter G. PENALTY****§ 1001.61. Penalties.**

(a) *Monetary penalty range.* If a penalty has not been otherwise assigned to a violation of any provision of the act, this part or an order of the Authority, the penalty applicable to the violation may not be less than \$25 and not greater than \$1,000.

(b) *Additional penalties.* The penalty requested in a formal complaint initiated as provided in Chapter 1005 (relating to formal proceedings) may include one or more of the following:

- (1) A monetary penalty payable to the Authority.
- (2) A suspension of rights.
- (3) A modification of rights.
- (4) A cancellation of rights.

(c) *Reduced penalties.*

(1) The Authority will create a schedule of penalties that encourages a regulated person to correct a violation of a provision of the act, this part or an order of the Authority within 48 hours of the issuance of a formal complaint for a reduction of the penalty being requested in the formal complaint. The schedule of reduced penalties will be posted on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld).

(2) To earn a reduced penalty, a regulated person shall do all of the following within 48 hours of the issuance of the formal complaint:

- (i) Correct the violation and provide proof of the correction to the Enforcement Department.
- (ii) Remit payment of the reduced penalty to the Clerk as provided in § 1001.42 (relating to mode of payment to the Authority).

**CHAPTER 1002. ADVISORY COMMITTEE**

Sec.

1002.1.	Purpose.
1002.2.	Definitions.
1002.3.	Function of the advisory committee.
1002.4.	Meetings.

**§ 1002.1. Purpose.**

This chapter establishes and prescribes certain procedures for the Philadelphia Taxicab and Limousine Advisory Committee.

**§ 1002.2. Definitions.**

The following word, when used in this chapter, has the following meaning, unless the context clearly indicates otherwise:

*Advisory Committee*—An advisory committee established under section 5702 of the act (relating to advisory committee).

**§ 1002.3. Function of the advisory committee.**

(a) The Advisory Committee may thoroughly consider questions and issues submitted by the Authority regarding the regulation, enforcement, compliance and operation of taxicabs and limousines in the City of Philadelphia and may prepare and transmit written responses to the Authority and the public.

(b) The Advisory Committee may submit suggestions and proposals to the Authority in writing on topics considered important by a majority of the Advisory Committee members.

(c) A majority of the members of the Advisory Committee plus one additional member constitute a quorum for purposes of subsection (b).

(d) The actions of the Advisory Committee will be considered strictly advisory and the Authority will give careful and due consideration to the comments and proposals of the Advisory Committee.

**§ 1002.4. Meetings.**

(a) The Director or other Authority designee will meet with the Advisory Committee on a monthly basis.

(b) The Advisory Committee chairperson will provide the date, time and location of each meeting under subsection (a) to the Director no later than 10 days prior to the scheduled meeting.

**CHAPTER 1003. SPECIAL PROVISIONS****Subchapter A. TEMPORARY EMERGENCY ORDERS****OUT OF SERVICE****§ 1003.31. Definitions.**

The following words and terms, when used in § 1003.32 (relating to out of service designation), have the following meanings, unless the context indicates otherwise:

*Out of service*—Temporary prohibition from the exercise of rights granted by the Authority under the act due to a public safety concern or a violation of the act, this part or an order of the Authority. An out of service designation will be narrowly tailored to create the most limited reduction of rights necessary to protect the public interest.

*Public safety concern*—Behavior of an individual or condition of a vehicle or equipment which have an immediate and direct adverse impact upon the orderly operation of taxicabs and limousines in Philadelphia or which present a direct threat to public safety. For example, a limousine with a damaged windshield, a taxicab with expired or suspended registration, or a taxicab driver subject to a police arrest warrant may each result in an immediate out of service designation because it is a public safety concern.

**§ 1003.32. Out of service designation.**

(a) *Vehicles.*

(1) Upon observation of a condition of a taxicab or limousine that creates a public safety concern, the Enforcement Department may immediately place the taxicab or limousine out of service. Public notice of a vehicle's out of service status will be conspicuously affixed to the vehicle and may only be removed by the Authority after inspection as provided in § 1017.36 (relating to reinspection) or by order as provided in subsection (h).

(2) Upon observation of a condition of a taxicab or limousine that violates the act, this part or an order of the Authority, and which does not constitute an immediate public safety concern, the Enforcement Department will provide notice of the violation to the certificate holder as provided § 1001.51 (relating to service by the Authority) and its intent to initiate an out of service designation against the taxicab or limousine. If the certificate holder does not provide proof to the Enforcement Department that the violation was corrected within 5 days of the notice, the Enforcement Department may place the taxicab or limousine out of service as provided in paragraph (1).



(b) *Drivers.* A driver's certificate issued by the Authority under section 5706 of the act (relating to driver certification program) may be placed out of service by the Enforcement Department upon determination that the driver's operation of a taxicab or limousine will create a public safety concern or if the driver fails to appear at TLD Headquarters upon direction of the Enforcement Department without just cause.

(c) *Certificates and other rights.* When a regulation or order of the Authority directs that a certificate or other right issued by the Authority be placed out of service, the Enforcement Department will provide notice of the violation to the certificate holder as provided in § 1001.51 and its intent to initiate an out of service designation against the certificate or other right issued by the Authority. If the certificate holder does not provide proof to the Enforcement Department that the violation was corrected within 5 days of the notice, the Enforcement Department may place the certificate or other right issued by the Authority out of service and the procedures of this section apply.

(d) *Notice to the Clerk.* The Enforcement Department will provide notice of an out of service designation to the Clerk. The notice will be provided by 4:30 p.m. on the next day during which the Authority maintains office hours as provided in § 1001.8 (relating to Authority office hours and address). The notice will include the date and time that the out of service designation was made, and the following information about the respondent, if available:

- (1) Name.
- (2) Address.
- (3) Email address.
- (4) Telephone number.
- (5) Authority number assigned to the out of service rights.

(e) *Hearing to be scheduled.* Upon notification of an out of service designation as provided in subsection (c), the Clerk will schedule a hearing before an Adjudication Department presiding officer within 3 days of the out of service designation.

(f) *Formal complaint.*

(1) The Enforcement Department will file a formal complaint with the Clerk against the out of service respondent for the violations forming the basis of the out of service designation within 2 days of the designation. The complaint will be served as set forth in § 1001.51. The Enforcement Department is not prohibited from issuing and filing a formal complaint at the time notice is issued of its intent to initiate an out of service designation as provided in this section.

(2) The out of service designation will be terminated and the Clerk will notify the respondent and the presiding officer of the cancellation of the scheduled hearing in the event a complaint is not filed as provided in paragraph (1).

(3) The out of service respondent shall file an answer to the Enforcement Department's complaint as provided in § 1005.41 (relating to answers to complaints, petitions, motions and other filings requiring a response). The answer shall be filed with the Clerk and served as provided in § 1001.52 (relating to service by a party). If the formal complaint is a form citation as provided in

§ 1005.13 (relating to citation complaints by the Authority), the out of service respondent shall respond to the citation under § 1005.13(b).

(g) *Scope of hearing.*

(1) The averments of the Enforcement Department's complaint filed as provided in subsection (f)(1) will be deemed denied by the respondent for purposes of the out of service hearing.

(2) At the out of service hearing, the Enforcement Department will bear the burden of proof by a preponderance of the evidence that the out of service designation remains appropriate under this section. The respondent may submit evidence, cross-examine Enforcement Department witnesses and otherwise participate in the hearing as provided by Chapter 1005 (relating to formal proceedings).

(h) *Order.* An order following an out of service hearing may rescind, modify or continue the out of service designation. When an order of the presiding officer modifies or continues an out of service designation, the order will include a prompt date for a hearing on the Enforcement Department's formal complaint.

(i) *Appeal.* The decision of the presiding officer will constitute a recommended decision and will be reviewed by the Authority as provided in §§ 1005.211—1005.215 (relating to exceptions to recommended decisions).

**Subchapter C. APPLICATIONS AND PROTESTS**

**§ 1003.51. Applications generally.**

(a) *Form.* Applications for authorization or permission filed with the Authority must conform to the requirements in this part.

(b) *Review.* Applications in nonadversarial proceedings will be reviewed by the Director. Applications in adversarial proceedings will be referred by the Director to a presiding officer with instructions to conduct hearings to develop an evidentiary record.

(c) *Approval.* In nonadversarial proceedings, the Director will make recommendations related to the approval of an application to the Authority. In adversarial proceedings, the presiding officer will issue a recommended decision related to the approval of an application to the Authority.

(d) *Denial.* The Director or the presiding officer may deny an application. The denial will be in writing and clearly detail the reasons the application was denied. Applications denied by the Director may be appealed as provided in § 1005.24 (relating to appeals from actions of the staff). Applications denied by the presiding officer shall be subject to exceptions as provided in § 1005.211 (relating to exceptions to recommended decisions).

(e) *Protest.* Applications subject to protest shall be deemed to be adversarial proceedings and shall proceed as provided in § 1003.54 (relating to protests).

(f) *Compliance; conditions for approval for certificate or registration.*

(1) When the Authority approves an application related to a certificate of public convenience for taxicab, limousine or dispatcher services or a broker registration, the applicant will be notified of the approval by email.

(2) The applicant shall file with the Authority within 30 days of receipt of the notice of approval or settlement, if applicable, a certificate of insurance or other security required by this part, relating to insurance and security for the protection of the public.



(3) The applicant shall file all required tariffs and lists of applicable rates and charges with the Director prior to exercising any rights granted by the Authority.

(4) The Authority will not issue a certificate or registration until the requirements in this subsection and in the Authority's approval notice have been met.

(5) Failure of an applicant to comply with this section within the 30-day period referenced in paragraph (2) along with any other time periods directed in the Authority's approval notice may result in the dismissal of the application and rescission of prior approval, unless the Authority has, upon written request demonstrating good cause, extended the time for compliance.

(6) This subsection is intended to supplement the application requirements related to each specific certificate or registration as provided in this part.

(g) *Supersession.* Subsections (a)—(f) supersede 1 Pa. Code § 35.1 (relating to applications generally).

## CHAPTER 1005. FORMAL PROCEEDINGS

### Subchapter B. HEARINGS

#### STIPULATIONS

#### § 1005.102. Restrictive amendments to applications for rights issued by the Authority.

(a) Parties to an application for Authority rights may stipulate as to restrictions or modifications to the proposed rights. Stipulations in the form of restrictive amendments or modifications must:

- (1) Be in writing.
- (2) Explain why the stipulation is in the public interest.
- (3) Be signed by each party to the stipulation.
- (4) Be submitted to the Director for insertion into the document folder.

(b) Restrictive amendments shall be binding on the parties but not on the Authority if it is determined they are not in the public interest. If a restrictive amendment is not accepted by the Authority, it may remand the matter for appropriate proceedings.

#### HEARINGS

#### § 1005.111. Order of procedure.

(a) In a proceeding, the party having the burden of proof shall open and close unless otherwise directed by the presiding officer. In a hearing on investigations and in proceedings which have been consolidated for hearing, the presiding officer may direct who will open and close. Oral rejoinder, if proposed by the party with the burden of proof, shall be completed before any cross-examination of the witness is conducted.

(b) The presiding officer will conduct a *de novo* review for proceedings held under § 1005.24 (relating to appeals from actions of the staff) and the burden of proof rests with the filing party.

(c) Except when the presiding officer determines that it is necessary to develop a comprehensive evidentiary record, the participation of a person granted the right to intervene in a proceeding will be limited to the presentation of evidence through the submission of testimony under § 1005.151 (relating to oral examination).

(d) In proceedings when the evidence is peculiarly within the knowledge or control of another party, the order of presentation in subsections (a) and (c) may be varied by the presiding officer.

(e) The presiding officer may direct the order of parties for purposes of cross-examination, subject to § 1005.112(f) (relating to presentation by parties).

(f) Subsections (a)—(e) supersede 1 Pa. Code § 35.125 (relating to order of procedure).

### Subchapter J. APPEALS TO COURT

#### § 1005.241. Notice of taking appeal.

When an appeal is taken from an order of the Authority to the Court of Common Pleas of Philadelphia County, the appellant shall immediately give notice of the appeal to all parties to the Authority proceeding, the Clerk and the General Counsel, as provided under § 1001.52 (relating to service by a party).

#### § 1005.243. Certification of interlocutory orders.

(a) When the Authority has made an order which is not a final order, a party may by motion request that the Authority find, and include the findings in the order by amendment, that the order involves a controlling question of law as to which there is a substantial ground for difference of opinion and that an immediate appeal to Court of Common Pleas of Philadelphia County from the order may materially advance the ultimate termination of the matter. The motion shall be filed within 10 days after service of the order, and is procedurally governed under § 1005.71 (relating to motions). Unless the Authority acts within 30 days after the filing of the motion, the motion will be deemed denied.

(b) Neither the filing of a motion under subsection (a), nor the adoption of an amended order containing the requested finding, will stay a proceeding unless otherwise ordered by the Authority or Court of Common Pleas of Philadelphia County.

(c) Subsections (a) and (b) supersede 1 Pa. Code § 35.225 (relating to interlocutory orders).

### Subpart B. TAXICABS

## CHAPTER 1011. GENERAL PROVISIONS

#### § 1011.2. Definitions.

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

#### *Controlling interest*—

(i) A controlling interest is an interest in a legal entity, applicant or certificate holder if a person's voting rights under state law or corporate articles or bylaws entitle the person to elect or appoint one or more of the members of the board of directors or other governing board or the ownership or beneficial holding of 5% or more of the securities of the corporation, partnership, limited liability company or other form of legal entity, unless this presumption of control or ability to elect is rebutted by clear and convincing evidence. A member, partner, director or officer of a corporation, partnership, limited liability company or other form of legal entity is deemed to have a controlling interest.

(ii) A person who owns or beneficially holds less than 5% of the securities of a privately held domestic or foreign corporation, partnership, limited liability company or other form of privately held legal entity shall be deemed as having rebutted the presumption of control by clear and convincing evidence.

*Department of Transportation*—The Department of Transportation of the Commonwealth of Pennsylvania.

*Dispatcher's certificate*—A certificate issued by the Authority to a dispatcher.

*Driver history report*—A driver's license report issued by the Department of Transportation or similarly authorized government entity in another jurisdiction of the United States containing details about a driver's history including accidents and violations issued by a jurisdiction within the United States.

*Driver's license*—A license or permit to operate a motor vehicle issued by the Department of Transportation or similarly authorized government entity in another jurisdiction of the United States.

*Federal Tax Identification number*—The Social Security number of an individual or the Employer Identification number of a business entity, fiduciary or other person.

*Holding company*—A person, other than an individual, which, directly or indirectly, owns, has the power or right to control or to vote 20% or more of the outstanding voting securities of a corporation or other form of business organization. A holding company indirectly has, holds or owns the power, right or security if it does so through an interest in a subsidiary or successive subsidiaries.

*Inspector*—Enforcement Department uniformed or nonuniformed staff assigned to investigate and enforce the act, this part and orders of the Authority who will be identifiable by an Authority-issued badge number.

*Key employee*—An individual who is employed in a director or department head capacity and who is empowered to make discretionary decisions that affect the operations of an applicant or a regulated person.

*Limousine certificate*—A certificate granting the owner the right to operate a class of limousine service as provided in Subpart C (relating to limousines).

*Major violation*—A suspension or cancellation of a state-issued driver's license as a result of a moving violation.

*Medallion*—A piece of metal in a shape and with a color to be determined by the Authority which is to be affixed to a vehicle by Authority staff before that vehicle may provide citywide taxicab service.

*Medallion lienholder*—A person holding a recorded lien against a medallion as provided under section 5713 of the act (relating to property and licensing rights) and § 1013.21 (relating to notice of medallion lien).

*Medallion number*—The number assigned to and placed on a particular medallion by the Authority, under § 1017.14 (relating to taxicab numbering).

*Medallion taxicab*—A taxicab certified by the Authority to provide citywide taxicab service and affixed with a medallion by the Authority as provided in § 1013.2 (relating to attachment of a medallion) and section 5714(a) of the act (relating to certificate and medallion required).

*Medallion taxicab certificate*—A certificate granting the owner the right to operate one or more medallion taxicabs under this part.

*Moving violation*—A violation issued by the Commonwealth or any of its political subdivisions for a violation of 75 Pa.C.S. (relating to Vehicle Code), or a similar statute under any other jurisdiction, that upon conviction of the violation points are assessed against the driver's license.

*Parking violations*—Any debt owed to the City of Philadelphia related to a violation of the Philadelphia Traffic Code (12 Phila. Code §§ 100—3012) that is not under appeal.

*Partial-rights taxicab*—A taxicab authorized by the Authority to provide common carrier call or demand transportation of persons for compensation on a non-citywide basis, under Chapter 1015 (relating to partial-rights taxicabs), section 5711(c)(2.1) of the act (relating to power of authority to issue certificates of public convenience) and section 5714(d)(2) of the act.

*Partial-rights taxicab certificate*—A certificate granting the owner the right to operate one or more partial-rights taxicabs under this part.

*Proposed buyer*—The party seeking to acquire an ownership interest in a medallion or certificate, as the context provides.

*Seal*—A security or software encryption device used for the purpose of preventing unauthorized access, capture or manipulation of data in meter systems or safety cameras, including an encryption key or wire seal.

*Traffic violations*—A debt owed to the Commonwealth or one of its political subdivisions for violations of 75 Pa.C.S. that is not under appeal.

*Transfer fee*—The nonrefundable fee charged by the Authority to review an application to sell transferable rights.

*WAV medallion*—A medallion restricted to use on a wheelchair accessible vehicle (WAV) taxicab.

*WAV medallion taxicab*—A taxicab to which a WAV medallion is attached by the Authority as provided in this chapter.

*WAV taxicab*—A motor vehicle authorized by the Authority to provide taxicab service that meets the requirements of a "wheelchair accessible taxicab" as defined in section 5701 of the act (relating to definitions) and § 1017.8 (relating to wheelchair accessible vehicle taxicab specifications).

*WAV taxicab dispatcher*—A dispatcher approved by the Authority to dispatch WAV taxicabs as provided in § 1019.8(b) (relating to dispatcher requirements).

*WAV taxicab driver*—The individual to whom a current and valid WAV taxicab driver's certificate has been issued by the Authority under section 5706 of the act (relating to driver certification program) and § 1021.5a (relating to special wheelchair accessible vehicle taxicab driver's certificate and requirements).

*WAV taxicab driver's certificate*—The original photographic identification card issued by the Authority which confirms that an individual has complied with section 5706 of the act and § 1021.8 (relating to certain training subjects).

*Wheelchair*—A manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor or of both indoor and outdoor locomotion.

**§ 1011.3. Annual rights renewal process.**

(a) *Expiration of driver and broker rights.* All driver and broker rights will expire as follows:

(1) A taxicab driver's certificate will expire 1 year from its date of issuance or renewal unless a taxicab driver opts to pay no more than double the annual renewal fee as provided in § 1011.4 (relating to annual assessments

and renewal fees) to be issued a taxicab driver certificate to expire 2 years from the date of issuance or renewal.

(2) Except as provided in subsection (g), a broker registration will expire on June 30 of each year.

(b) *Expired rights.*

(1) Expired rights may be placed out of service by the Authority as provided in § 1003.32 (relating to out of service designation).

(2) Taxicab driver certificates that have been expired for 2 years or more will be deemed cancelled.

(3) Broker registrations that have been expired for 1 year or more will be deemed cancelled.

(c) *Renewal forms.*

(1) Rights in subsection (a) shall be renewed by completing and filing the required renewal form with the Manager of Administration. Renewal forms may be obtained on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld) or from TLD Headquarters.

(2) The renewal forms may require the submission of additional information or documents to confirm continuing eligibility under the act or this part.

(3) The renewal forms shall be verified as provided in § 1001.36 (relating to verification and affidavit) and filed as follows:

(i) For taxicab drivers' certificates, Form DR-3 "Driver Renewal" shall be filed between 60 and 90 days before the expiration date printed on the taxicab driver's certificate.

(ii) For broker registrations, Form BR-4 "Broker Renewal" shall be filed on or before February 15 of each year.

(d) *Renewal denial.* The Authority will deny renewal of rights in all of the following circumstances:

(1) If the owner of the rights subject to renewal fails to complete the renewal process.

(2) The renewal process reveals information about the renewing person that would have resulted in a denial of an initial application for the rights.

(3) The renewing person fails to comply with § 1011.4.

(e) *Incomplete renewals.* If the filing requirements of the renewal forms are incomplete for any reason, including compliance with § 1011.7 (relating to payment of outstanding fines, fees and penalties), the regulated party shall have 90 days from the filing date of the renewal form to complete the renewal process or the application will be rendered void.

(f) *Suspended driver and broker rights.* Rights subject to suspension for any reason must be renewed on the dates and in the manner provided by subsection (c)(3) regardless of the suspended status.

(g) *New certificates and registrations.* A certificate or broker registration will not be subject to the renewal or annual information filing requirements in this section during the calendar year in which it is first issued.

(h) *Taxicab and dispatcher information filing.*

(1) The owner of taxicab or dispatcher rights shall complete the annual information filing required under this subsection to ensure continued compliance with the act, this part and the orders of the Authority.

(2) The annual information filing required under this subsection shall be verified as provided in § 1001.36 and filed with the Manager of Administration as follows:

(i) For medallion taxicab certificates, Form TX-1 "Medallion Renewal" shall be filed on or before May 1 of each year.

(ii) For partial-rights taxicab certificates, Form PR-1 "Partial Rights Renewal" shall be filed on or before March 31 of each year.

(iii) For dispatcher certificates, Form DSP-6 "Dispatcher Renewal" shall be filed on or before March 31 of each year.

(3) The forms identified in paragraph (2) may require the submission of additional information or documents in furtherance of that review and may be obtained on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld) or from TLD Headquarters.

(4) The filing requirements of this subsection apply to rights subject to suspension for any reason.

(5) The failure to file any of the annual information filing forms required under this subsection will subject the applicable rights to an out of service designation as provided in § 1003.32(c).

(6) The TLD will not issue a TLD inspection sticker to a vehicle operated through a taxicab certificate if the review of the information required under this section reveals information about the certificate holder that would have resulted in a denial of an initial application for the rights. This paragraph does not relieve a certificate holder of any other penalty that may result from noncompliance, nor the obligation to appear at inspections as directed by the TLD.

(7) The annual information filings will be reviewed for all of the following:

(i) The filing does not reveal information about the certificate holder that would have resulted in a denial of an initial application for the rights.

(ii) The certificate holder is in compliance with § 1011.4.

(iii) The certificate holder is in compliance with § 1011.7.

(8) Failure to complete the annual information filing requirements of this subsection within 30 days of notice will subject the applicable rights to an out of service designation as provided in § 1003.32(c).

**§ 1011.4. Annual assessments and renewal fees.**

(a) *Assessments and renewal fees.* The owners of rights issued by the Authority shall pay an annual assessment or renewal fee as follows:

(1) *Taxicab drivers and brokers.* A taxicab driver or broker shall pay a renewal fee in an amount established each year as set forth in the Authority's annual fee schedule as provided in § 1001.43 (relating to Authority fee schedule).

(2) *Medallion taxicab certificate holders.* A medallion taxicab certificate holder shall pay an assessment amount that is 1% of the annual gross operating revenue of a medallion owner through fares collected excluding tips and tolls.

(3) *Dispatcher certificate holders.* A dispatcher certificate holder shall pay an assessment in an amount established each year under section 5707(c)(3) of the act (relating to budget and assessments).



(b) *Payment of assessments by certificate holders.*

(1) *Medallion taxicab certificate holders.* Assessment payments shall be made by each medallion taxicab certificate holder to the Authority on a quarterly basis of each fiscal year. The first quarter begins on July 1 and ends on September 30. The second quarter begins on October 1 and ends on December 31. The third quarter begins on January 1 and ends on March 31. The fourth quarter begins on April 1 and ends on June 30. The assessment payment is due within 30 days after service of the notice of assessment from the Authority as provided in § 1001.51 (relating to service by the Authority).

(2) *Dispatcher certificate holder.* A dispatcher certificate holder may pay the assessment in four equal installments with the first payment being due within 30 days after service of the notice of assessment as provided in section 5707.1(a) of the act (relating to assessment notice and hearings) and on September 15, December 15 and February 15 of each fiscal year.

(c) *Payment of renewal fees by taxicab drivers.* The annual renewal fee for taxicab drivers is due with the filing of the DR-3 as provided in § 1011.3(c)(3)(i) (relating to annual rights renewal process).

(d) *Payment of renewal fees by brokers.* The annual renewal fee for brokers is due with the filing of the BR-4 as provided in § 1011.3(c)(3)(ii).

(e) *Late assessment or renewal fee payments.* Rights issued by the Authority may be placed out of service at the time an assessment or renewal fee payment becomes late, as provided in § 1003.32(c) (relating to out of service designation).

(f) *Assessment hearings.*

(1) Within 15 days after service of notice of assessment, a medallion taxicab certificate holder or a dispatcher certificate holder may file a petition with the Authority which specifically avers the reason that the assessment is excessive, erroneous, unlawful or otherwise invalid.

(2) Petitions filed under this subsection shall be filed with the Clerk, served as provided in § 1001.52 (relating to service by a party), otherwise comply with § 1005.21 (relating to petitions generally) and will be assigned to a presiding officer for a recommended decision as provided in §§ 1005.201—1005.204 (relating to recommended decisions).

(3) The Authority shall fix the time and place for a hearing on a properly filed petition and will serve notice thereof upon parties in interest. After the conclusion of the hearing, the Authority will issue a decision and findings in sufficient detail to enable a court to determine, on appeal, the controverted question presented by the proceeding and whether proper weight was given to the evidence.

(4) The filing of a petition under this subsection does not relieve the owner of the obligation to pay the assessment within the specified time frame. If a refund due from the Authority to the objecting owner or an additional assessment payment due from the objecting owner to the authority is required, the payment shall be made within 10 days after notice of the findings of the Authority.

(5) A suit or proceeding may not be commenced or maintained in a court for the purpose of restraining or delaying the collection or payment of an assessment made under this section. A person aggrieved by an order

entered under this subsection is subject to § 1005.211 (relating to exceptions to recommended decisions).

**§ 1011.5. Ineligibility due to conviction or arrest.**

(a) A person is ineligible to own any interest in any right issued by the Authority if the person, or a person having a controlling interest in the person or a key employee, has been subject to a conviction as defined in § 1001.10 (relating to definitions).

(b) In the event a regulated party owning a transferable right becomes ineligible to hold rights issued by the Authority due to a conviction, the regulated party shall immediately cease use of the rights and initiate the sale of the rights to an eligible person as provided in Chapter 1027 (relating to sale of rights). If the regulated party is an individual medallion taxicab certificate holder or the sole owner of the securities of a medallion taxicab certificate holder, that person shall surrender to the Authority any medallion owned by the certificate holder and associated TLD inspection stickers to hold for safekeeping until the medallion is sold.

(c) A regulated party or applicant shall inform the Director within 72 hours of being subject to an arrest or conviction as defined under § 1001.10.

(d) In the event a criminal prosecution is initiated against a regulated party for a crime that may lead to a conviction as defined in § 1001.10, the Enforcement Department or trial counsel may place the subject rights out of service as provided in § 1003.32 (relating to out of service designation).

**§ 1011.7. Payment of outstanding fines, fees and penalties.**

(a) Regulated persons and applicants for any right issued by the Authority shall pay all assessments, fees, penalties and other payments due to the Authority under the act, this part or an order of the Authority on schedule, unless the matter related to the payment is under appeal.

(b) Regulated persons and applicants for any right issued by the Authority shall remain current on the payment of parking violations and traffic violations, unless the violation is under appeal.

(c) For purposes of this section, regulated persons and applicants include those with a controlling interest in the regulated person or applicant, or both.

**§ 1011.9. Taxicab service limitations.**

(a) *Providers.* Only the following individuals may provide taxicab service:

- (1) The owner, if the owner is a taxicab driver.
- (2) An employee of the certificate holder who is a taxicab driver.
- (3) A taxicab driver who leases the taxicab directly from the certificate holder.

(b) *Supervision.* A certificate holder shall continually supervise its taxicab to make certain that only those taxicab drivers authorized by this section provide taxicab service.

(1) A medallion taxicab certificate holder is required to ensure that a person holds a valid taxicab driver's certificate issued by the Authority before permitting the person to drive a taxicab.

(2) A medallion taxicab certificate holder is required to ensure that a person holds a valid WAV taxicab driver's certificate issued by the Authority before permitting the person to drive a WAV taxicab.



(c) *Criminal history and driver history reports.*

(1) A medallion taxicab certificate holder is required to conduct or have a third party conduct annual criminal history and driver history checks for taxicab drivers operating under the certificate holder's medallion.

(i) The criminal history report shall be conducted on a local and National background check, which must include a multistate or multijurisdictional criminal records locator or other similar commercial Nationwide database with primary source validation and a review of the United States Department of Justice's National Sex Offender Public Website.

(ii) The driver history report shall be obtained from the Department of Transportation or similarly authorized government entity in another jurisdiction of the United States containing details about a driver's history including accidents and violations issued by a jurisdiction within the United States.

(2) A medallion taxicab certificate holder shall review the criminal history and driving history reports before a taxicab driver operates under its medallion, and on annual basis thereafter, to ensure the driver has not been subject to a conviction as defined under §§ 1001.10 and 1021.4 (relating to definitions; and ineligible persons for taxicab driver certificate), holds a current valid driver's license, and has not been subject to three moving violations or a major violation as defined under § 1011.2 (relating to definitions).

(3) A taxicab driver whose criminal history or driver history renders the driver ineligible to operate a taxicab under § 1011.5 (relating to ineligibility due to conviction or arrest) or § 1021.4 shall be immediately disqualified by the medallion taxicab certificate holder and the disqualification shall be reported by the medallion taxicab certificate holder to the Director within 48 hours.

(4) Records required to be maintained by a medallion taxicab certificate holder under this subsection are subject to audits by the Authority under § 1011.11(d) (relating to record retention).

(d) *Personal vehicle use prohibited.* A vehicle registered as a taxicab within this Commonwealth may not be operated as a personal vehicle by a driver affiliated with a TNC under Chapter 57A of the act (relating to transportation network companies).

**§ 1011.11. Record retention.**

(a) *Records to be maintained.* All of the following records shall be maintained in the English language for 2 years from the date of origin:

(1) *Taxicab certificate holders.*

(i) Each lease agreement for a taxicab or medallion, or both.

(ii) Records of payment by a driver under each lease agreement for a taxicab or medallion, or both.

(iii) Records related to accidents involving vehicles used as taxicabs, including repair records.

(iv) Trip sheets or service logs used by a certificate holder's drivers when the certificate holder is exempted from the standard meter requirements in this subpart under § 1017.24(f) (relating to meter activation and display). The trip logs may be maintained on digital or other electronic devices as approved by the Authority upon a detailed written request by the certificate holder.

(2) *Dispatchers.*

(i) Records of dues paid by taxicab certificate holders or drivers for dispatching services.

(ii) Prior lists of associated taxicabs.

(iii) Prior rule books or other terms of participation applicable to taxicab certificate holders or drivers that are associated with the dispatcher.

(3) *Brokers.* Brokers shall retain documents submitted to the Authority for review of each proposed sale of rights, including closing documents

(b) *Order.* Paper or electronic records, or both, shall be maintained in chronological order by date and time of day.

(c) *Review by Authority.* A regulated party shall produce records maintained under subsection (a) to the Authority upon written request or upon inspection as provided in § 1011.8 (relating to facility inspections). In the event the records require a special form of software to search or interpret, a regulated party shall make that software available to the Authority.

(d) *Audit of driver records.*

(1) *Maintenance period.* Medallion taxicab certificate holders shall maintain records in the English language for 2 years from the date of origin concerning taxicab drivers under § 1011.9(b) (relating to taxicab service limitations).

(2) *Compliance audit.* The Authority may conduct a compliance audit of the records required to be maintained by a medallion taxicab certificate holder under § 1011.9(b) to verify that the certificate holder has complied with the taxicab driver screening requirements and to confirm that the certificate holder's taxicab drivers are eligible to provide taxicab service under this part.

(3) *Audit designation.* Upon the random selection of a medallion taxicab being called for a compliance inspection under § 1017.31 (relating to vehicle inspections by the Authority), the medallion taxicab certificate holder will be notified by the Manager of Administration that it has also been designated for an audit under this section.

(i) Within 5 business days of receiving an audit designation, the medallion taxicab certificate holder shall make available for visual inspection to the Authority the records required to be maintained under § 1011.9(b) for each taxicab driver that has provided taxicab service in the immediately preceding 1 year using the medallion taxicab that was called for a compliance inspection.

(ii) The records shall be produced in person to the Manager of Administration or by email to [TLAdmin@philapark.org](mailto:TLAdmin@philapark.org).

(iii) If an audit reveals that the medallion taxicab certificate holder authorized a taxicab driver to provide taxicab service when the criminal history report or driver history report revealed that the taxicab driver was ineligible under this part or the certificate holder did not conduct the annual records required under § 1011.9(b), the Authority may impose a penalty against the medallion taxicab certificate holder and taxicab driver under § 1001.61 (relating to penalties) and may subject the rights to an out of service designation under § 1003.32 (relating to out of service designation).

(iv) The medallion taxicab certificate holder shall immediately remove a noncompliant taxicab driver identi-

fied as provided in subparagraph (iii) from taxicab service upon the Authority's direction.

(v) The Authority may alert other medallion taxicab certificate holders of the ineligibility of the noncompliant taxicab driver to protect the public good.

(4) *Remedial audits.*

(i) In the event that an audit discrepancy is identified as specified in paragraph (3)(iii), the Authority may direct a medallion taxicab certificate holder to submit a follow-up report detailing its efforts to ensure compliance with § 1011.9(b).

(ii) In the event that that an egregious audit discrepancy is identified or multiple audit discrepancies are identified or the Authority makes a determination that a medallion taxicab certificate holder has failed to reasonably cooperate in the driver information audit process, the Authority may direct a medallion taxicab certificate holder to participate in remedial audits.

(iii) A determination under this section is subject to § 1005.24 (relating to appeals from actions of the staff).

(iv) A remedial audit will proceed as provided in paragraph (3) and may subject a review of all taxicab drivers providing service in any medallion taxicab owned by the certificate holder during the immediately preceding year regardless of whether the taxicab was called for a compliance inspection.

(v) The Authority may direct one remedial audit at any time each month for a 4-month period following discovery of a violation under this section.

(e) *Enforcement investigations.* This section may not be construed to limit the power of the Authority to conduct enforcement investigations related to this part or the obligation of certificate holders and taxicab drivers to cooperate with investigations and produce information demanded as required under this part.

**§ 1011.14. Voluntary suspension of certificate.**

(a) A certificate holder may apply to place a certificate or individual medallion in a voluntary state of suspension as provided in subsection (c) to avoid penalties for violation of § 1011.13 (relating to interruptions of service).

(b) The Authority will not grant an application for voluntary suspension if the approval will result in a reduction of 5% or more of the aggregate number of authorized medallion taxicabs in Philadelphia.

(c) To request approval from the Authority for the voluntary suspension of a certificate, the certificate holder shall file a completed CPC-1 "Voluntary Suspension Application" with the Director and pay the application fee as provided in §§ 1001.42 and 1001.43 (relating to mode of payment to the Authority; and Authority fee schedule). The CPC-1 may be obtained at [www.philapark.org/tld](http://www.philapark.org/tld).

(d) Before a CPC-1 is granted, a certificate holder shall be in compliance with § 1011.7 (relating to payment of outstanding fines, fees and penalties).

(e) A medallion may be removed from a vehicle by either the Authority or a certificate holder only upon the granting of voluntary suspension as provided by this section. If a medallion is removed by the medallion owner, the medallion shall be delivered to the Authority within 2 business days to be held by the Authority for safekeeping as provided under § 1013.3 (relating to removal of a medallion).

**§ 1011.15. Death or incapacitation of a certificate holder or certain persons with controlling interest.**

(a) *Definitions.* The following word, when used in this section, has the following meaning, unless the context indicates otherwise:

*Incapacitation*—A determination by a court that an individual is incapacitated as provided in 20 Pa.C.S. § 5511 (relating to petition and hearing; independent evaluation) or, for non-Pennsylvania residents, a substantially similar order from a court of competent jurisdiction.

(b) *Death or incapacitation of an individual certificate holder.*

(1) Except as provided in subsection (d), upon the death or incapacitation of an individual certificate holder, the operation or use of Authority rights conferred by the certificate may continue with the legal representative of the deceased or incapacitated certificate holder.

(2) The legal representative of the deceased or incapacitated certificate holder shall immediately notify the Authority in writing upon the death or incapacitation and provide to the Authority the legal representative's mailing address, telephone number and email address along with the applicable documentation proving legal authorization to act on the part of the certificate holder.

(3) The legal representative of the deceased or incapacitated certificate holder shall immediately begin the process of finding a qualified person to buy the transferable rights as provided in Chapter 1027 (relating to sale of rights), including the use of a broker or attorney. Nothing in this section prohibits the legal representative from applying to the Authority to obtain the transferrable rights.

(4) In the event an SA-1 for the transferable right is not correctly filed, as provided in Chapter 1027, within 90 days of the date the certificate holder died or was declared incapacitated, the certificate will be placed out of service as provided in § 1003.32 (relating to out of service designation) and may be cancelled upon determination of a formal complaint filed by the Enforcement Department or trial counsel.

(5) In the event an SA-1 for the transferable right is correctly filed within 90 days of the date the certificate holder died or was declared incapacitated, the rights conferred by the certificate shall continue with the legal representative of the deceased or incapacitated certificate holder for the duration of the SA-1 review period and through closing on the sale.

(6) Paragraphs (4) and (5) do not apply if the transferable right is a medallion.

(c) *Death, incapacitation or dissolution of certain persons with controlling interest in a certificate.*

(1) Except as provided in subsection (d), upon the death, incapacitation or dissolution of a person that owns 5% or more of the certificate holder's securities, the operation or use of the Authority rights conferred by the certificate may continue with either the certificate holder or with the legal representative of the deceased, incapacitated or dissolved person.

(2) The certificate holder or the legal representative of the deceased, incapacitated or dissolved person shall immediately notify the Authority in writing upon the death, incapacitation or dissolution of the person and provide to the Authority the legal representative's mailing address, telephone number and email address along with

the applicable documentation proving legal authorization to act on the part of the deceased, incapacitated or dissolved person.

(3) The certificate holder or the legal representative of the deceased, incapacitated or dissolved person shall immediately begin the process of finding a qualified person to buy the securities of the certificate holder referenced in paragraph (1) as provided in Chapter 1027, including the use of a broker or attorney. Nothing in this section prohibits the certificate holder from acquiring the securities of the person referenced in paragraph (1).

(4) In the event an SA-1 for the sale of the securities referenced in paragraph (1) is not correctly filed as provided in Chapter 1027 within 6 months of the date of the person's death, incapacitation or dissolution, the certificate will be placed out of service as provided in § 1003.32 and may be cancelled upon determination of a formal complaint filed by the Enforcement Department or trial counsel.

(5) In the event an SA-1 for the sale of the securities referenced in paragraph (1) is correctly filed, as provided in Chapter 1027, within 6 months of the date of the person's death, incapacitation or dissolution, the rights conferred by the certificate shall continue for the duration of the SA-1 review period and through closing on the sale.

(6) Paragraphs (4) and (5) do not apply if the transferable right is a medallion.

(d) *Ineligibility of successor or legal representative.* This section may not be interpreted to permit the operation or use of Authority rights by a person otherwise prohibited from the ability to receive Authority rights. For example, the executor of the estate on a deceased individual certificate holder who would be ineligible to possess Authority rights as provided in § 1011.5 (relating to ineligibility due to conviction or arrest) may not operate or supervise the operation of the rights conferred by the certificate.

## CHAPTER 1013. MEDALLION TAXICABS

### Subchapter A. GENERAL REQUIREMENTS

#### § 1013.3. Removal of a medallion.

(a) A medallion may only be removed from a vehicle by the Authority, upon advance written approval from the Authority, or by a certificate holder only upon the granting of voluntary suspension of the medallion taxicab certificate or individual medallion as provided in § 1011.14 (relating to voluntary suspension of certificate).

(b) Upon removal from a vehicle, the medallion will be held by the Authority for safe keeping until attachment of the medallion is scheduled with the Authority as provided in § 1013.2 (relating to attachment of a medallion). If removed by the medallion owner, the medallion shall be delivered to the Authority within 2 business days after removal.

### Subchapter C. MEDALLION SALES BY THE AUTHORITY

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

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

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

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

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

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

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

(g) Except as provided in subsection (h), a medallion subject to a completed closing after sale by the Authority may not be transferred or sold for 1 year from the date of closing.

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

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

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

## CHAPTER 1017. VEHICLE AND EQUIPMENT REQUIREMENTS

### Subchapter A. GENERAL PROVISIONS

#### § 1017.1. Definitions.

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

*Antique vehicle*—A motor vehicle, but not a reproduction thereof, that is 25 years old or older as provided in § 1017.3(a) (relating to age and mileage computation), which has been maintained in or restored to a condition, which is substantially in conformance with manufacturer specifications.

*Commercial advertisement*—An advertisement for which a private individual or entity pays a fee to display that advertisement on the exterior or interior of a taxicab.

*Compliance inspection*—The inspection of a taxicab or taxicab equipment, or both, by the Authority to assure compliance with the act, this part and orders of the Authority. Anytime the inspection of a taxicab, a meter or other taxicab service-related equipment is required by the act, this part or an order of the Authority it will be a compliance inspection.

*Field inspection*—The unscheduled inspection of a taxicab by an inspector for compliance with the act, this part and orders of the Authority.



*State inspection*—The annual inspection required under 75 Pa.C.S. Chapter 47 (relating to inspection of vehicles).

*TLID inspection sticker*—A certificate of inspection issued and affixed by the Enforcement Department to a vehicle subject to this part upon confirmation of compliance with the act, this part or orders of the Authority after a compliance inspection.

**§ 1017.4. Age and mileage limitations.**

(a) *Retirement age and mileage.*

(1) Except as provided in subsection (b), a taxicab shall be removed from providing service upon reaching an age of 8 years old, as calculated under § 1017.3(a) (relating to age and mileage computations). For example, the last day on which a 2009 model year vehicle may be operated in taxicab service is December 31, 2017.

(2) Except as provided in subsection (b), a taxicab shall be removed from service upon reaching 350,000 cumulative miles on the vehicle's odometer.

(b) *Antique vehicles.* The Director may authorize the operation of antique vehicles as taxicabs upon review of a petition for waiver as provided in § 1005.23 (relating to petitions for issuance, amendment, repeal or waiver of Authority regulations).

**§ 1017.5. Basic vehicle standards.**

(a) *State vehicle standards.* In addition to standards required under the act, this part and orders of the Authority, a taxicab must continually satisfy the applicable Department of Transportation equipment inspection standards in 67 Pa. Code Chapter 175 (relating to vehicle equipment and inspection) when providing taxicab service.

(b) *Standard taxicab vehicle requirements.* Each taxicab is subject to all of the following requirements:

(1) A taxicab must have four functioning and properly aligned doors which comply with the standards provided in 67 Pa. Code Chapter 175. The doors must have the following properly installed and maintained components:

- (i) Functional exterior and interior door handles which are operable by passengers.
- (ii) Intact door seals (door gaskets and doorway padding).
- (iii) Functional windows which are operable by passengers.
- (iv) Doors that open without resistance and close securely.
- (v) Functional interior door locks which are operable by passengers.

(2) A medallion taxicab shall utilize the services of a dispatcher approved by the Authority under Chapter 1019 (relating to dispatchers) and dispatch-related equipment must function properly.

(3) A medallion taxicab must be equipped with operable technology that is approved by the Authority that facilitates two-way communication.

(4) Except as provided in paragraph (5), the taxicab must have a functioning dome light firmly affixed to its roof. The dome light must be lit when the vehicle is available for service. The dome light must comply with the approved design submitted by the taxicab's certified dispatcher under § 1019.7 (relating to name, colors and markings review).

(5) A rooftop-advertising panel with ends that illuminate to indicate when the taxicab is available for service may be used instead of the dome light, provided that the rooftop-advertising panel meets the requirements in subsection (e).

(6) A taxicab must display taxicab rates approved by the Authority as provided in section 5703 or 5720 of the act, or both (relating to rates; and wages).

(7) A taxicab must be equipped with operable seatbelts for every passenger and the driver.

(8) A taxicab must be equipped with a protective shield which separates the front seat from the back seat and bears the manufacturer's name, or a safety camera system that is approved by the Authority as provided in § 1017.71 (relating to taxicab safety cameras). If a medallion taxicab certificate holder opts to install a protective shield, it must meet the following minimum requirements:

(i) The upper portion of the shield must extend from the top of the front seat to a point not more than 3 inches from the ceiling of the vehicle and must be constructed of a clear, see-through, bullet-resistant material.

(ii) The shield must have either a sliding window controlled by the vehicle operator and capable of being locked by the driver, or a payment exchange cup or tray or similar device which allows the operator to receive payment from passengers in the back seat of the vehicle without unduly exposing the vehicle operator to danger.

(iii) The upper portion of the shield may not obstruct the vehicle operator's view of the road to the rear of the vehicle.

(iv) The lower portion of the shield must extend the full length of the front seat and be constructed of a bullet-resistant material.

(v) Both the upper and lower portions of the shield must extend from a point flush with the left hand side of the vehicle across the vehicle to a point flush with the right hand side of the vehicle.

(vi) The shield may not have an edge or projection protruding into the area where a passenger or driver will sit or move.

(vii) The shield must be installed in a manner which does not prevent voice communication between the vehicle operator and passengers in the vehicle.

(viii) The shield must be installed in a manner which allows heat and air conditioning to maintain the taxicab's temperature at levels required under paragraph (14).

(ix) The shield must be sufficiently transparent to allow a passenger to easily read the meter and the taxicab driver's certificate.

(9) A taxicab must be equipped with a meter approved for use as provided in § 1017.23 (relating to approved meters) and may not be equipped with a device that has the capability of allowing the meter to register a nonapproved rate.

(10) A taxicab may not be equipped with a push bumper.

(11) The interior, exterior and trunk compartment of a taxicab must be clean so as to present a positive appearance and to prevent possible transfer of dirt, dust, grease,



paint or other markings to a passenger's clothing or luggage. A taxicab must be free of objectionable odors. For example, a taxicab may not smell like urine, feces, animals, insects, decomposing organisms, poor human hygiene or garbage.

(12) Upholstery of a taxicab's passenger seats may not be torn in excess of 3 inches or have protruding springs or other material capable of tearing a passenger's skin or clothing. Passenger seat tears in excess of 3 inches shall be properly repaired and may not be mended with tape.

(13) A taxicab's interior must consist of matching features, including door panels.

(14) A functioning air conditioner capable of keeping the interior of the taxicab at a constant temperature between 60° and 78° Fahrenheit.

(15) A taxicab must contain a legible commercially-produced map of the City of Philadelphia for use by the taxicab driver.

(16) A taxicab's exterior paint must be in good repair and consistent with the colors and markings of the taxicab's dispatcher, and the exterior of the vehicle may not have dents larger than 12 inches and may not have loose body panels or bumpers.

(17) In addition to other postings required by this subpart, a taxicab must have posted in the passenger compartment in a place easily observed by passengers, all of the following information:

(i) A prohibition against smoking, eating and drinking while in the taxicab.

(ii) The availability of noncash payment options.

(iii) Information in both written English and Braille on how to submit a taxicab service-related complaint to the Authority.

(iv) The taxicab's dispatcher and the number assigned to the taxicab under § 1017.14 (relating to taxicab numbering).

(18) The Authority may require the installation of a separate heating and air conditioning system in a taxicab if necessary to comply with paragraph (14).

(19) A taxicab must have operational interior lights.

(20) A driver operating a taxicab and who transports a child anywhere in the taxicab shall comply with 75 Pa.C.S. § 4581 (relating to restraint systems).

(21) The taxicab must have a trunk or storage area large enough to accommodate a folded manual wheelchair.

(22) Properly affixed and matching hubcaps or wheel covers for all four tires.

(c) *Interstate travel.* No requirement of this subpart or any Authority regulation may be interpreted to disrupt or interfere with interstate commerce exclusively regulated by or pre-empted by the government of the United States.

(d) *Smoking prohibited.* Persons may not smoke in a taxicab.

(e) *Advertising.*

(1) The display of commercial advertisements on the exterior or interior of a taxicab is permitted only upon 72 hours advanced written notice by the medallion certificate holder to the Director and Manager of Enforcement prior to the display of the advertisement, which must include a color copy of the advertisement and a written description of the advertisement's placement on or within the taxicab.

The use of a rooftop-advertising panel as provided in subsection (b)(5) is excluded from the 72 hours advanced written notice requirement.

(2) Commercial advertisements, colors, markings and other displays required by this part must be securely fastened to the taxicab, may not obscure the driver's view in any direction and may not violate any provision of 75 Pa.C.S. (relating to Vehicle Code) or 67 Pa. Code (relating to transportation).

(3) A commercial advertisement will not be permitted if it violates any requirement in § 1017.12 (relating to required markings and information).

(4) A commercial advertisement for display on the exterior or interior of a taxicab will not be permitted as follows:

(i) Advertisements that do not relate primarily to the economic interests of the publisher or its audience, or that do not direct attention to a business, industry, profession, commodity, service, activity, institution, product or entertainment offered for sale.

(ii) Advertisements relating to the sale or use of alcohol, tobacco products or firearms.

(iii) Advertisements that relate to sexually-oriented businesses, products or services.

(iv) Advertisements that are obscene or pornographic.

(v) Advertisements relating to political campaigns or ballot measures.

(vi) Advertisements that are false, misleading, defamatory or infringe on any copyright, trade or service mark, title or slogan.

(f) *Inspection by medallion taxicab certificate holder.* A medallion taxicab certificate holder shall inspect each of its taxicabs on a daily basis to confirm that the taxicab complies with this subpart. A medallion taxicab certificate holder may select a person to conduct the inspections required under this subsection on the medallion taxicab certificate holder's behalf.

#### § 1017.6. Required documents.

A taxicab must contain the following documents for review by an inspector upon request:

(1) Proof of current and valid financial responsibility as required under Chapter 1025 (relating to insurance required) and section 5704 of the act (relating to power of authority to require insurance).

(2) Vehicle registration issued by the Department of Transportation and a copy of the vehicle or medallion lease, if applicable.

#### § 1017.8. Wheelchair accessible vehicle taxicab specifications.

(a) *Basic requirements.* WAV taxicabs must be in compliance with the requirements applicable to taxicabs, except when deviations are authorized or required by the act, this part or an order of the Authority.

(b) *Standard specifications for WAV taxicabs.* In addition to the requirements of subsection (a), a WAV taxicab is a vehicle that has been inspected and approved by the Enforcement Department as meeting all of the following requirements:

(1) *Mobility and accessibility.*

(i) The lift/ramp width must be 30 inches minimum.

(ii) The design load of the lift/ramp must be at least 600 pounds.

(iii) Controls for the lift/ramp must be interlocked with the vehicle to ensure that the vehicle cannot be moved while the lift/ramp is in operation.

(iv) Controls for the lift/ramp must be of the momentary contact type requiring continuous manual pressure to operate.

(v) The lift/ramp must be equipped with an emergency deployment method in the event of power or mechanical failure.

(vi) The installation of a lift/ramp must include provisions to prevent the lift/ramp from falling or folding any faster than 12 inches/second in the event of any failure of the load-carrying component.

(vii) The lift/ramp platform must be equipped with handrails on two sides, a minimum of 8 inches long and 30 inches above the platform, and move in tandem with the lift/ramp.

(viii) The lift/ramp platform must have barriers at least 2 inches or higher to prevent mobility aid wheels from slipping off.

(ix) Lift/platform surfaces must be continuous and slip resistant, and accommodate four-wheel and three-wheel mobility aids.

(x) The transition from roadway or sidewalk and the transition from vehicle floor to the ramp may be vertical without edge treatment up to 1/4 inch.

(xi) Ramps must have the least slope practical and may not exceed 1:4 when deployed to ground level.

(xii) The lift/ramp attachment must be firmly attached to the vehicle so that it is not subject to displacement when loading or unloading a heavy mobility aid and the gap between the vehicle and ramp may not exceed 5/8 inch.

(2) *Doors, steps and thresholds.*

(i) For vehicles 22 feet in length or less, the overhead clearance between the top of the door opening. The raised life platform or highest point of the ramp must be a minimum of 56 inches.

(ii) Vehicle doorways in which a lift/ramp is installed must have an outside light, which, when the door is open, provides at least 1 foot-candle of illumination on the street surface for a distance of 3 feet perpendicular to the lift/ramp. The light must be shielded to protect the eyes of entering and exiting passengers.

(3) *Interior compartment.*

(i) Floor areas where people walk and securement locations must have slip-resistant surfaces.

(ii) A minimum clear floor area of 30 inches by 48 inches must be provided for each wheelchair position.

(iii) Regarding seating configuration, vehicles 22 feet in length or less must provide forward/rear seating only.

(iv) Ramp stowage must be accomplished in a manner as not to pose a hazard to passengers or impinge on a passenger's mobility aid.

(v) Interior handrails and stanchions must permit sufficient turning and maneuvering space for mobility aids to reach securement location from lift/ramp.

(vi) Handrails and stanchions must be provided in the entrance to the vehicle in a configuration which allows people to grasp the assists from outside the vehicle while starting to board, and to continue using the assists throughout the boarding process.

(4) *Secure systems.*

(i) There must be four tie down straps for each wheelchair position.

(ii) For each mobility aid securement device, a passenger seat belt and shoulder harness must be provided for use by mobility aid users. These belts may not be used instead of a device which secures the mobility aid itself.

(iii) Securement systems must be stowed in a way as not to present a hazard to passengers when not in use.

(c) *Current vehicles.* Taxicabs authorized by the Authority on August 30, 2014, that are capable of providing taxicab service to a person in a wheelchair without the need for the person to exit the wheelchair are exempt from the requirements of subsection (b). The exemption provided in this subsection expires when the exempted vehicle is removed from taxicab service and does not run with the associated medallion or certificate of public convenience.

**Subchapter B. COLORS AND MARKINGS**

**§ 1017.11. Distinctive colors and markings.**

(a) *Taxicabs generally.*

(1) A taxicab must display the same colors and markings of its dispatcher that is on file with the Authority as provided in § 1019.7 (relating to name, colors and markings review).

(2) The doors and the rear quarter panels of the taxicab must be dedicated to information about the dispatcher, including its name and phone number.

(3) A taxicab may not use the services of more than one dispatcher.

(b) *Partial-rights taxicabs.* Taxicabs operated through a partial-rights certificate must have the same colors and markings.

(c) *Simulation of colors and markings.* A person may not mark, paint or design the exterior appearance of a taxicab to display inaccurate information, including an association with a dispatcher to which the vehicle is not associated.

**§ 1017.12. Required markings and information.**

(a) In addition to the name, colors and markings required under § 1019.7 (relating to name, colors and markings review), a taxicab must continually display all of the following markings and information:

(1) The identification number required under § 1017.14 (relating to taxicab numbering) must be posted on the front fenders of the taxicab and on the rear of the taxicab in print at least 3 inches in height and at least 1/2 inch in width.

(2) Current State certificates of inspection stickers affixed to the lower driver side windshield as provided in 75 Pa.C.S. § 4728 (relating to display of certificate of inspection).

(3) Current inspection stickers required under § 1017.32 (relating to TLD inspection sticker required) must be attached to the lower passenger side windshield.

(4) If the vehicle is a medallion taxicab, the current medallion must be attached to the hood of the vehicle.

(5) A taxicab must be registered with the Department of Transportation and obtain commercial registration plates identifying the vehicle as a taxicab bearing the letters "TX."

(6) If a taxicab is equipped with an approved safety camera system under § 1017.71 (relating to taxicab safety cameras), public notices must be affixed prominently to the exterior and interior of the taxicab as provided in § 1017.77 (relating to public notice).

(b) The Authority may produce the standardized postings required by this part for taxicabs and may permit certificate holders to produce substantially similar postings. The Authority will specify the location of each posting.

**§ 1017.14. Taxicab numbering.**

(a) *Medallion taxicabs.* The identification number of a medallion taxicab will be the number on the medallion attached to the taxicab.

(b) *Partial-rights taxicabs.*

(1) Each partial-rights certificate holder shall notify the Director by filing Form PRT-2 "Vehicle Numbering" of its intention to use a new identification number for a taxicab or to reassign an existing number to a different taxicab. The PRT-2 may be obtained on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld).

(2) The Director may deny the requested partial-rights taxicab number assignment if it is determined that the requested number may lead to regulatory or public confusion.

(c) *Identification.* Partial-rights taxicabs must be identified by a unique sequential number, as follows:

(1) Taxicabs with rights through Certificate No. 1011748-02 shall be numbered "G-1" for the first vehicle, "G-2" for the second vehicle, and continue according to that sequence until each taxicab is issued a unique number.

(2) Taxicabs with rights through Certificate No. 1011752-02 shall be numbered "B-1" for the first vehicle, "B-2" for the second vehicle, and continue according to that sequence until each taxicab is issued a unique number.

(3) Taxicabs with rights through Certificate No. 1015925-05 shall be numbered "CC-1" for the first vehicle, "CC-2" for the second vehicle, and continue according to that sequence until each taxicab is issued a unique number.

(4) Taxicabs with rights through Certificate No. 1011761-02 shall be numbered "D-1" for the first vehicle, "D-2" for the second vehicle, and continue according to that sequence until each taxicab is issued a unique number.

**Subchapter C. METERS**

**§ 1017.21. Taxicab meters.**

(a) *Generally.* Each taxicab must be equipped with one sealed meter that satisfies the requirements in this subchapter.

(b) *Inspection and seals.*

(1) A taxicab meter will be inspected by the Authority prior to use.

(2) The Authority will conduct meter accuracy testing to assure the meter is calibrated as provided in § 1017.22 (relating to meter calibration and testing).

(3) Each taxicab meter must be equipped with a tamper-resistant seal to ensure that it is incapable of unauthorized access or manipulation of the data contained therein or to charge a fare not authorized by the

Authority as provided in section 5703 or 5720 of the act, or both (relating to rates; and wages). Upon determining that a meter functions properly, the Enforcement Department will attach a numbered seal to the meter, if applicable.

(4) A meter may not be used in a taxicab unless it is sealed as provided in paragraph (3). If the seal becomes broken or damaged, the certificate holder shall remove the taxicab from service immediately and schedule a new meter inspection by the Enforcement Department.

(c) *Location of meter.* The meter shall be installed in the center of the driver portion of the taxicab in a position that permits the passenger to view the current fare.

**§ 1017.23. Approved meters.**

(a) The Authority will maintain a list of meters approved for use in taxicabs. The list of approved taxicab meters may be obtained from the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld).

(b) A certificate holder may request to the Director in writing for the approval of the use of a new taxicab meter technology system. The request must include a detailed description of the technology, its technological specifications and functionality, which must meet the requirements of § 1017.24 (relating to meter activation and display).

**§ 1017.24. Meter activation and display.**

(a) A taxicab meter may not be in operation before the taxicab is engaged by a passenger. The taxicab meter must be in operation during the entire time the vehicle is engaged by a passenger.

(b) A taxicab passenger shall be required to pay only the amount recorded by the taxicab meter.

(c) The meter must continuously display the current rate charged for an active fare and the display must be visible to the passenger.

(d) The meters in every taxicab must have properly attached and approved receipt printers specified by the Authority in § 1017.23 (relating to approved meters), including all of the following:

(1) The ability to issue a receipt containing information required by the Authority, including all of the following:

(i) The mileage of the trip and amount paid, expressed in United States dollars.

(ii) The vehicle's taxicab number.

(iii) The taxicab's dispatcher.

(iv) The driver's certificate number.

(v) The Authority's phone number or email address to be used to report complaints.

(vi) The time and date of the fare.

(2) The ability to provide drivers with driving directions through a global positioning system.

(3) Global positioning system tracking to monitor the location of each taxicab and provide driving directions to the taxicab driver.

(4) The ability to pay fares through the use of credit card and debit card processing hardware mounted in the passenger compartment. A transaction, processing or other fees associated with the acceptance of a credit card or debit card fare payment and delivery of the fare payment to the taxicab driver may not exceed 5% of the total fare amount.



(5) A driver recognition function to permit only Authority certified drivers in possession of a taxicab driver's certificate to activate and then use the meter to provide taxicab service.

(6) The ability to be remotely disabled by the Authority.

(7) The ability to communicate voice and text messages between the driver, dispatcher and the Authority.

(e) A meter system may include a distress button that can be easily activated by a driver to silently communicate to the dispatcher the need for emergency assistance.

(f) Partial-rights certificate holders are not required to comply with subsection (d).

**§ 1017.25. One meter.**

A taxicab is prohibited from containing a taxicab meter other than the approved meter inspected by the Authority and sealed by the Authority, if applicable.

**Subchapter D. TAXICAB INSPECTIONS**

**§ 1017.31. Vehicle inspections by the Authority.**

(a) *Manner and frequency of inspection.* Twenty-five percent of medallion taxicabs operating in Philadelphia must submit to a scheduled compliance inspection by the Authority on an annual basis at a time and location designated by the Authority. Each inspection will be conducted to verify that the taxicab satisfies the mechanical inspection required under 75 Pa.C.S. Chapter 47 (relating to inspection of vehicles) and vehicle quality standards as provided in § 1017.5 (relating to basic vehicle standards).

(b) *Selection process.* The inspection selection process will be done using a computer software application utilized by the Authority to randomly select medallion taxicabs for inspection. At no time will the same medallion taxicab be required to submit to an annual inspection in the same calendar year.

(c) *Notice.* The Authority will issue notice of the scheduled inspection to the corresponding medallion taxicab certificate holder within 14 days prior to the scheduled inspection.

(d) *State inspections.* A medallion taxicab certificate holder may elect to have the Authority conduct a State inspection as defined in § 1017.1 (relating to definitions) upon request to the Authority, either at the time of the scheduled inspection under subsection (a) or at a time and place designated by the Authority. Upon a taxicab failing a State inspection conducted by the Authority under this subsection, the taxicab will be immediately placed out of service under § 1003.32 (relating to out of service designation) until the taxicab either passes a subsequent State inspection conducted by the Authority or is presented to the Enforcement Department with proof that it has passed a State inspection and current certificates of inspection are affixed to the vehicle as provided in 75 Pa.C.S. § 4728 (relating to display of certificate of inspection).

(e) *Fees.*

(1) *Authority compliance inspection.* Beginning November 4, 2016, the fee for an annual Authority compliance inspection conducted under subsection (a) is \$25 and payment shall be made at the time of the inspection under § 1001.42 (relating to mode of payment to the Authority). The compliance inspection fee will be posted on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld) as provided in § 1001.43 (relating to Authority fee schedule).

(2) *State inspection.* The fee for a State inspection conducted under subsection (d) is \$50 beginning February 25, 2017, and ending June 30, 2017, or when a new fee schedule is adopted under sections 5707 and 5710 of the act (relating to budget and assessments; and fees), whichever is later. Payment shall be made at the time of the inspection under § 1001.42. The current State inspection fee will be posted on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld) as provided in § 1001.43.

**§ 1017.32. TLD inspection sticker required.**

(a) The Authority will affix a TLD inspection sticker to the lower right hand side of the taxicab's windshield upon successful completion of the following inspections:

(1) Each taxicab compliance inspection as provided in § 1017.31 (relating to vehicle inspections by the Authority).

(2) A reinspection as provided in § 1017.36 (relating to reinspection).

(3) A compliance inspection as provided in § 1017.2 (relating to preservice inspection).

(b) A taxicab may not provide service unless a current TLD inspection sticker is properly affixed to the taxicab.

(c) Each TLD inspection sticker will be valid only until the taxicab is presented to the Authority for another inspection, except as provided in § 1017.34 (relating to field inspections).

**§ 1017.33. Failure to appear for scheduled inspection.**

If a taxicab fails to appear for an inspection as provided in § 1017.31 (relating to vehicle inspections by the Authority), the certificate holder may be subject to a penalty through issuance of a formal complaint and an out of service designation under § 1003.32 (relating to out of service designation).

**§ 1017.38. Change of vehicle.**

(a) *Medallion removal.* In addition to the requirements in §§ 1013.2 and 1013.3 (relating to attachment of a medallion; and removal of a medallion), a medallion may not be attached to a different vehicle unless the vehicle has completed a compliance inspection.

(b) *Temporary registration.*

(1) At the time a vehicle is presented to the TLD for a compliance inspection as provided in § 1017.2 (relating to preservice inspection), a medallion taxicab certificate holder may present a temporary State registration (pink slip) in a form permissible by the Department of Transportation such as Form MV-1 or MV-4ST which has been approved by the TLD under § 1017.42(c) (relating to prerequisites to inspection).

(2) The medallion taxicab certificate shall obtain a permanent registration card from the Department of Transportation and provide a copy of the permanent registration card to the Enforcement Department no later than 30 days from the date the vehicle was issued a TLD inspection sticker.

**§ 1017.42. Prerequisites to inspection.**

(a) The Authority will not initiate an inspection of a taxicab, except as provided in § 1017.34 (relating to field inspections), if the taxicab is out of compliance with the act, this part or an order of the Authority.



(b) The Authority will not initiate an inspection of a taxicab, except as provided in § 1017.34, if the certificate holder is out of compliance with the act, this part or an order of the Authority, including the following sections:

(1) Section 1011.3 (relating to annual rights renewal process).

(2) Section 1011.5 (relating to ineligibility due to conviction or arrest).

(3) Section 1011.7 (relating to payment of outstanding fines, fees and penalties).

(c) Prior to a vehicle first entering into taxicab service as provided in §§ 1017.2 and 1017.38 (relating to preservice inspection; and change of vehicle), a medallion taxicab certificate holder shall present to the Authority for approval the documents required by the Department of Transportation necessary to title and commercially register the vehicle as a taxicab in the certificate holder's name.

(1) Documentation required to be submitted to the Authority under this subsection must contain proof of insurance for the vehicle that is maintained by the certificate holder and as evidenced on the certificate of insurance on file with the Authority under Chapter 1025 (relating to insurance required).

(2) Documentation required to be submitted to the Authority under this subsection will be reviewed for compliance under §§ 1017.4, 1017.43 and 1017.44 (relating to age and mileage limitations; approved models and conditions; and reconstructed vehicles prohibited).

(d) A taxicab determined to be unfit for inspection due to a violation of this section will be placed out of service as provided in § 1003.32(c) (relating to out of service designation).

### **Subchapter G. SAFETY CAMERAS**

#### **§ 1017.71. Taxicab safety cameras.**

Beginning November 4, 2016, a taxicab must be equipped with a protective shield as provided in § 1017.5 (relating to basic vehicle standards) or one safety camera system approved by the Authority as provided in § 1017.73 (relating to approved safety camera system).

#### **§ 1017.72. Safety camera system testing.**

A safety camera system is subject to a field inspection by an inspector at any time and may be tested as part of each scheduled inspection.

#### **§ 1017.73. Approved safety camera system.**

(a) The Authority will maintain a list of safety camera systems approved for use in taxicabs. The list may be obtained from the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld).

(b) A safety camera system may be added to the list maintained under this section upon request of a certificate holder and evidence of compliance with this subchapter.

(c) A taxicab safety camera system will be inspected by the Authority prior to being placed on the Authority's approved list as provided in subsection (a).

(d) The Authority will conduct safety camera system testing to ensure the system meets the requirements of this subchapter.

#### **§ 1017.74. Safety camera requirements.**

(a) The purpose of this section is to establish certain minimum safety camera system requirements.

(b) The safety camera system must be turned on and operational at all times when a taxicab's motor is running.

(c) The safety camera system may not make an audio recording.

(d) The safety camera system must be able to record data including all of the following:

(1) The full face of the driver and all occupants seated in passenger seats and facing forward.

(2) The date and time of the recording.

(3) The taxicab number.

(4) The safety camera serial number.

(e) The safety camera system must record and store images in one of the following ways:

(1) In a unit separate from any camera that is concealed from view and fastened securely to the vehicle.

(2) In the camera unit itself.

(3) In a digital cloud.

(f) Each safety camera system must be equipped with a tamper-resistant seal to ensure that it is incapable of unauthorized access or manipulation of the data contained. If the seal of a safety camera system becomes broken or damaged, the certificate holder shall remove the taxicab from service immediately and notify the Enforcement Department.

#### **§ 1017.76. Certificate holder responsible.**

(a) The certificate holder shall inspect each taxicab safety camera system prior to service each day to ensure it is in compliance with this subchapter and is in proper working order. A certificate holder may select a person to conduct the inspections required under this section on the certificate holder's behalf.

(b) In the event that a safety camera system is not fully operational, the taxicab shall be taken out of service and the Enforcement Department shall be notified immediately.

#### **§ 1017.77. Public notice.**

(a) The Authority will produce a standardized posting to be displayed on taxicabs to provide public notice of the presence of the safety camera system in each taxicab as provided in § 1017.12(b) (relating to required markings and information).

(b) The notice required under this section must be affixed prominently to the exterior and interior of every taxicab that employs the use of a safety camera system.

(c) A taxicab equipped with an approved safety camera shall be presented to the Enforcement Department for issuance of the posting required under this section prior to providing taxicab service.

#### **§ 1017.78. Accessing safety camera images.**

(a) *Purpose.* The purpose of a safety camera system is to discourage bad acts in taxicabs in furtherance of protecting the health and safety of taxicab drivers and the public.

(b) *Prohibitions.* Images from a safety camera’s system shall be maintained by a medallion certificate holder or dispatcher in the strictest of confidentiality and may not be duplicated, released or disclosed except as provided in subsection (c).

(c) *Access.* The Authority will be permitted to access safety camera images upon its written request to a certificate holder when necessary for the purpose of investigating a formal complaint against a medallion owner or taxicab driver or to respond to a subpoena, court order or other legal obligation.

**§ 1017.79. Storage of safety camera images.**

Safety camera images shall be maintained and stored for no less than 30 days at the medallion or dispatcher certificate holder’s place of business. Upon presentation of the taxicab safety camera system to the Authority under § 1017.77 (relating to public notice), the medallion certificate holder shall submit a written statement to the Enforcement Department verifying the place of business where the safety camera images will be stored and the address of the location pertaining to postings under § 1017.77.

**Subchapter H. STAND-BY VEHICLES**

Sec.

- 1017.81. Definitions.
- 1017.82. Use of stand-by vehicles.
- 1017.83. Procedure to place a stand-by vehicle into service.
- 1017.84. Procedure to remove a stand-by vehicle from service.
- 1017.85. Fleet owner requirements.

**§ 1017.81. Definitions.**

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

*Fleet*—A minimum of 25 taxicabs operated or owned by the same fleet owner.

*Fleet owner*—A sole proprietorship, corporation, partnership or limited liability company that owns or operates taxicabs and meets all of the following requirements:

- (i) Controls a minimum of 25 taxicabs.
- (ii) Has a single business location that is adequate for the storage, maintenance, repair and dispatch of the fleet taxicabs, and the storage and maintenance of record.
- (iii) Operates with a dispatcher who assigns drivers to fleet taxicabs.

*Stand-by vehicle*—A vehicle authorized by the TLD to provide temporary taxicab service and bearing a valid TLD issued inspection sticker in full compliance with TLD regulations. A stand-by vehicle is to be used only as a temporary replacement for a medallion taxicab that is temporarily out of service.

**§ 1017.82. Use of stand-by vehicles.**

(a) Only a fleet owner can maintain and use stand-by vehicles.

(b) A stand-by vehicle can be used in place of a current medallion taxicab, for no more than 30 days, only in the following circumstances:

- (1) The current medallion taxicab is out of service for repairs or for required inspection.
- (2) A medallion taxicab has been stolen or involved in a reportable accident.
- (c) A fleet owner can maintain stand-by vehicles equal to no more than 10% of the total number of current medallion taxicabs owned or operated by the fleet owner.

(d) When a stand-by vehicle is placed into service under § 1017.83 (relating to procedure to place a stand-by vehicle into service), the medallion of the disabled taxicab shall be transferred to the stand-by vehicle in a manner consistent with § 1013.3 (relating to removal of a medallion).

(e) Form SB-2 must be carried in the stand-by taxicab and shall be presented to an inspector, law enforcement or the PUC upon request.

**§ 1017.83. Procedure to place a stand-by vehicle into service.**

(a) A fleet owner shall first register the designated vehicle as a stand-by vehicle as follows:

(1) The vehicle shall be commercially registered with the Department of Transportation in the medallion certificate holder’s name and insured under medallion certificate holder’s current policy that is on file with the Authority.

(2) Complete and file Form SB-2 “Stand-By Vehicle Application” with the TLD Enforcement Department and remit payment of the Authority compliance inspection fee as provided § 1001.43 (relating to Authority fee schedule). Form SB-2 may be obtained on the Authority’s web site at [www.philapark.org/tld](http://www.philapark.org/tld).

(b) The fleet owner shall then present the vehicle to the TLD Enforcement Department for an Authority compliance inspection under § 1017.31(a) (relating to vehicle inspections by the Authority). Upon passing inspection, the vehicle will be assigned a unique number (that is, SBV-01, and the like).

(c) When a fleet owner elects to place a stand-by vehicle into taxicab service and prior to its entry into taxicab service, the fleet owner shall first notify the Manager of Enforcement by email and include the medallion number that is at issue, the stand-by vehicle number that will be in temporary service for that medallion, the date the disabled taxicab was being removed from service and the reason for the use of the stand-by vehicle. The Manager of Enforcement may authorize the medallion owner to remove the medallion consistent with § 1013.3 (relating to removal of a medallion).

**§ 1017.84. Procedure to remove a stand-by vehicle from service.**

A fleet owner who wishes to remove a stand-by vehicle from service shall contact the TLD Enforcement Department for an inspection appointment and the removal and transfer of the medallion under Subchapter D (relating to taxicab inspections).

**§ 1017.85. Fleet owner requirements.**

(a) *SB-1.* To qualify for the use of a stand-by vehicle, a fleet owner shall complete and file Form SB-1 “Stand-By Fleet Owner Application” with the Director along with the fee in the Authority’s annual fee schedule as provided in § 1001.43 (relating to Authority fee schedule).

(b) *Fee.* The fee that shall accompany the filing of an SB-1 under this section is \$350 beginning February 25, 2017, and ending on June 30, 2017, or when a new fee schedule is adopted under sections 5707 and 5710 of the act (relating to budget and assessments; and fees), whichever is later. Payment shall be made under § 1001.42 (relating to mode of payment to the Authority). The current SB-1 filing fee will be posted on the Authority’s web site at [www.philapark.org/tld](http://www.philapark.org/tld) as provided in § 1001.43.

## CHAPTER 1019. DISPATCHERS

## § 1019.3. Dispatcher application.

(a) *General.* To obtain a dispatcher's certificate a person shall complete and file Form SA-1 "Sale Application" in person with the Director along with the application fee as provided in §§ 1001.42 and 1001.43 (relating to mode of payment to the Authority; and Authority fee schedule). The SA-1 may be obtained on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld).

(1) The applicant for a dispatcher's certificate shall execute the SA-1 in the presence of the Director or a designee. If the applicant is not an individual, the application must include an original executed and notarized resolution from the applicant authorizing the execution and filing of the SA-1 application.

(2) The Director will refuse to accept an application which is incomplete for any reason.

(3) Upon acceptance, the Director will submit a copy of the application documents to the Clerk and an application docket number will be assigned.

(b) *SA-1 application.* The completed SA-1 shall be verified as provided in § 1001.36 (relating to verification and affidavit) and be filed with the Director in person by the owner of the applicant and include all of the information required by the Authority:

(1) The name of the applicant and contact information, including a mailing address, a business address of the exact location of dispatch operations, a telephone number, an email address and a facsimile number.

(2) An identification of the applicant as an individual or a person as provided in § 1001.10 (relating to definitions).

(3) If the applicant is not an individual, the following must be included:

(i) The articles of incorporation, operating agreement, formation documents or other applicable organizing documents for the applicant.

(ii) A certificate of good standing for the applicant from the Bureau of Corporations and Charitable Organizations.

(iii) A copy of the Department of State's entity page for the applicant.

(iv) The trade name, if any, of the applicant and a copy of the trade name registration certificate, if applicable.

(v) The name of a holding company as defined in § 1011.2 (relating to definitions) having an interest in the proposed buyer and a contemporaneous certificate of good standing for the holding company from the Bureau of Corporations and Charitable Organizations, or similarly authorized entity in another jurisdiction in the United States.

(4) The mailing address and physical address of the applicant, if different.

(5) A list of all Authority or PUC certificates or other rights in which the applicant or any person with a controlling influence in the applicant has any controlling interest, including taxicab medallions.

(6) The name, address, telephone number, facsimile number and email address of any attorney or broker, or both, assisting the applicant through the Authority's dispatcher certification process.

(7) A criminal history report issued within 30 days of the filing of the application from any jurisdiction in which all of the following individuals have lived during the last 5 years through the date of application:

(i) An individual applicant.

(ii) Any person with a controlling interest in the applicant.

(iii) Each key employee.

(8) A written statement verified as provided in § 1001.36, which provides that:

(i) The applicant, each person with a controlling interest in the applicant and each key employee have not been subject to a conviction as provided in § 1001.10.

(ii) The applicant, each person with a controlling interest in the applicant and each key employee are in compliance with § 1011.7 (relating to payment of outstanding fines, fees and penalties).

(iii) The applicant, each person with a controlling interest in the applicant and each key employee are current on all reports due in relation to other rights issued by the Authority.

(iv) The applicant can comply with the requirements in § 1019.8 (relating to dispatcher requirements).

(v) The proposed buyer has read and understands the prohibitions of ownership as provided in § 1011.5 (relating to ineligibility due to conviction or arrest).

(9) A copy of the applicant's business plan.

(10) A completed original of Form DSP-3 "Business Experience Questionnaire." A copy of the DSP-3 may be obtained on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld).

(11) The Federal Tax Identification number of the applicant.

(12) A list including name, home address and telephone numbers for current corporate officers, directors, stockholders, key employees and persons with controlling interests as defined in § 1011.2, if applicable.

(c) *DSP-2 application.* At the time an SA-1 is filed, an applicant for a dispatcher's certificate shall also file a DSP-2 "Dispatcher Colors and Markings Change/Application" as provided in § 1019.7 (relating to name, colors and markings review).

(d) *Financial fitness generally.* The Authority will review the financial fitness of the applicant for a dispatcher's certificate, including all of the following:

(1) Bank statements of the applicant for a dispatcher's certificate or bank statements of the holder of stock or membership certificate evidencing ownership of a bank account not less than the greater of \$5,000 in unencumbered or available funds.

(2) The credit report of each of the persons identified in subsection (b)(12) evidencing a credit score of at least 600 for each person.

(3) The absence of any outstanding and unappealed civil judgments against each person identified in subsection (b)(12).

(4) The Authority may require the submission of additional financial information necessary to determine the financial fitness of an applicant for a dispatcher's certificate.



(e) *Broker.* Documents intended for submission to the Director as part of the sale process shall be prepared by a broker registered with the Authority as provided in Chapter 1029 (relating to brokers) or an attorney admitted to practice law by the Supreme Court of Pennsylvania.

**§ 1019.5. Facility inspection.**

(a) An applicant for a dispatcher’s certificate shall make its proposed operating locations available for inspection by the Enforcement Department as part of the application process and throughout the term of its status as a dispatcher. A facility inspection may be conducted without prior notice.

(b) Dispatchers shall provide all dispatching services from facilities located in this Commonwealth within 10 miles of Philadelphia.

**§ 1019.6. Review of dispatcher application.**

(a) An application for a dispatcher’s certificate will be denied by the Authority if the dispatcher is unable to meet the requirements in this chapter, including § 1019.8 (relating to dispatcher requirements).

(b) An application for a dispatcher’s certificate will be denied if the applicant has a record of regulatory violations with the Authority or the PUC which evidences a disregard for the public interest.

(c) The application for a dispatcher’s certificate will be denied if the applicant or a person with controlling interest or a key employee of the applicant has been subject to the suspension, revocation or cancellation of rights issued by the Authority or common carrier rights issued by the PUC during the 1-year period immediately preceding the date the SA-1 was filed with the Authority.

(d) If the Director determines that the applicant for a dispatcher’s certificate is qualified as provided in the act, this part or an order of the Authority, and the applicant is capable of providing dependable service, a recommendation to approve the application will be presented to the Authority for approval at its next regularly scheduled meeting.

(e) Upon compliance with all requirements of this chapter and the Authority’s notice of approval, the Authority will issue a new dispatcher certificate to the new dispatcher as part of the approval process.

**§ 1019.7. Name, colors and markings review.**

(a) To change or establish any fictitious operating name, colors or markings, a dispatcher shall file a DSP-2 “Dispatcher Colors and Markings Change/Application.” If the DSP-2 is being filed for purposes of a markings review and approval, the DSP-2 must be accompanied by the application fee as provided in §§ 1001.42 and 1001.43 (relating to mode of payment to the Authority; and Authority fee schedule). The DSP-2 may be obtained on the Authority’s web site at [www.philapark.org/tld](http://www.philapark.org/tld).

(b) The Authority will not approve a DSP-2 application if it determines that the requested fictitious operating name or markings are similar to those of an existing dispatcher.

(c) Upon approval of a DSP-2 application, the dispatcher shall have the exclusive right to use the approved fictitious operating name and markings, provided the certificate has not expired or been cancelled.

(d) Each dispatcher shall use only a single name and marking scheme that is approved by the Authority for all the medallion taxicabs it dispatches.

(e) Each dispatcher shall use only the color scheme that is on file with the Authority for all medallion taxicabs it dispatches.

(f) Each dispatcher shall use a distinctive name and marking scheme for partial-rights taxicabs it dispatches as provided in § 1017.11(b) (relating to distinctive colors and markings).

(g) A dispatcher may not change an approved fictitious operating name or markings scheme without advance approval of the Authority as provided in this section.

(h) A dispatcher may not change its colors without advance notice to the Authority as provided in subsection (a).

(i) Upon the approval of a fictitious operating name or markings scheme, the Director will notify the dispatcher of the applicable time period of when all taxicabs affiliated with the dispatcher must display the new name or markings scheme.

(j) The colors and markings of a dispatcher must be consistent with the requirements in Chapter 1017 (relating to vehicle and equipment requirements).

**§ 1019.8. Dispatcher requirements.**

(a) *General requirements.* A dispatcher shall continually maintain standards and equipment capable of providing prompt and adequate service to the public, including all of the following:

(1) Technology that is approved by the Authority that facilitates two-way communication, in real time verbal and data, between the dispatcher and driver of a taxicab. A written description including the specifications of the two-way communication technology shall be submitted to the Authority for approval and inspection before a dispatcher may use the technology, unless the two-way communication has already been approved for use in conjunction with an approved meter system as provided in § 1017.23 (relating to approved meters).

(2) Respond to customer calls 24 hours a day.

(3) Have taxicabs available for dispatch 24 hours a day, 7 days a week.

(4) Dispatch taxicabs with current Authority rights to provide the service requested.

(5) Obtain the Authority’s confirmation, which may be provided by the Authority through email, of a taxicab’s good standing before beginning to provide it with dispatching service.

(6) Have at least one display advertisement in a telephone book with citywide circulation in Philadelphia or a web site which displays all of the information necessary to order a taxicab through the dispatcher.

(7) Have a minimum of four coordinated telephone lines to receive incoming calls for service from the public.

(8) Operate and maintain a taxicab meter system approved by the Authority as provided in § 1017.23, including computer hardware and software, means of communication between the dispatcher and each taxicab meter and the Authority.

(9) Answer customer questions about rates and services provided within 12 hours.

(10) Answer customer questions or complaints about service in writing and within 5 days of receipt of the complaint.



(11) Maintain records as provided in § 1019.14 (relating to dispatcher records).

(12) A dispatcher may not discriminate against nor allow its affiliated drivers to discriminate against any member of the public and may not refuse service to any section of Philadelphia. Partial-rights taxicabs may only be dispatched to provide service consistent with the certificate holder's rights.

(13) A dispatcher shall be able to receive and respond to emergency or distress alerts received from taxicab drivers 24 hours a day, 7 days a week.

(14) In addition to the requirements in the act, this part or an order of the Authority, a dispatcher may institute rules of conduct for drivers and certificate holders associated with the dispatcher.

(15) A dispatcher shall report violations of the act, this part or an order of the Authority committed by a driver or certificate holder associated with the dispatcher to the Authority immediately.

(16) Upon receipt of a request for wheelchair accessible vehicle (WAV) taxicab service directly from a source, including a potential customer or as provided in § 1021.16(a) (relating to service issues regarding people with disabilities), a dispatcher not authorized to dispatch WAV taxicabs shall immediately forward the potential customer's contact information and location to a WAV taxicab dispatcher through a means of electronic communication approved by the Authority.

(b) *WAV taxicab dispatcher authorization and renewal.*

(1) A dispatcher or applicant for a dispatcher's certificate as provided in § 1019.3 (relating to dispatcher application) may request authorization to act as a WAV taxicab dispatcher by filing Form DSP-7 "WAV Dispatcher Authorization" with the Manager of Administration. Form DSP-7 is available on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld).

(2) The authorization to dispatch WAV taxicabs is nontransferable.

(3) The authorization to dispatch WAV taxicabs will automatically expire on July 1 of each year. A dispatcher may reapply for WAV dispatcher authorization at the time it makes its annual filing as provided in § 1011.3 (relating to annual rights renewal process).

(4) The authorization to dispatch WAV taxicabs may be suspended, cancelled or revoked for a violation of the act, this part or an order of the Authority.

(5) Dispatchers engaged in dispatching of WAV taxicabs on August 30, 2014, may continue without the authorization required under paragraph (1) until July 1, 2015. This exemption does not apply to the dispatching of WAV medallion taxicabs.

(c) *WAV taxicab dispatcher requirements.*

(1) Only a WAV taxicab dispatcher may dispatch WAV taxicabs.

(2) A WAV taxicab dispatcher may not have less than 10% of the WAV taxicabs authorized by the Authority to provide citywide call or demand service in its association at all times. The Authority will maintain a current list of authorized WAV taxicabs on its web site at [www.philapark.org/tld](http://www.philapark.org/tld).

(3) A WAV taxicab dispatcher shall maintain a means of immediate and simultaneous telephone, Internet or other electronic communication with every WAV taxicab dispatcher that is approved in advance by the Authority.

The Authority will post a list of approved communication methods on its web site at [www.philapark.org/tld](http://www.philapark.org/tld).

(4) Dispatchers shall give preference to persons seated in a wheelchair when dispatching a WAV taxicab.

(5) Customers referred to a dispatcher as provided in subsection (a)(16) or § 1021.16(a) shall be serviced in all ways as if the request were made directly to the dispatcher.

(6) In the event that a WAV taxicab dispatcher cannot provide a WAV taxicab to a requesting customer within 20 minutes, the request for service shall be forwarded by the WAV taxicab dispatcher to every other WAV taxicab dispatcher through the system required under paragraph (3).

(7) The information provided by the forwarding WAV taxicab dispatcher as provided in paragraph (6) must include the information necessary to provide the requested service, including all of the following:

(i) The time the request was received by the forwarding WAV dispatcher.

(ii) The time that the service is requested to begin.

(iii) The location where the WAV taxicab is expected to appear to initiate service.

(iv) The telephone number and other contact information of the person requesting service, if available.

(v) The time that the forwarding WAV dispatcher would be able to initiate service, if at all.

(8) A WAV taxicab dispatcher shall immediately accept the request forwarded as provided in paragraph (6) if the dispatcher can provide a WAV taxicab as requested before the forwarding dispatcher and sooner than any other WAV dispatcher. If the request for service is not accepted, the forwarding WAV dispatcher shall provide the service as provided in paragraph (7)(v).

(9) Acceptance of the forwarded request shall be simultaneously communicated to all other WAV taxicab dispatchers through the system required under paragraph (3).

(10) The accepting dispatcher shall inform the person that has requested WAV taxicab service that it will dispatch a WAV taxicab to the requester immediately.

(11) A WAV dispatcher shall use a dispatching system that maintains all of the following data, in addition to the requirements in this section and § 1019.14:

(i) Each request to the dispatcher for a WAV taxicab and the dispatcher's response to that request.

(ii) Each occasion of WAV taxicab service to a person in a wheelchair by a taxicab in the dispatcher's association, including the date of service, the amount of the fare paid and the manner in which the taxicab service was initiated.

(iii) The name and WAV taxicab driver certificate number for each driver that has accepted or declined a dispatch for service to a person in a wheelchair.

(12) The WAV dispatcher's monthly filing of Form DSP-4 as provided in § 1019.9 (relating to list of affiliated taxicabs) must include the data maintained in its dispatch system as provided in paragraph (11).

(13) The Authority will maintain a list of WAV dispatchers on its web site at [www.philapark.org/tld](http://www.philapark.org/tld).

**§ 1019.9. List of affiliated taxicabs.**

A dispatcher shall file a complete Form DSP-4 “Dispatcher Affiliated Taxicabs” with the Authority on the first business day of each month noting the taxicab numbers and certificate holders associated with the dispatcher at that time. Form DSP-4 may be obtained at [www.philapark.org/tld](http://www.philapark.org/tld).

**CHAPTER 1021. TAXICAB DRIVERS**

**§ 1021.2. Certification required.**

(a) Only a taxicab driver as defined under § 1001.10 (relating to definitions) may provide taxicab service.

(b) A taxicab driver shall carry and display an original taxicab driver’s certificate on the protective shield of the taxicab on the driver’s side with the front of the certificate (picture) facing the rear seat at all times or in the center of the front compartment of the vehicle so long as it is plainly visible to all passengers in the vehicle.

(c) A taxicab driver may not drive a taxicab with a mutilated, damaged or illegible taxicab driver’s certificate.

(d) Only one taxicab driver’s certificate at a time may be displayed in a taxicab.

(e) A taxicab driver’s certificate is not transferable.

**§ 1021.4. Ineligible persons for taxicab driver certificate.**

In addition to other prohibitions provided in this part, an applicant for a taxicab driver’s certificate is automatically ineligible under all of the following circumstances:

(1) The applicant does not hold a current driver’s license.

(2) The applicant does not speak the English language sufficiently to communicate with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries and to make verifiable entries on reports and records.

(3) The applicant has failed to satisfactorily complete taxicab driver training and testing as prescribed by this chapter.

(4) The applicant is unable to provide information required by this subpart.

(5) The applicant is 20 years of age or younger.

(6) Unless otherwise permitted by the Authority, the applicant does not have a driving history in the United States of at least 1 continuous year prior to the date of application.

(7) The applicant’s driver’s history reflects three moving violations or a major violation as defined in § 1011.2 (relating to definitions) in the 3-year period prior to the driving history check.

(8) The applicant has been convicted of driving under the influence of drugs or alcohol in the preceding 7 years from the filing date of DR-1 “Driver Application.”

(9) The applicant has been disqualified by the Authority from being a TNC driver under section 57A12(e) of the act (relating to transportation network company drivers) within the 5 years immediately preceding the filing date of DR-1 “Driver Application.”

**§ 1021.5. Standards for obtaining a taxicab driver’s certificate.**

(a) *General.* To obtain a taxicab driver’s certificate an individual shall complete and file with the Director Form

DR-1 “Driver Application,” along with the application fee which shall be paid as provided in § 1001.42 (relating to mode of payment to the Authority). The DR-1 may be obtained on the Authority’s web site at [www.philapark.org/tld](http://www.philapark.org/tld) and be completed in person before TLD staff. The fee for a taxicab driver’s certificate is \$25 beginning November 4, 2016, and ending January 1, 2018. Thereafter, any annual increase to the fee may not exceed the percentage annual change in the Gross Domestic Product Price Index, as calculated by the United States Department of Commerce. The current taxicab driver certificate fee will be posted on the Authority’s website at [www.philapark.org/tld](http://www.philapark.org/tld) under § 1001.43 (relating to Authority fee schedule). The taxicab driver certificate fee does not include the fees associated to attend taxicab driver training whether conducted by the Authority or an approved third party under § 1021.7 (relating to taxicab driver training).

(b) *DR-1 application.* The completed DR-1 must be verified as provided in § 1001.36 (relating to verification and affidavit) and include the information required by the Authority, including all of the following:

(1) The full and legal name of the individual applicant.

(2) The applicant’s residential address and telephone number. Applicants may submit an email address to become eligible for service of notice as provided in § 1001.51 (relating to service by the Authority).

(3) The applicant’s driver’s license.

(4) The applicant’s Social Security card or documents confirming a legal permanent resident status or an alien authorized to work status, if applicable.

(5) Authorization for release of the applicant’s criminal history report from the State Police to the Authority, if necessary, and authorization for the release of the applicant’s criminal history report from a certificate holder.

(6) Authorization for the release of the applicant’s driver history report from the Department of Transportation to the Authority, if necessary, and authorization for the release of the applicant’s driver history report from a certificate holder.

(7) Submit Form DR-2 “Driver Medical History,” which is available on the Authority’s web site at [www.philapark.org/tld](http://www.philapark.org/tld). The requirement to complete the DR-2 will be waived for an applicant who possesses a current physical exam card issued under the requirements of a commercial driver’s license in Pennsylvania. See 49 CFR 391.41—391.49 (relating to physical qualifications and examinations).

(8) A list of all Authority or PUC certificates in which the applicant has any controlling interest, including taxicab medallions.

(9) A written statement verified as provided in § 1001.36, which provides that:

(i) The applicant has not been subject to a conviction as provided in § 1001.10 (relating to definitions).

(ii) The applicant is in compliance with § 1011.7 (relating to payment of outstanding fines, fees and penalties).

(iii) The applicant can comply with the requirements in this chapter.

**§ 1021.5a. Special wheelchair accessible vehicle taxicab driver’s certificate and requirements.**

(a) *Purpose.* The WAV taxicab driver’s certificate is created to ensure that the needs of the disabled community are known and fully addressed by the drivers of

WAV taxicabs and to ensure that those in need of WAV taxicab transportation are efficiently and adequately provided with that transportation by the best qualified drivers available.

(b) *WAV taxicab drivers.*

(1) The Authority will issue a special driver's certificate for individuals to provide WAV taxicab service as provided in section 5706(a.1)(1) of the act (relating to driver certification program).

(2) A WAV taxicab driver's certificate will identify the driver as having been trained in the operation of a WAV taxicab and in the best practices of transporting a person in a wheelchair.

(3) To obtain a WAV taxicab driver's certificate, an individual, including a current taxicab driver, shall comply with the taxicab driver requirements of this chapter and submit a completed Form DR-4 "WAV Driver Application." Form DR-4 is available on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld).

(4) An applicant may apply for a taxicab driver's certificate and a WAV taxicab driver's certificate at the same time. If an applicant discontinues the WAV taxicab driver certification process or is unable to successfully complete the training, the applicant may pursue taxicab driver's certification.

(5) Applications for a WAV taxicab driver certificate will be processed by the Director in the order accepted for filing.

(6) A WAV taxicab driver certificate includes the authorizations applicable to a taxicab driver's certificate.

(7) An applicant for a WAV taxicab driver's certificate shall maintain a record of compliance with the act, this part and orders of the Authority as follows:

(i) A WAV taxicab driver applicant shall have at least 1 year of Philadelphia taxicab driver experience as an Authority-certificated driver completed within the immediately preceding consecutive 24-month period prior to the date of application.

(ii) A WAV taxicab driver application will be denied if an order has been entered against the applicant by the Authority or the PUC related to the provision of unsafe or discourteous taxicab service.

(iii) A WAV taxicab driver application will be denied if the applicant's taxicab driver's certificate or limousine driver's certificate has ever been cancelled or revoked.

(iv) A WAV taxicab driver application will be denied if the applicant's taxicab driver's certificate has been suspended for any reason in the immediately preceding consecutive 36 months.

(8) Only a taxicab driver certificated by the Authority as provided in this section may provide taxicab service in a WAV taxicab.

(c) *WAV taxicab driver renewal.*

(1) A WAV taxicab driver's certificate may be renewed by filing the completed Form DR-4 with the Manager of Administration and adhering to standard renewal requirements as provided in § 1011.3 (relating to annual rights renewal process).

(2) The Authority will not renew a WAV taxicab driver's certificate if the driver has failed to provide taxicab service in a WAV taxicab for at least 800 hours in the immediately preceding consecutive 12-month period.

(3) The annual taxicab driver renewal fee charged by the Authority shall be paid from the proceeds of the sale

of WAV medallions authorized by section 5711(c) of the act (relating to power of authority to issue certificates of public convenience) for each successfully renewed WAV taxicab driver.

(4) When a WAV taxicab driver's certificate is denied as provided in paragraph (2) and not on another basis, the Authority will issue the renewing driver a standard taxicab driver's certificate.

(d) *Wheelchair service preference.*

(1) A person seated in a wheelchair who requests taxicab service shall be given preference by a WAV taxicab driver over a potential customer that is not in a wheelchair. For example, if a WAV taxicab is hailed by two people at the same time but only one of those people is seated in a wheelchair, service shall be provided to the person seated in the wheelchair first.

(2) A customer already seated in a taxicab may not be asked to exit the taxicab to accommodate a person seated in a wheelchair.

(3) When a WAV taxicab has been dispatched and is in route to provide taxicab service to a person not in a wheelchair and is hailed by a person seated in a wheelchair, the WAV taxicab driver shall stop and provide taxicab service to the person in a wheelchair. Prior to assisting the hailing customer into the WAV taxicab, the driver shall notify his dispatcher of the hail. The dispatcher shall arrange for an alternate taxicab to provide service to the original customer.

(4) A WAV taxicab driver shall notify his dispatcher each time taxicab service is provided to a person in a wheelchair. The notification required under this paragraph shall be made once the customer is secured in the taxicab.

**§ 1021.7. Taxicab driver training.**

(a) *Training required.* An applicant shall complete a training program.

(b) *Training options.* An applicant has the option to complete the taxicab driver training program conducted by the Authority under subsection (d) or conducted by a third party that has been approved by the Authority under subsection (e).

(c) *Eligibility.* Upon submission of a completed DR-1 application as provided in this chapter, the DR-1 will be reviewed to determine if the applicant is eligible to attend the required training program conducted by either the Authority or an approved third party as provided in subsection (d) or (e).

(1) An applicant will not be scheduled for training conducted by the Authority or receive clearance from the Authority to attend an approved third-party training program if the application documents present information that clearly renders the applicant ineligible to be a taxicab driver. For example, an applicant who does not possess a valid driver's license or is not in compliance with § 1011.7 (relating to payment of outstanding fines, fees and penalties) will not be scheduled for training or receive clearance to attend training.

(2) If the applicant is eligible to attend training, the applicant may be issued a provisional taxicab driver certificate, for up to 90 days from the filing date of the DR-1, or until a certificate is issued by the Authority, whichever is earlier.

(d) *Training by the Authority.* Taxicab driver training conducted by the Authority will be held at TLD Headquarters and will consist of a minimum of 18 hours of



in-class instruction addressing the training subjects as provided in § 1021.8 (relating to certain training subjects).

(1) The fee to attend training conducted by the Authority is \$100 beginning February 25, 2017, and ending June 30, 2017, or when a new fee schedule is adopted under sections 5707 and 5710 of the act (relating to budget and assessments; and fees), whichever is later.

(2) The training fee shall be paid prior to attending training and as provided in § 1001.42 (relating to mode of payment to the Authority).

(e) *Training by an approved third party.* An Authority approved third-party taxicab driver training program will be conducted at a location, date and time determined by the third party and will address training subjects as provided in § 1021.8.

(f) *Approval of third-party training program.* A person may submit a written request to be an approved third-party trainer under this chapter by submitting all of the following to the Director:

(1) A proposed curriculum that includes the training subjects as outlined in § 1021.8.

(2) A detailed comprehensive plan identifying all of the following:

(i) The location of where the training program will be conducted.

(ii) The frequency of when the training program will be offered, including days and hours of the training program's operations.

(iii) The number of days and hours that a taxicab driver applicant will have to attend to complete the program.

(iv) The cost per taxicab driver applicant for attending the training program.

(v) Explanation as to how the training program will be advertised.

(vi) Nondiscrimination policy to offer the training program to any taxicab driver applicant regardless of which dispatcher or medallion taxicab owner the driver may associate with.

(vii) Rules governing the completion of the training program and procedure for issuing certificates of completion to taxicab driver applicants under § 1021.8(d).

(viii) Explanation as to how the training program will demonstrate and conduct tutorials of all Authority-approved medallion taxicab meter systems.

(3) Upon approval of the third-party training program, the Authority will issue a certificate of approval to be displayed at all times at the third-party training program location.

(4) The Authority will maintain a list of approved third-party training programs on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld).

**§ 1021.8. Certain training subjects.**

(a) *Continued training subjects.* The Authority will continually monitor issues related to taxicab drivers, including safety, wheelchair accessible vehicle (WAV) taxicab service and customer service, and maintain a current list of taxicab driver training subjects on its web site at [www.philapark.org/tld](http://www.philapark.org/tld).

(b) *Basic training issues.* Taxicab driver training will be developed to address all areas of the act, this part and

orders of the Authority. The dress code applicable to taxicab drivers applies to applicants during training whether conducted by the Authority or an approved third party. Training will address issues provided for in subsection (a), including the following subjects:

(1) Authority regulations governing taxicab drivers, including differences between the services medallion taxicabs and partial-rights taxicabs provide.

(2) Authority regulations governing taxicab certificate holders.

(3) Authority regulations governing equipment.

(4) Penalties for violation of Authority regulations.

(5) An overview of the administrative process related to violations.

(6) The identification and address of the Authority offices responsible for administering the act.

(7) Customer service issues, including the following:

(i) Personal appearance of drivers.

(ii) Driver courtesy and hygiene.

(iii) Assistance to elderly and people with disabilities.

(8) Driving and customer safety issues, including the following:

(i) Defensive driving techniques.

(ii) Emergency aid.

(iii) Vehicle and equipment inspections.

(iv) Crime prevention.

(v) Accident reporting procedures.

(9) Issues related to the geography of Philadelphia, including the following:

(i) Map reading.

(ii) Overview of major street and traffic patterns.

(iii) Identification and location of popular landmarks and locations.

(c) *WAV taxicab driver training.*

(1) In addition to training required under this section, WAV taxicab driver training will consist of a minimum of 6 hours of in-class instruction and field training necessary to address current and evolving issues related to WAV taxicab service, including sensitivity training, safe and proper use of applicable equipment, and regulations regarding WAV taxicab service.

(2) WAV taxicab driver training will consist of training in all aspects of WAV taxicab service, including the operation of a WAV taxicab and the entry, exit and securing of a passenger in a wheelchair.

(3) A WAV taxicab driver must attend a minimum of 4 hours of continuing WAV taxicab service training every 2 years.

(d) *Testing.* The applicant will be scheduled for testing conducted by the Authority at TLD Headquarters under § 1021.9 (relating to taxicab driver test) upon completion of training conducted by the Authority or upon the applicant's submission of a certificate of completion to the Authority from an approved third-party training program.

**§ 1021.10. Expiration and renewal of certificate.**

An individual with a taxicab driver's certificate that has been expired for more than 2 years shall attend taxicab driver training and pass the taxicab driver test provided in this chapter before providing service.



**§ 1021.11. Driver requirements.**

(a) *Preservice inspection.* Prior to driving a taxicab before each shift, a taxicab driver shall perform a vehicle inspection to confirm that the taxicab complies with this subpart. The inspection must include all of the following:

(1) At least one full walk around the taxicab to assure the exterior of the vehicle is in compliance with this subpart, including all of the following:

(i) The exterior of the taxicab is not damaged, no sharp edges are present and no parts of the vehicle have been removed. For example, the hood and doors of the taxicab are present and in the proper location.

(ii) The appropriate name, colors and markings scheme are affixed to the taxicab.

(iii) The taxicab's tires are full size and the treads are not worn below the level permitted under 67 Pa. Code Chapter 175 (relating to vehicle equipment and inspection).

(2) The opening and closing of all doors, the hood and the trunk to assure proper functionality and the absence of any sharp edges that may injure a passenger or damage clothing, luggage or other property.

(3) An inspection of the interior of the taxicab to make certain that the vehicle is clean and otherwise in compliance with this subpart.

(4) Operation of the heater and air conditioner to confirm the taxicab's ability to maintain the air temperature required under § 1017.5(b)(14) (relating to basic vehicle standards).

(5) An inspection of the taxicab meter to assure it has been approved for use by the Authority, is sealed as provided in § 1017.21(b)(3) (relating to taxicab meters) and is in proper working order at all times. Unsealed or improperly sealed meters and malfunctioning meters shall be reported to the Enforcement Department immediately.

(b) *Presentation and appearance.* A taxicab driver is responsible for providing clean, safe and courteous taxicab service, including all of the following:

(1) Presenting a neat and clean appearance while providing taxicab service.

(2) Dressing in clean clothing which is composed of a shirt with collar, ankle-length trousers, slacks/dress, skirts (if gender appropriate), socks or stockings, and shoes or clean sneakers. For example, shorts, bathing trunks or bathing suits, undershirts, muscle shirts or tank-tops are prohibited unless concealed as undergarments beneath the attire described in this paragraph.

(3) Wearing open toed shoes, sandals or bare feet are prohibited while operating a taxicab.

(4) Ceasing operation of a vehicle known by the driver to be in an unsafe condition.

(5) Being courteous toward passengers, the public, law enforcement officials and representatives of the Authority. A driver may not use obscene, vulgar or offensive language while providing taxicab service.

(6) Maintaining the volume of a radio at a low level and upon the request of a passenger, lowering the volume or switching off any music or electronic noise such as a radio, except that the communications radio required under § 1017.5(b)(3) must remain on and at a reasonable volume at all times.

(7) Ceasing use of a mobile telephone and remove ear phones or Bluetooth devices from ears when a passenger is in the vehicle.

(8) Making certain that the taxicab complies with the temperature requirements in § 1017.5(b)(14).

(9) Assisting the elderly or persons with disabilities in entering and exiting the taxicab.

(10) Maintaining cash capable of providing change for a \$20 bill.

(11) Immediately reporting any possessions of passengers left behind in a taxicab after service to the Manager of Enforcement and the taxicab's dispatcher and then deliver the possessions to TLD Headquarters.

(c) *Permitted fares.* A taxicab driver may not charge fares other than those approved by the Authority as provided in section 5703 or 5720 of the act, or both (relating to rates; and wages).

(d) *Gratuities or payment method.*

(1) A taxicab driver may not request the payment of a gratuity by a passenger.

(2) A taxicab driver may not insist upon or express a preference for fare payment method. For example, a taxicab driver may not demand payment in cash as opposed to credit card, nor may a taxicab driver suggest that the passenger be driven to a bank or automatic teller machine to secure cash to pay the fare as opposed to use of a credit card or other cashless payment option.

(3) A taxicab driver may not ask a potential customer for fare payment method information in advance of providing taxicab service.

(4) A taxicab driver shall accept payment by credit card, debit card and other cashless payment options identified by the Authority.

(5) A taxicab driver shall provide each fare-paying customer with a receipt for the taxicab service required under § 1017.24(d) or § 1017.63(a) (related to meter activation and display; and receipts), or both, unless the approved meter system is capable of providing a digital receipt.

(e) *Lease or employment documents.* A taxicab driver is responsible for maintaining a copy of the lease agreement, employment contract and employee identification card in the taxicab at all times.

(f) *Direct route.* Unless directed otherwise by a fare-paying customer, a taxicab driver shall select and use the most direct route consistent with prevailing road and traffic conditions from the point of pick-up to the passenger's point of destination.

(g) *Rules of the road.* A taxicab driver shall continually provide taxicab service in a manner consistent with 75 Pa.C.S. (relating to Vehicle Code) and the Philadelphia Traffic Code (12 Phila. Code §§ 100—3012).

(h) *Meter operation.* The meter must be in operation during the entire time the taxicab is engaged by a passenger, and the passenger shall be required to pay only the amount recorded by the meter, except that, when back-mileage or surcharge provisions of the tariff of the certificate holder apply, the back-mileage charge or surcharge shall be added to the amount recorded by the meter, or if there is a discounted rate under § 1030.2(b) (relating to taxicab rates and tariffs). Each meter charge shall be collected only once regardless of whether the taxicab is being used in exclusive service or in nonexclusive service.

(i) *Zero-tolerance policy.* A taxicab driver may not be under the influence of drugs or alcohol while providing taxicab service. The Authority will and certificate holders shall enforce a zero-tolerance policy on the use of drugs or alcohol by a taxicab driver while providing taxicab service.

(1) The driver's certificate of a taxicab driver who is the subject of a TLD investigation or a passenger complaint and whom the inspector or passenger reasonably suspects was under the influence of drugs or alcohol during the course of providing taxicab service shall be immediately placed out of service under § 1003.32 (relating to out of service designation).

(2) The Authority may conduct a drug and alcohol test upon written consent by the taxicab driver.

**§ 1021.12. Additional requirements.**

(a) Each taxicab driver shall know the rights and limitations of any taxicab used to provide taxicab service, including the geographical limitation of partial-rights taxicabs, if applicable.

(b) A taxicab driver may not provide taxicab service beyond the 14th consecutive hour after coming on duty. Time spent on any break from taxicab service does not extend the 14-hour period. A taxicab driver may operate for another 14-hour period only after 8 consecutive hours off duty.

(c) A taxicab driver may not provide taxicab service with an expired taxicab driver's certificate.

(d) A taxicab driver may not provide taxicab service without a valid driver's license.

(e) Whenever a taxicab is occupied by a fare-paying passenger or by members of a party of fare-paying passengers who have engaged the taxicab on an exclusive basis, the taxicab driver may not permit another person to occupy or ride in the taxicab.

(f) No requirement of this subpart, or any Authority regulation, may be interpreted to disrupt or interfere with interstate commerce exclusively regulated by or preempted by the government of the United States.

(g) If a taxicab is equipped with a meter system that utilizes a distress button under § 1017.24(e) (relating to meter activation and display), a taxicab driver may not activate the distress button except when the driver is in need of emergency assistance by law enforcement or other emergency responders.

**§ 1021.17. Partial-rights taxicab driver log.**

(a) A taxicab driver providing service in a partial-rights taxicab shall maintain a service log, whether maintained in paper or digital form, identifying all taxicab service provided during each shift.

(b) The partial-rights taxicab service log must identify all of the following information:

- (1) The date of service.
- (2) The taxicab driver's name and driver's certificate number.
- (3) The taxicab number, the certificate holder and the dispatcher.
- (4) The times and places of origin and destination of each trip including the odometer or meter mileage at the origin and destination of each passenger trip. Origin and destination places must contain a street name and address or, if unavailable, an identifiable landmark.

(5) A designation indicating whether a trip resulted from a hail or through the dispatcher.

(6) The fare paid for the trip.

(7) The amount of any gratuity paid to the taxicab driver.

(8) The number of passengers on each trip, indicating separately each fare collected from each passenger or party of passengers sharing the ride.

(9) Each trip on which packages were delivered and the charge for the trip.

(10) The signature of the driver attesting to the accuracy of the data recorded.

(c) A partial-rights taxicab driver shall completely enter the information required by the log immediately upon the conclusion of each taxicab service trip.

(d) The taxicab log required under this section shall be maintained in the taxicab until the driver's shift has ended and be presented to an inspector at any time upon demand.

(e) Upon the conclusion of a partial-rights taxicab driver's shift, the taxicab log shall be delivered to the certificate holder and maintained by the certificate holder as provided in § 1011.11 (relating to record retention).

**CHAPTER 1027. SALE OF RIGHTS**

**§ 1027.3. Authority approval of sale of rights.**

(a) *Sale of transferable rights.* The sale of transferable rights without advance approval of the Authority is void by operation of law.

(b) *Sale of securities in transferable rights.* The sale of securities in an entity that owns transferable rights will be considered a sale under this chapter in either of the following circumstances:

- (1) The securities to be transferred equal or exceed 5% of the issued securities in the entity that holds an ownership interest in a transferrable right.
- (2) Upon completion of the transfer the buyer will own 5% or more of the issued securities in the entity that holds an ownership interest in a transferrable right.

(c) *New certificate number.* The Authority may assign a new certificate number to the rights sold to an approved buyer.

**§ 1027.7. Required application information.**

(a) *SA-1 form.* The SA-1 is a multipurpose form intended for use in the sale of different transferable rights and shall be completed by the broker or attorney, or both, in a manner consistent with the intentions of the sale. For example, an SA-1 used only for the sale of a partial-rights certificate need not complete the portion of the application which seeks medallion numbers.

(b) *Required information.* Except as provided in subsection (a), the completed SA-1 must include the information required by the Authority, including all of the following:

- (1) The medallion numbers.
- (2) The certificate numbers.
- (3) The name of the proposed buyer and contact information, including a telephone number, an email address and a facsimile number.
- (4) If the proposed buyer is a nonindividual person and is not already a certificate holder:

(i) The articles of incorporation, operating agreement, formation documents or other applicable organizing documents for the applicant.

(ii) A certificate of good standing for the applicant from the Bureau of Corporations and Charitable Organizations.

(iii) A copy of the Department of State's entity page for the applicant.

(5) The name of any holding company as defined in § 1011.2 (relating to definitions) having an interest in the proposed buyer and a contemporaneous certificate of good standing for the holding company from the Bureau of Corporations and Charitable Organizations, or similarly authorized entity in another jurisdiction in the United States.

(6) The trade name, if any, of the proposed buyer and a copy of the trade name registration certificate, if applicable.

(7) The mailing address and physical address of the proposed buyer.

(8) A copy of the proposed buyer's business plan.

(9) A list including name, home address and telephone numbers for current corporate officers, directors, stockholders, key employees and persons with controlling interests as defined in § 1011.2, if applicable.

(10) A list of all Authority, PUC and Federal common carrier rights held by the proposed buyer and any of the persons listed in response to paragraph (9), including taxicab medallions.

(11) The name, address, telephone number, facsimile number and email address of any attorney assisting the proposed buyer with the application process, together with an acknowledgement that § 1029.3 (relating to use of attorney) has been reviewed by the proposed buyer.

(12) A criminal history report, issued within 30 days of the filing of the application, from any jurisdiction in which the following persons have lived in the preceding 5 years through the date of application:

- (i) An individual proposed buyer.
- (ii) An individual with a controlling interest in the proposed buyer.
- (iii) An individual with a controlling interest in the holding company of a proposed buyer.
- (iv) A key employee.

(13) A verified statement indicating that the persons identified in paragraph (12) have not been subject to a conviction as defined in § 1001.10 (relating to definitions) and that the proposed buyer has read and understands the prohibitions of ownership as provided in § 1011.5 (relating to ineligibility due to conviction or arrest).

(14) Verified statements from the owner and proposed buyer confirming that each are in compliance with § 1011.7 (relating to payment of outstanding fines, fees and penalties).

(15) The Federal Tax Identification number for the following persons:

- (i) The owner of the rights.
- (ii) The proposed buyer.
- (iii) Persons with a controlling interest in the owner or a proposed buyer.
- (iv) Key employees of an owner or proposed buyer.

(c) *Proof of ownership.* The Authority may require the owner to prove ownership of the right or rights subject to sale.

#### § 1027.9. Financial fitness generally.

The Authority will review the financial fitness of the proposed buyer, including a review of all of the following:

(1) For proposed buyers of medallions or partial-rights certificates, bank statements of the proposed buyer or the bank statements of the holder of the stock or membership certificate evidencing ownership of a bank account holding not less than the greater of \$5,000 or 2% of the sale price in unencumbered and available funds.

(2) For proposed buyers of dispatcher certificates, bank statements of the proposed buyer or the bank statements of the holder of the stock or membership certificate evidencing ownership of a bank account holding not less than the greater of \$5,000 or 2% of the sale price in unencumbered and available funds.

(3) If the sale does not include financing by a lender authorized to make commercial loans in this Commonwealth, the proposed buyer shall submit documentation for the Authority's review to insure all of the following requirements are met:

(i) The credit report of each persons identified in § 1027.7(b)(12) (relating to required application information) evidencing a credit score of at least 600 for each person.

(ii) The absence of any outstanding and unappealed civil judgments against each of the parties required to submit a criminal history report under § 1027.7(b)(12).

(4) The Authority may require the submission of additional financial information necessary to determine the financial fitness of a proposed buyer.

#### § 1027.12. Approval process and closing on sale.

(a) If the Director determines that a proposed buyer of rights is qualified as provided in the act, this part or an order of the Authority, a recommendation to approve the sale will be presented to the Authority for approval at its next regularly scheduled meeting. The Authority may require that proposals from the Director as provided in this section first be presented to a committee of the Board at a public meeting.

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

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

(d) If the subject of the sale is a medallion that is the only medallion issued to the owner's medallion taxicab certificate, that certificate will be cancelled upon completion of the closing on the sale of the medallion. For example, if the owner of only one medallion seeks to sell the medallion through the process provided in this chapter, the owner's medallion taxicab certificate will be cancelled upon closing on the sale of the medallion.

(e) The Authority will issue a new medallion taxicab certificate to the new medallion owner as part of the



closing process if requested by the proposed buyer as provided in § 1027.4(b) (relating to certificate required for medallion sales).

(f) A medallion subject to a completed closing may not be transferred or sold for 1 year from the date of closing.

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

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

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

**§ 1027.15. Commencement of service.**

A regulated party shall, within 30 days from the date of settlement under § 1027.12(b) (relating to approval process and closing on sale), begin operating and furnishing service. If it has not commenced operating and furnishing the authorized service within 30 days, appropriate proceedings shall be initiated to terminate the certificate unless, upon advanced written permission as provided in § 1011.14 (relating to voluntary suspension of certificate), the time for commencement of service is extended.

**CHAPTER 1029. BROKERS**

**§ 1029.5. Broker registration.**

(a) *General.* To obtain a broker registration, an individual shall complete and file Form BR-1 "Broker Application," along with the application fee as provided in §§ 1001.42 and 1001.43 (relating to mode of payment to the Authority; and Authority fee schedule). The BR-1 may be obtained on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld).

(b) *BR-1 application.* The completed BR-1 shall be verified as provided in § 1001.36 (relating to verification and affidavit) and be filed with the Director in person and include the information required by the Authority, including all of the following:

(1) The name of the applicant and contact information, including a mailing address, a telephone number, an email address and a facsimile number.

(2) A list of all Authority rights, common carrier rights issued by the PUC and other transportation rights issued by any jurisdiction outside of this Commonwealth in which the applicant has any controlling interest.

(3) The name, address, telephone number, facsimile number and email address of any attorney or broker, or both, assisting the applicant through the Authority's broker registration process.

(4) A criminal history report, issued within 30 days of the filing of the application, from any jurisdiction in which the following individuals have lived during the last 5 years:

- (i) The applicant.
- (ii) Each key employee of the applicant.

(5) A written statement verified as provided in § 1001.36, which provides that:

(i) The applicant and each key employee have not been subject to a conviction as provided in § 1001.10 (relating to definitions).

(ii) The applicant and each key employee are in compliance with § 1011.7 (relating to payment of outstanding fines, fees and penalties).

(iii) The applicant and each key employee are current on all reports due in relation to other rights issued by the Authority.

(iv) The applicant can comply with the requirements in this chapter.

(6) A completed original of Form BR-5 "Business Experience Questionnaire." A copy of the BR-5 may be obtained on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld).

(7) The applicant's Social Security number.

(8) A copy of the applicant's Social Security card or documents confirming a legal permanent resident status or an alien authorized to work status, if applicable.

(9) The applicant's driver's license or other government issued photographic identification.

(10) A resume detailing the applicant's work history for the 5 years preceding the filing of the BR-1 and qualifications to be a broker.

**CHAPTER 1030. TAXICAB RATES**

- Sec. 1030.1. Definitions.
- 1030.2. Taxicab rates and tariffs.

**§ 1030.1. Definition.**

The following word, when used in this chapter, has the following meaning, unless the context clearly indicates otherwise:

*Tariff*—A schedule of rates that is charged to a passenger upon being provided taxicab service within Philadelphia or within a certain designated territory in Philadelphia as outlined in the tariff.

**§ 1030.2. Taxicab rates and tariffs.**

(a) *Medallion taxicabs.* Medallion taxicabs shall charge a uniform rate as determined and approved by the Authority upon investigation as provided in section 5703 or 5720 of the act, or both (relating to rates; and wages).

(1) Changes to an existing and duly established rate shall be determined under section 5703 or 5720 of the act, or both, or otherwise ordered by the Authority.

(2) A certificate holder or certified driver may petition the Authority to reopen a rate investigation under section 5703 or 5720 of the act, or both, to allow for flexible rates or surcharges, including fuel or peak-hour surcharges. A request for a flexible pricing model must include a proposed framework for consumer protections that involve upfront disclosure of the fare in a way that is not contingent upon consumer request and the flexible pricing model will be computed to not violate the Price Gouging Act (73 P.S. §§ 232.1—232.5).

(3) An approved flexible pricing model or surcharge will be reviewed annually by the Authority.

(b) *Dispatchers.*

(1) Upon advanced written notice to the Authority, a dispatcher certificate holder may offer below-tariff pricing such as coupons, loyalty programs and corporate client discounts.



(2) Upon approval by the Authority from a written request by a dispatcher certificate holder, a dispatcher may establish procedures for assessing fees to passengers for any of the following:

(i) Cancellation of prearranged taxicab service within a certain time period of when the requested service was scheduled to begin.

(ii) Nonappearance of a passenger after requesting prearranged taxicab service.

(iii) Cleaning of a taxicab as a direct result of an act by a passenger.

### Subpart C. LIMOUSINES

#### CHAPTER 1051. GENERAL PROVISIONS

##### § 1051.2. Definitions.

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

*Broker*—An individual authorized by the Authority as provided in § 1061.1 (relating to broker registration) to prepare application-related documents, appear at settlement and otherwise act on behalf of a party as to matters related to the sale or transfer of transferable rights.

*Controlling interest*—

(i) A controlling interest is an interest in a legal entity, applicant or certificate holder if a person's voting rights under state law or corporate articles or bylaws entitle the person to elect or appoint one or more of the members of the board of directors or other governing board or the ownership or beneficial holding of 5% or more of the securities of the corporation, partnership, limited liability company or other form of legal entity, unless this presumption of control or ability to elect is rebutted by clear and convincing evidence. A member, partner, director or officer of a corporation, partnership, limited liability company or other form of legal entity is deemed to have a controlling interest.

(ii) A person who owns or beneficially holds less than 5% of the securities of a privately held domestic or foreign corporation, partnership, limited liability company or other form of privately held legal entity shall be deemed as having rebutted the presumption of control by clear and convincing evidence.

*Department of Transportation*—The Department of Transportation of the Commonwealth of Pennsylvania.

*Driver history report*—A driver's license report issued by the Department of Transportation or similarly authorized government entity in another jurisdiction of the United States containing details about a driver's history including accidents and violations issued by a jurisdiction within the United States.

*Driver's license*—A license or permit to operate a motor vehicle issued by the Department of Transportation or similarly authorized government entity in another jurisdiction of the United States.

*Federal Tax Identification number*—The Social Security number of an individual or the Employer Identification number of a business entity, fiduciary or other person.

*Holding company*—A person, other than an individual, which, directly or indirectly, owns, has the power or right to control or to vote 20% or more of the outstanding voting securities of a corporation or other form of business organization. A holding company indirectly has,

holds or owns any power, right or security if it does so through an interest in a subsidiary or successive subsidiaries.

*Inspector*—Enforcement Department uniformed or non-uniformed staff assigned to investigate and enforce the act, this part and orders of the Authority who will be identifiable by an Authority-issued badge number.

*Key employee*—An individual who is employed in a director or department head capacity and who is empowered to make discretionary decisions that affect the operations of an applicant or regulated person.

*Limousine certificate*—A certificate granting the owner the right to operate a class of limousine service under this subpart.

*Limousine driver's certificate*—The original photographic identification card issued by the Authority which confirms that an individual has complied with Chapter 1057 (relating to limousine drivers) and is authorized to provide limousine service under section 5706 of the act (relating to driver certification program).

*Major violation*—A suspension or cancellation of a state-issued driver's license as a result of a moving violation.

*Moving violation*—A violation issued by the Commonwealth or any of its political subdivisions for a violation of 75 Pa.C.S. (relating to Vehicle Code), or under a similar statute under any other jurisdiction, that upon conviction of the violation points are assessed against the driver's license.

*Parking violations*—Any debt owed to the City of Philadelphia related to a violation of the Philadelphia Traffic Code (12 Phila. Code §§ 100—3012) that is not under appeal.

*Proposed buyer*—The party seeking to acquire an ownership interest in a certificate.

*Traffic violations*—Any debt owed the Commonwealth or one of its political subdivisions for violations of 75 Pa.C.S. that is not under appeal.

*Transfer fee*—The nonrefundable fee charged by the Authority to review an application to sell transferable rights.

##### § 1051.3. Annual rights renewal process.

(a) *Expiration of driver's certificate.* A limousine driver's certificate will expire 1 year from its date of issuance or renewal unless a limousine driver opts to pay no more than double the annual fee as provided in § 1051.4 (relating to annual assessments and renewal fees) to be issued a limousine driver certificate to expire 2 years from its date of issuance or renewal.

(b) *Expired rights.*

(1) Expired rights may be placed out of service by the Authority as provided in § 1003.32 (relating to out of service designation).

(2) Limousine driver certificates that have been expired for 2 years or more will be deemed cancelled.

(c) *Renewal forms.*

(1) Limousine driver certificates shall be renewed by completing and filing Form DR-3 "Driver Renewal" with the Manager of Administration. Renewal forms may be obtained on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld) or from TLD Headquarters.

(2) Form DR-3 may require the submission of additional information or documents to confirm continuing eligibility and under the act, this part and orders of the Authority and shall be verified as provided in § 1001.36 (relating to verification and affidavit).

(3) Form DR-3 shall be filed between 60 and 90 days before the expiration date printed on the limousine driver's certificate.

(d) *Renewal denial.* The Authority will deny renewal of a limousine driver certificate in the following circumstances:

(1) If the owner of the rights subject to renewal fails to complete the renewal process.

(2) The renewal process reveals information about the renewing person that would result in a denial of an initial application for the rights.

(3) The renewing person fails to comply with § 1051.4.

(e) *Incomplete renewals.* If the filing requirements of the renewal form are incomplete for any reason, including compliance with § 1051.6 (relating to payment of outstanding fines, fees and penalties), the regulated party shall have 90 days from the filing date of the renewal form to complete the renewal process or the application will be rendered void.

(f) *Suspended driver rights.* Rights subject to suspension for any reason shall be renewed on the dates and in the manner provided by this section regardless of the suspended status.

(g) *New certificates.* A certificate will not be subject to the information filing requirements of subsection (h) during the calendar year in which it is first issued.

(h) *Limousine information filing.*

(1) The owner of limousine rights shall complete on an annual basis Form LM-1 "Limousine Renewal" to ensure continued compliance with the act, this part and the orders of the Authority.

(2) Form LM-1 shall be verified as provided in § 1001.36 and filed with the Manager of Administration on or before March 31 of each year.

(3) Form LM-1 may require the submission of additional information or documents. Form LM-1 may be obtained on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld) or from TLD Headquarters.

(4) The filing requirements of this subsection apply to rights subject to suspension for any reason.

(5) The failure to file Form LM-1 will subject the applicable rights to an out of service designation as provided in § 1003.32(c).

(6) The TLD will not issue a limousine rights sticker to a vehicle operated through a limousine certificate if the review of the information required under this section reveals information about the certificate holder that would have resulted in a denial of an initial application for the rights. This paragraph does not relieve a certificate holder of any other penalty that may result from noncompliance, nor the obligation to appear at inspections as directed by the TLD.

(7) The LM-1 will be reviewed for all of the following:

(i) The filing does not reveal information about the certificate holder that would result in a denial of an initial application for the rights.

(ii) The certificate holder is in compliance with § 1051.4.

(iii) The certificate holder is in compliance with § 1051.6.

(8) Failure to complete the LM-1 filing requirements of this subsection within 30 days of notice will subject the applicable rights to an out of service designation as provided in § 1003.32(c).

**§ 1051.4. Annual assessments and renewal fees.**

(a) *Assessments and renewal fees.* The owners of rights issued by the Authority shall pay an annual assessment or renewal fee in an amount established each year under section 5707(a) and (c) of the act (relating to budget and assessments) and as set forth in the Authority's annual fee schedule as provided in § 1001.43 (relating to Authority fee schedule).

(b) *Payment of assessments by certificate holders.* The annual assessment for certificate holders is due within 30 days after service of the notice of assessment as provided in section 5707.1(a) of the act (relating to assessment notice and hearings). Upon request by a limousine certificate holder through the LM-1 filing as required under § 1051.3 (relating to annual rights renewal process), the Director may permit certificate holders to pay an assessment in two equal installments within 30 days after service of the notice of assessment as provided in section 5707.1(a) of the act and December 15 of each year.

(c) *Payment of renewal fees by limousine drivers.* The annual renewal fee for limousine drivers is due with the filing of the DR-3 as provided in § 1051.3(c)(3).

(d) *Late assessment or renewal fee payments.* Rights issued by the Authority may be placed out of service at the time an assessment or renewal fee payment becomes late as provided in § 1003.32(c) (relating to out of service designation).

**§ 1051.5. Ineligibility due to conviction or arrest.**

(a) A person is ineligible to own any interest in any right issued by the Authority if the person, or a person having a controlling interest over the person or a key employee, has been subject to a conviction as defined in § 1001.10 (relating to definitions).

(b) If a regulated party owning a transferable right becomes ineligible to hold rights issued by the Authority due to a conviction, the regulated party shall immediately cease use of the rights and initiate the sale of the rights to an eligible person as provided in Chapter 1059 (relating to applications and sale of rights). If the regulated party is an individual limousine certificate holder or the sole owner of the securities of a limousine certificate holder, that person shall surrender to the Authority any limousine rights stickers to hold for safekeeping until the rights are sold.

(c) A regulated party or applicant shall inform the Director within 72 hours of being subject to an arrest or conviction as defined under § 1001.10.

(d) If a criminal prosecution is initiated against a regulated party for a crime that may lead to a conviction as defined in § 1001.10, the Enforcement Department or trial counsel may place the subject rights out of service as provided in § 1003.32 (relating to out of service designation).

**§ 1051.6. Payment of outstanding fines, fees and penalties.**

(a) Regulated persons and applicants for any right issued by the Authority shall pay all assessments, fees,

penalties and other payments due to the Authority under the act, this part or an order of the Authority on schedule, unless the matter related to the payment is under appeal.

(b) Regulated persons and applicants for any right issued by the Authority shall remain current on the payment of parking violations and traffic violations, unless the violation is under appeal.

(c) For purposes of this section, regulated persons and applicants include those with a controlling interest in the regulated person or applicant, or both.

**§ 1051.8. Limousine service limitations.**

(a) *Providers.* Except as provided in subsection (d), only the following individuals may provide limousine service:

- (1) The owner, if the owner is a limousine driver.
- (2) An employee of the certificate holder who is a limousine driver.
- (3) A limousine driver who leases the limousine directly from the certificate holder.

(b) *Supervision.* A certificate holder shall continually supervise its limousine to make certain that only those limousine drivers authorized by this section provide limousine service. A limousine certificate holder is required to ensure that a person holds a valid limousine driver's certificate issued by the Authority before permitting the person to drive a limousine.

(c) *Criminal history and driver history reports.*

(1) A limousine certificate holder is required to conduct or have a third party conduct annual criminal history and driver history checks for all limousine drivers operating a limousine vehicle under the certificate holder.

(i) The criminal history report shall be conducted on a local and National background check, which must include a multistate or multijurisdictional criminal records locator or other similar commercial Nationwide database with primary source validation and a review of the United States Department of Justice's National Sex Offender Public Website.

(ii) The driver history report shall be obtained from the Department of Transportation or similarly authorized government entity in another jurisdiction of the United States containing details about a driver's history including accidents and violations issued by a jurisdiction within the United States.

(2) A limousine certificate holder shall review the criminal history and driver history reports before a limousine driver operates a limousine vehicle, and on an annual basis thereafter, to ensure the driver has not been subject to a conviction as defined under §§ 1001.10 and 1057.4 (relating to definitions; and ineligible persons for limousine driver certificate), holds a current valid driver's license, and has not been subject to three moving violations or a major violation as defined under § 1051.2 (relating to definitions).

(3) A limousine driver whose criminal history or driver history renders the driver ineligible to operate a limousine vehicle under § 1051.5 (relating to ineligibility due to conviction or arrest) or § 1057.4 shall be immediately disqualified by the limousine certificate holder and the disqualification shall be reported to the Director within 48 hours.

(4) Records required to be maintained by a limousine certificate holder under this subsection are subject to audits by the Authority under § 1051.10(d) (relating to record retention).

(d) *Funeral homes.* This section does not apply to an individual hired by a funeral home to drive a limousine for funeral related services. The funeral service drivers may not be in violation of § 1051.5, shall submit to a criminal background check by the TLD and evidence possession of a valid State-issued driver's license.

(e) *Personal vehicle use prohibited.* A vehicle registered as a limousine within this Commonwealth may not be operated as a personal vehicle by a driver affiliated with a TNC under Chapter 57A of the act (relating to transportation network companies).

**§ 1051.10. Record retention.**

(a) *Records to be maintained.* All of the following records shall be maintained in the English language for 2 years from the date of origin:

(1) *Limousine certificate holders.*

(i) All Philadelphia limousine service trip logs, which may be maintained on digital or other electronic devices as approved by the Authority upon detailed written request by the certificate holder.

(ii) A list of limousine drivers and dates employed.

(iii) Each lease agreement for a limousine.

(iv) Records of payment by a driver under each lease agreement for a limousine.

(v) Records related to accidents involving vehicles used as limousines, including repair records.

(2) *Brokers.* Brokers shall retain all documents submitted to the Authority for review of each proposed sale of rights, including closing documents.

(b) *Order.* Paper or electronic records, or both, shall be maintained in chronological order by date and time of day.

(c) *Review by Authority.* A regulated party shall produce records maintained under subsection (a) to the Authority upon written request or upon inspection as provided in § 1051.7 (relating to facility inspections). If the records require a special form of software to search or interpret, a regulated party shall make that software available to the Authority.

(d) *Audit of driver records.*

(1) *Maintenance period.* Limousine certificate holders shall maintain records in the English language for 2 years from the date of origin concerning limousine drivers under § 1051.8(b) (relating to limousine service limitations).

(2) *Compliance audit.* The Authority may conduct a compliance audit of the records required to be maintained by a limousine certificate holder under § 1051.8(b) to verify that the certificate holder has complied with the limousine driver screening requirements and to confirm that the certificate holder's limousine drivers are eligible to provide limousine service under this part.

(3) *Audit designation.* Upon the random selection of a limousine vehicle being called for a compliance inspection under § 1055.11 (relating to scheduled compliance inspections), the limousine certificate holder will be notified by the Manager of Administration that it has also been designated for an audit under this section.

(i) Within 5 business days of receiving an audit designation, the limousine certificate holder shall make available for visual inspection to the Authority the records required to be maintained under § 1051.8(b) for each limousine driver that has provided limousine service



in the immediately preceding 1 year using the limousine vehicle that was called for a compliance inspection.

(ii) The records shall be produced in person to the Manager of Administration or by email to TLDAdmin@philapark.org.

(iii) If an audit reveals that the limousine certificate holder authorized a limousine driver to provide limousine service when the criminal history report or driver history report revealed that the limousine driver was ineligible under this part or the certificate holder did not conduct the annual records required under § 1051.8(b), the Authority may impose a penalty against the limousine certificate holder and limousine driver under § 1001.61 (relating to penalties) and may subject the rights to an out of service designation under § 1003.32 (relating to out of service designation).

(iv) The limousine certificate holder shall immediately remove a noncompliant limousine driver identified as provided in subparagraph (iii) from limousine service upon the Authority's direction.

(v) The Authority may alert other limousine certificate holders of the ineligibility of the noncompliant limousine driver to protect the public good.

(4) *Remedial audits.*

(i) In the event that an audit discrepancy is identified as specified in paragraph (3)(iii), the Authority may direct a limousine certificate holder to submit a follow-up report detailing its efforts to ensure compliance with § 1051.8(b).

(ii) In the event that that an egregious audit discrepancy is identified, multiple audit discrepancies are identified or the Authority makes a determination that a limousine certificate holder has failed to reasonably cooperate in the driver information audit process, the Authority may direct a limousine certificate holder to participate in remedial audits.

(iii) A determination under this section is subject to § 1005.24 (relating to appeals from actions of the staff).

(iv) A remedial audit shall proceed as provided in subparagraph (3) and may subject a review of all limousine drivers providing service in any limousine vehicle owned by the certificate holder during the immediately preceding year regardless of whether the associated limousine vehicle was called for a compliance inspection.

(v) The Authority may direct one remedial audit at any time each month for a 4-month period following discovery of a violation under this section.

(e) *Enforcement investigations.* This section may not be construed to limit the power of the Authority to conduct enforcement investigations related to this part or the obligation of certificate holders and limousine drivers to cooperate with the investigations and produce information demanded as required under this part.

**§ 1051.13. Voluntary suspension of certificate.**

(a) A certificate holder may apply to place a certificate in a voluntary state of suspension as provided in subsection (b) to avoid penalties for violation of § 1051.12 (relating to interruptions of service).

(b) To request approval from the Authority for the voluntary suspension of a certificate, the certificate holder shall file a completed CPC-1 "Voluntary Suspension Application" with the Director and pay the application fee as provided in §§ 1001.42 and 1001.43 (relating to mode of

payment to the Authority; and Authority fee schedule). The CPC-1 may be obtained at [www.philapark.org/tld](http://www.philapark.org/tld).

(c) Before a CPC-1 is granted, a certificate holder shall be in compliance with § 1051.6 (relating to payment of outstanding fines, fees and penalties).

(d) A period of voluntary suspension may begin only upon surrender to the Authority of the TLD limousine rights sticker for each vehicle subject to the voluntary suspension.

**§ 1051.14. Death or incapacitation of a certificate holder or certain persons with controlling interest.**

(a) *Definition.* The following word, when used in this section, has the following meaning, unless the context indicates otherwise:

*Incapacitation*—A determination by a court that an individual is incapacitated as provided in 20 Pa.C.S. § 5511 (relating to petition and hearing; independent evaluation), or for non-Pennsylvania residents, a substantially similar order from a court of competent jurisdiction.

(b) *Death or incapacitation of an individual certificate holder.*

(1) Except as provided in subsection (d), upon the death or incapacitation of an individual certificate holder, the operation or use of Authority rights conferred by the certificate may continue with the legal representative of the deceased or incapacitated certificate holder.

(2) The legal representative of the deceased or incapacitated certificate holder shall immediately notify the Authority in writing upon the death or incapacitation and provide to the Authority the legal representative's mailing address, telephone number and email address along with the applicable documentation proving legal authorization to act on the part of the certificate holder.

(3) The legal representative of the deceased or incapacitated certificate holder shall immediately begin the process of finding a qualified person to buy the certificate as provided in Chapter 1059 (relating to applications and sale of rights), including the use of a broker or attorney. Nothing in this section prohibits the legal representative from applying to the Authority to obtain the transferrable rights.

(4) If an SA-1 for the transferable right is not correctly filed, as provided in Chapter 1059 within 90 days of the date the certificate holder died or was declared incapacitated, the certificate will be placed out of service as provided in § 1003.32 (relating to out of service designation) and may be cancelled upon determination of a formal complaint filed by the Enforcement Department or trial counsel.

(5) If an SA-1 for the transferable right is correctly filed within 90 days of the date the certificate holder died or was declared incapacitated, the rights conferred by the certificate shall continue with the legal representative of the deceased or incapacitated certificate holder for the duration of the SA-1 review period and through closing on the sale.

(c) *Death, incapacitation or dissolution of certain persons with controlling interest in a certificate.*

(1) Except as provided in subsection (d), upon the death, incapacitation or dissolution of a person that owns 5% or more of the certificate holder's securities, the operation or use of the Authority rights conferred by the certificate may continue with either the certificate holder



or with the legal representative of the deceased, incapacitated or dissolved person.

(2) The certificate holder or legal representative of the deceased, incapacitated or dissolved person shall immediately notify the Authority in writing upon the death, incapacitation or dissolution of the person and provide to the Authority the legal representative's mailing address, telephone number and email address along with the applicable documentation proving legal authorization to act on the part of the deceased, incapacitated or dissolved person.

(3) The certificate holder or legal representative of the deceased, incapacitated or dissolved person shall immediately begin the process of finding a qualified person to buy the securities of the certificate holder referenced in paragraph (1) as provided in Chapter 1059 including the use of a broker or attorney. Nothing in this section prohibits the certificate holder from acquiring the securities of the person referenced in paragraph (1).

(4) If an SA-1 for the sale of the securities referenced in paragraph (1) is not correctly filed as provided in Chapter 1059 within 6 months of the date of that person's death, incapacitation or dissolution, the certificate will be placed out of service as provided in § 1003.32 and may be cancelled upon determination of a formal complaint filed by the Enforcement Department or trial counsel.

(5) If an SA-1 for the sale of the securities referenced in paragraph (1) is correctly filed, as provided in Chapter 1059, within 6 months of the date of the person's death, incapacitation or dissolution, the rights conferred by the certificate shall continue for the duration of the SA-1 review period and through closing on the sale.

(d) *Ineligibility of successor or legal representative.* This section may not be interpreted to permit the operation or use of Authority rights by a person otherwise prohibited from the ability to receive Authority rights. For example, the executor of the estate on a deceased individual certificate holder who would be ineligible to own Authority rights as provided in § 1051.5 (relating to ineligibility due to conviction or arrest) may not operate or supervise the operation of the rights conferred by the certificate.

## CHAPTER 1053. STANDARD CLASSIFICATIONS OF LIMOUSINE SERVICE

### Subchapter A. CLASSIFICATIONS

#### § 1053.1. Standard classifications of limousine service.

(a) The Authority will issue limousine certificates for the several standard classifications of service identified in this chapter. One limousine certificate will permit only one classification of limousine service.

(b) The following standard classification of types of limousine service is adopted, and the following are hereby recognized as standard classifications of limousine service:

(1) *Luxury limousine service.* The Authority will issue two separate certificates of public convenience for luxury limousine service, as follows:

(i) Local, nonscheduled common carrier by motor vehicle service for passengers rendered in luxury-type vehicles, as provided in § 1053.23 (relating to vehicle and equipment requirements), on an exclusive basis which is arranged for in advance. If the classification of limousine service does not strictly meet the classifications provided in paragraph (2) or (3), the service will be deemed luxury limousine service under this subparagraph.

(ii) Local, nonscheduled common carrier by motor vehicle service for passengers rendered in a vehicle capable of seating not less than 9 passengers, including the driver, and not more than 15 passengers, including the driver, on an exclusive basis which is arranged for in advance. The driver of a limousine providing service under this subparagraph shall maintain a trip sheet as provided in § 1057.16 (relating to trip sheet requirements).

(2) *Airport transfer service.* Common carrier service rendered on a nonexclusive, scheduled basis by the holder of a certificate of public convenience from the Authority which originates or terminates at an airport, railroad station or hotel located in whole or in part in Philadelphia.

(3) *Remote carrier.* A vehicle operated by the holder of a certificate of public convenience from the PUC that engages in limousine service, group and party service or airport transfer service from any airport, railroad station or hotel located in whole or in part in Philadelphia to a location outside Philadelphia.

### Subchapter D. REMOTE CARRIERS

#### § 1053.42. Remote carriers.

(a) A remote carrier is a person who is not authorized by a certificate issued by the Authority to provide limousine service in the City of Philadelphia but who is authorized by a certificate issued by the PUC authorizing limousine service elsewhere in this Commonwealth to transport persons and their baggage:

(1) To the City of Philadelphia upon advance reservation and in accordance with the service authorized under its certificate issued by the PUC.

(2) From any point in the City of Philadelphia to any point in this Commonwealth beyond the City of Philadelphia upon advance reservation in accordance with the service authorized under its certificate issued by the PUC, excluding service from any airport, railroad station or hotel located in whole or in part in the City of Philadelphia.

(b) A remote carrier shall adhere to the requirements in § 1053.43 (relating to certain limousine requirements).

(c) A remote carrier may not provide service to points within Philadelphia or otherwise beyond the scope of its PUC certificate without first obtaining an Authority certificate of public convenience as provided in Chapter 1059 (relating to applications and sale of rights).

#### § 1053.43. Certain limousine requirements.

(a) *Purpose.* This section is intended to address limousine service in Philadelphia that is within the jurisdiction of the Authority as provided by the act, but is not commonly considered either Philadelphia service or limousine service by the public or other regulating agencies as identified in subsection (b).

(b) *Certain limousines covered.* This section applies to remote carriers as provided in § 1053.42 (relating to remote carriers).

(c) *Regulation.*

(1) Limousines subject to this section will be subject to regulation and enforcement by the Authority for violations of Department of Transportation equipment inspection standards in 67 Pa. Code Chapter 175 (relating to vehicle equipment and inspection). For example, a limousine registered as provided in this section that is determined by the Authority to be in the course of

providing service with a broken windshield will be subject to the standard enforcement procedures of this part.

(2) Limousines registered as provided in this section must comply with the instructions of an inspector and submit to field inspections as provided in § 1055.14 (relating to field inspections). Authority field inspections of limousines may include an investigation of compliance with PUC regulations and orders.

(3) Except as provided in this chapter, limousines subject to this section must adhere to the regulations and orders of the PUC and are not required to adhere to regulations of the Authority while providing limousine service in Philadelphia except for the requirements under § 1057.16 (relating to trip sheet requirements). The Authority may pursue enforcement of PUC regulations before the PUC, as appropriate.

(d) *Insurance.* A person that seeks registration of a limousine as provided in this section shall comply with § 1065.1 (relating to limousine insurance), except that the limits of insurance coverage need not exceed those required by the PUC.

**CHAPTER 1055. VEHICLES AND EQUIPMENT REQUIREMENTS**

**Subchapter A. GENERAL PROVISIONS**

**§ 1055.1. Definitions.**

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

*Antique vehicle*—A motor vehicle, but not a reproduction thereof, that is 25 years old or older as provided in § 1055.3(a) (relating to limousine age and mileage parameters), which has been maintained in or restored to a condition, which is substantially in conformance with manufacturer specifications.

*Compliance inspection*—The inspection of a limousine and limousine equipment by the Authority to assure compliance with the act, this part and orders of the Authority. Anytime the inspection of a limousine or limousine service-related equipment is required by the act, this part or an order of the Authority it will be a compliance inspection.

*Field inspection*—The unscheduled inspection of a limousine by an inspector for compliance with the act, this part and orders of the Authority.

*Limousine rights sticker*—An adhesive certification issued annually for each limousine by the TLD to a certificate holder upon the sale or issuance of a certificate of public convenience as provided in Chapter 1059 (relating to applications and sale of rights) or upon annual renewal as provided in § 1051.3 (relating to annual rights renewal process) and attached to the lower passenger side interior portion of the limousine’s windshield.

*State inspection*—The annual inspection required under 75 Pa.C.S. Chapter 47 (relating to inspection of vehicles).

**§ 1055.3. Limousine age and mileage parameters.**

(a) *Method of age computation.* The age of a limousine will be determined by comparing its model year to the current model year.

(b) *Age.* A vehicle which is more than 10 years old may not continue in operation as a limousine, except that the Director may authorize the operation of antique vehicles as limousines upon review of a petition for waiver as provided in § 1005.23 (relating to petitions for issuance,

amendment, repeal or waiver of Authority regulations) and completion of a compliance inspection. For example, the last day on which a 2009 model year vehicle may be operated in limousine service is December 31, 2019.

(c) *Mileage.*

(1) Except as provided in paragraph (2), a vehicle shall be removed from limousine service prior to the date the cumulative mileage registered on the vehicle’s odometer reaches 350,000 miles.

(2) The owner of a vehicle with a model year of 5 or less that is otherwise precluded from continued Philadelphia limousine service under paragraph (1) may continue in service for 1 year upon the successful completion of a compliance inspection.

(d) *Imputed mileage.*

(1) A vehicle with an odometer reading that differs from the number of miles the vehicle has actually traveled or that has had a prior history involving the disconnection or malfunctioning of an odometer or which appears to the Authority to have an inaccurate odometer reading based on prior inspection records will be assigned an imputed mileage for each month from the last reliable odometer recording through the date of inspection, as provided in paragraph (2). A certificate holder may seek review of the determination to assign imputed mileage as provided in § 1005.24 (relating to appeals from actions of the staff).

(2) The imputed mileage will be calculated by adding the mileage of the vehicle recorded at the two most recent State inspections or two most recent compliance inspections, or a combination of any two, and dividing that sum by 24. The quotient is the imputed monthly mileage.

(3) Unless otherwise provided by the Authority, a vehicle may not be introduced for limousine service or continue in limousine service if a reliable baseline odometer reading cannot be ascertained.

(e) *Reporting of odometer malfunctions.* A certificate holder or limousine driver who knows or suspects that the odometer reading of a limousine differs from the number of miles the limousine has actually traveled shall disclose that status to the Enforcement Department immediately.

**§ 1055.4. Basic vehicle standards.**

(a) *State vehicle standards.* In addition to standards required under the act, this part and orders of the Authority, a limousine must continually satisfy the applicable Department of Transportation equipment inspection standards in 67 Pa. Code Chapter 175 (relating to vehicle equipment and inspection) when providing limousine service.

(b) *Standard limousine vehicle requirements.* Each limousine is subject to all of the following requirements:

(1) A limousine must be registered with the Department of Transportation, or similarly authorized government entity in another jurisdiction of the United States, and obtain commercial registration plates identifying the limousine’s class of service. Regular license plates cannot be used on vehicles operating under Authority jurisdiction.

(2) A limousine must be equipped with handgrips in the passenger compartment for use while entering or exiting the vehicle.

(3) A limousine must be equipped with working seatbelts for every passenger and the driver.

(4) A limousine must have at least four full-size tires which continuously meet or exceed the applicable standards of 67 Pa. Code § 175.80 (relating to inspection procedure) and otherwise comply with the Authority's tire requirements, which include the following:

(i) Snow tires or all-weather tires on the drive wheels between October 1 and April 1.

(ii) A full-size and usable spare tire that complies with the standards of this section properly stored in the limousine.

(iii) Properly affixed and matching hubcaps or wheel covers for all four tires.

(5) A limousine may not use retread tires.

(6) A limousine must have a trunk or storage area large enough to accommodate a folded manual wheelchair.

(7) A limousine may not be equipped with a push bumper.

(8) The interior, exterior and trunk compartment of a limousine must be clean so as to present a positive appearance and to prevent possible transfer of dirt, dust, grease, paint or other markings to a passenger's clothing or luggage.

(9) Spare tires in the trunk must be covered.

(10) A limousine's passenger seats may not be torn, have protruding springs or other material capable of tearing a passenger's skin or clothing. Passenger seat tears must be properly repaired and may not be mended with tape.

(11) A limousine's interior must consist of matching features, including door panels.

(12) Except upon a passenger's request to the contrary, the passenger area of a limousine must remain a constant temperature between 60° and 78° Fahrenheit.

(13) A limousine must be free of objectionable odors. For example, a limousine may not smell like urine, feces, animals, insects, decomposing organisms, poor human hygiene or garbage.

(14) A limousine's exterior paint must be in good repair and free of damage.

(15) Unless otherwise permitted by the Authority, in addition to other postings required by this subpart, a limousine must have posted in the passenger compartment in a place easily observed by passengers information in both written English and Braille on how to submit a limousine service-related complaint to the Authority.

(c) *Smoking prohibited.* Persons may not smoke in a limousine.

(d) *Advertising prohibited.* Unless otherwise permitted by the Authority, the display of advertisements on the exterior or interior of a limousine is prohibited.

(e) *Inspection by certificate holder.* A certificate holder shall inspect each of its limousines on a daily basis to confirm that the limousine complies with this subpart. A certificate holder may select a person to conduct the inspections required by this subsection on the certificate holder's behalf.

## Subchapter B. LIMOUSINE INSPECTIONS

### § 1055.11. Scheduled compliance inspections.

#### (a) *Compliance inspection.*

(1) In addition to any other inspections required or permitted under the act, this part or an order of the Authority, up to 20% of all limousines registered with the Authority shall be submitted to a scheduled compliance inspection on an annual basis and at a time and location designated by the Authority. The Enforcement Department will designate each limousine for compliance inspection as provided in this section.

(2) Beginning February 25, 2017, the fee for a compliance inspection conducted by the Authority under this subsection is \$25 and payment shall be made at the time of the inspection under § 1001.42 (relating to mode of payment to the Authority).

#### (b) *State inspection.*

(1) A certificate holder may elect to have the Authority conduct a State inspection as defined in § 1055.1 (relating to definitions) upon request to the Authority, either at the time of the scheduled inspection under subsection (9) or at a time and place designated by the Authority.

(2) The fee for a State inspection conducted under this subsection is \$50 beginning February 25, 2017, and ending June 30, 2017, or when a new fee schedule is adopted under sections 5707 and 5710 of the act (relating to budget and assessments; and fees), whichever is later. Payment shall be made at the time of the inspection under § 1001.42. The current State inspection fee will be posted on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld) as provided in § 1001.43 (relating to Authority fee schedule).

### § 1055.12. (Reserved).

### § 1055.17. Removal of vehicle and change of license plate.

(a) A certificate holder shall report the removal of a vehicle from Philadelphia limousine service to the Manager of Administration at [TLDAdmin@philapark.org](mailto:TLDAdmin@philapark.org) within 72 hours of removal.

(b) A certificate holder shall report the change of the Department of Transportation license plate, or the change of the license plate of a similarly authorized government entity in another jurisdiction of the United States, issued to a limousine to the Manager of Administration at [TLDAdmin@philapark.org](mailto:TLDAdmin@philapark.org) within 72 hours of the license plate change.

### § 1055.19. Prerequisites to inspection.

(a) The Authority will not initiate an inspection of a limousine, except as provided in § 1055.14 (relating to field inspections), if the limousine is out of compliance with the act, this part or an order of the Authority.

(b) The Authority will not initiate an inspection of a limousine, except as provided in § 1055.14, if the certificate holder is out of compliance with the act, this part or an order of the Authority, including the following sections:

(1) Section 1051.3 (relating to annual rights renewal process).

(2) Section 1051.5 (relating to ineligibility due to conviction or arrest).



(3) Section 1051.6 (relating to payment of outstanding fines, fees and penalties).

(c) A limousine determined to be unfit for inspection due to a violation of this section will be placed out of service as provided in § 1003.32(c) (relating to out of service designation).

**Subchapter C. IMPOUNDMENT OF VEHICLES AND EQUIPMENT**

**§ 1055.31. Definitions.**

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

*Impoundable offense*—The occurrence of any of the following circumstances is an impoundable offense:

(i) An unauthorized limousine operates as a limousine or offers to operate as a limousine in Philadelphia.

(ii) The condition of a limousine creates an immediate threat to public safety if permitted to continue operation.

(iii) The continued operation of a limousine by the driver creates an immediate threat to public safety, except when the certificate holder is able to promptly provide an alternate adult individual with a valid driver's license to assume control of the vehicle.

*Registered lienholder*—A person having a vehicle lien interest that is registered with the Department of Transportation, or the similarly authorized registering agency of the jurisdiction identified on the license plate of the vehicle, if any, on the date the vehicle was impounded.

*Registered owner*—The owner of the vehicle as registered with the Department of Transportation, or the similarly authorized registering agency of the jurisdiction identified on the license plate of the vehicle, if any, on the date the vehicle was impounded.

*Unauthorized limousine*—

(i) A vehicle that is not a remote carrier as defined in § 1053.42 (relating to remote carriers) or without a current, valid and properly affixed limousine rights sticker issued by the Authority as provided in § 1055.2 (relating to limousine rights sticker).

(ii) A limousine that has been placed out of service as provided in § 1003.32 (relating to out of service designation).

(iii) A limousine that is operated under a certificate of public convenience that has been placed out of service as provided in § 1003.32.

(iv) The term does not apply to a vehicle that provides common carrier service as provided in section 5741(a.3) of the act (relating to certificate of public convenience required) under current authorization from the PUC.

*Vehicle*—The vehicle and equipment used or capable of being used to provide limousine service.

**CHAPTER 1057. LIMOUSINE DRIVERS**

**§ 1057.2. Certification required.**

(a) Only a limousine driver as defined under § 1001.10 (relating to definitions) may provide limousine service.

(b) A limousine driver shall carry and display an original limousine driver's certificate on the sun visor of the limousine on the driver's side with the front of the certificate (picture) facing the rear seat at all times or in the center of the front compartment of the vehicle so long as it is plainly visible to all passengers in the vehicle.

(c) A limousine driver may not drive a limousine with a mutilated, damaged or illegible limousine driver's certificate.

(d) Only one limousine driver's certificate at a time may be displayed in a limousine.

(e) A limousine driver's certificate is not transferable.

**§ 1057.4. Ineligible persons for limousine driver certificate.**

In addition to other prohibitions provided in this part, an applicant for a limousine driver's certificate is automatically ineligible under the following circumstances:

(1) The applicant does not hold a current driver's license.

(2) The applicant does not speak the English language sufficiently to communicate with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries and to make verifiable entries on reports and records.

(3) The applicant has failed to complete limousine driver testing as prescribed by this chapter.

(4) The applicant is unable to provide information required under this subpart.

(5) The applicant is 20 years of age or younger.

(6) The applicant does not have a driving history in the United States of at least 1 continuous year prior to the date of application.

(7) The applicant's driver's history reflects three moving violations or a major violation as defined in § 1051.2 (relating to definitions) in the 3-year period prior to the driving history check.

(8) The applicant has been convicted of driving under the influence of drugs or alcohol in the preceding seven years from the filing date of the DR-1 "Driver Application."

(9) The applicant has been disqualified by the Authority from being a TNC driver under section 57A12(e) of the act (relating to transportation network company drivers) within the 5 years immediately preceding the filing date of the DR-1 "Driver Application."

**§ 1057.5. Standards for obtaining a limousine driver's certificate.**

(a) *General.* Except as provided in § 1057.3 (relating to continuing certificates), to obtain a limousine driver's certificate an individual shall complete and file with the Director Form DR-1 "Driver Application," along with the application fee which shall be paid as provided in § 1001.42 (relating to mode of payment to the Authority). The DR-1 may be obtained on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld). Beginning February 25, 2017, and ending January 1, 2018, the fee for a limousine driver's certificate is \$25. Thereafter, any annual increase to the fee may not exceed the percentage annual change in the Gross Domestic Product Price Index, as calculated by the United States Department of Commerce. The current limousine driver certificate fee will be posted on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld) under § 1001.43 (relating to Authority fee schedule).

(b) *DR-1 application.* The completed DR-1 shall be verified as provided in § 1001.36 (relating to verification and affidavit) and include the information required by the Authority, including all of the following:

(1) The full and legal name of the individual applicant.

(2) The applicant's residential address and telephone number. Applicants may submit an email address to become eligible for service of notice as provided in § 1001.51 (relating to service by the Authority).

(3) The applicant's driver's license.

(4) The applicant's Social Security card or documents confirming a legal permanent resident status or an alien authorized to work status, if applicable.

(5) An authorization to release the applicant's criminal history report from the State Police to the Authority, if necessary, and authorization for the release of the applicant's criminal history report from a certificate holder.

(6) An authorization to release the applicant's driver history report from the Department of Transportation to the Authority, if necessary, and authorization for the release of the applicant's driver history report from a certificate holder.

(7) Submit Form DR-2 "Driver Medical History," which is available on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld). The requirement to complete the DR-2 will be waived for an applicant who possesses a current physical exam card issued under the requirements of a commercial driver's license in Pennsylvania. See 49 CFR 391.41—391.49 (relating to physical qualifications and examinations).

(8) A list of all Authority or PUC certificates in which the applicant has any controlling interest.

(9) A written statement verified as provided in § 1001.36, which provides that:

(i) The applicant has not been subject to a conviction as provided in § 1001.10 (relating to definitions).

(ii) The applicant is in compliance with § 1051.6 (relating to payment of outstanding fines, fees and penalties).

(iii) The applicant can comply with the requirements in this chapter.

#### § 1057.8. Certain training subjects.

(a) The Authority will continually monitor issues related to limousine drivers, including safety and customer service, and maintain a current list of limousine driver training subjects on its web site at [www.philapark.org/tld](http://www.philapark.org/tld), including the following subjects:

(1) Authority regulations governing limousine drivers.

(2) Authority regulations governing limousine certificate holders.

(3) Authority regulations governing equipment.

(4) Penalties for violation of Authority regulations.

(5) Overview of the administrative process related to violations.

(6) Identification and address of the Authority offices responsible for administering the act.

(7) Driving and customer safety issues, including the following:

(i) Defensive driving techniques.

(ii) Emergency aid.

(iii) Vehicle and equipment inspections.

(iv) Crime prevention.

(v) Accident reporting procedures.

(8) Issues related to the geography of Philadelphia, including the following:

(i) Map reading.

(ii) Overview of major street and traffic patterns.

(iii) Identification and location of popular landmarks and locations.

(b) Upon submission of a completed DR-1 application as provided in this chapter, the DR-1 will be reviewed to determine if the applicant is eligible to be scheduled for testing under § 1057.9 (relating to limousine driver test).

(1) An applicant will not be scheduled for testing if the application documents present information that clearly renders the applicant ineligible to be a limousine driver. For example, an applicant who does not possess a valid driver's license or is not in compliance with § 1051.6 (relating to payment of outstanding fines, fees and penalties).

(2) If the applicant is eligible to be scheduled for testing, the applicant may be issued a provisional limousine driver certificate, for up to 90 days from the filing date of the DR-1, or until a certificate is issued by the Authority, whichever is earlier.

(3) Upon confirmation of a completed DR-1 filing, the applicant shall schedule a time and date for testing under § 1057.9 with the Manager of Administration.

#### § 1057.10. Driver requirements.

(a) *Preservice inspection.* Prior to driving a limousine before each shift, a limousine driver shall perform a vehicle inspection to confirm that the limousine complies with this subpart. The inspection must include all of the following:

(1) At least one full walk around the limousine to assure the exterior of the vehicle is in compliance with this subpart, including all of the following:

(i) The exterior of the limousine is not damaged and no parts of the vehicle have been removed. For example, the hood and doors of the limousine are present and in the proper location.

(ii) The limousine's tires are full size and the treads are not worn below the level permitted under § 1055.4(b)(4) (relating to basic vehicle standards).

(2) The opening and closing of all doors, the hood and the trunk to assure proper functionality, and the absence of any sharp edges that may injure a passenger or damage clothing, luggage or other property.

(3) An inspection of the interior of the limousine to make certain that the vehicle is clean and otherwise in compliance with this subpart.

(4) Use of the heater and air conditioner to confirm the limousine's ability to maintain the air temperature required under § 1055.4(b)(12).

(b) *Permitted fares.* A limousine driver may not charge fares or rates for service other than those provided in the certificate holder's tariff as provided in Chapter 1063 (relating to tariffs).

(c) *Rules of the road.* A limousine driver shall continually provide limousine service in a manner consistent with 75 Pa.C.S. (relating to Vehicle Code) and the Philadelphia Traffic Code (12 Phila. Code §§ 100—3012).

(d) *Presentation and appearance.* A limousine driver is responsible for providing clean, safe and courteous limousine service, including all of the following:

(1) Presenting a neat and clean appearance while providing limousine service.

(2) Dressing in clean clothing composed of a shirt with collar, ankle-length trousers, slacks/dress, skirts (if gender appropriate), socks or stockings, and shoes. For example, shorts, bathing trunks, bathing suits, undershirts, muscle shirts and tank-tops are prohibited unless concealed as undergarments beneath the attire described in this paragraph.

(3) Wearing open toed shoes, sandals or bare feet is prohibited while operating a limousine.

(4) Ceasing operation of a vehicle known by the driver to be in an unsafe condition.

(5) Being courteous toward passengers, the public, law enforcement officials and representatives of the Authority. A driver may not use obscene, vulgar or offensive language while providing limousine service.

(6) Maintaining the volume of a radio at a low level and upon the request of a passenger lowering the volume or switching off music or electronic noise such as a radio.

(7) Ceasing use of a mobile telephone and removing ear phones or Bluetooth devices from ears when a passenger is in the vehicle.

(8) Making certain that the taxicab complies with the temperature requirements in § 1055.4(b)(12).

(9) Assisting the elderly or persons with disabilities in entering and exiting the limousine.

(10) Maintaining cash capable of providing change for a \$20 bill.

(11) Immediately reporting possessions of passengers left behind in a limousine after service to the Manager of Enforcement and the limousine certificate holder, then delivering the possessions to TLD Headquarters.

(e) *Zero-tolerance policy.* A limousine driver may not be under the influence of drugs or alcohol while providing limousine service. The Authority will and certificate holders shall enforce a zero-tolerance policy on the use of drugs or alcohol by a limousine driver while providing limousine service.

(1) The driver's certificate of a limousine driver who is the subject of a TLD investigation or a passenger complaint and whom the inspector or passenger reasonably suspects was under the influence of drugs or alcohol during the course of providing limousine service shall be immediately placed out of service under § 1003.32 (relating to out of service designation).

(2) The Authority may conduct a drug and alcohol test upon written consent by the limousine driver.

**§ 1057.16. Trip sheet requirements.**

(a) A driver of any classification of a limousine vehicle engaged in providing limousine service shall have a trip sheet in the vehicle, whether maintained in a paper form or digital form, evidencing that the vehicle is in service. The trip sheet must contain all of the following information:

(1) The limousine driver's name, the limousine number, the certificate holder and the dispatcher.

(2) The starting location and time of each trip.

(3) The ending location and time of each trip.

(4) A designation indicating whether a trip resulted through the dispatcher or direct call from the passenger.

(5) The fare paid for the trip.

(6) The amount of any gratuity paid to the limousine driver.

(b) At the conclusion of the trip, the driver shall record the ending time on the trip sheet.

(c) The trip sheet shall be retained by the certificate holder as provided in § 1051.10 (relating to record retention).

**§ 1057.17. Expiration and renewal of certificate.**

An individual with a limousine driver's certificate that has been expired for more than 2 years shall pass the limousine driver test as provided in this chapter before providing service.

**CHAPTER 1059. APPLICATIONS AND SALE OF RIGHTS**

**§ 1059.2. Applications for limousine rights.**

(a) To obtain a certificate to operate a class of limousine service as provided in Chapter 1053 (relating to standard classifications of limousine service), a person shall complete and file with the Director Form SA-1 "Sale Application," along with the application fee as provided in §§ 1001.42 and 1001.43 (relating to mode of payment to the Authority; and Authority fee schedule). The SA-1 may be obtained on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld).

(b) The filing requirements and standards of review applicable to SA-1 applications will be the same as those applicable to a proposed buyer of rights as provided in this chapter.

**§ 1059.3. Authority approval of sale of rights.**

(a) *Sale of transferable rights.* The sale of transferable rights without advance approval of the Authority is void by operation of law.

(b) *Sale of securities in transferable rights.* The sale of securities in an entity that owns transferable rights will be considered a sale under this chapter in either of the following circumstances:

(1) The securities to be transferred equal or exceed 5% of the issued securities in the entity that holds an ownership interest in a transferrable right.

(2) Upon completion of the transfer the buyer will own 5% or more of the issued securities in the entity that holds an ownership interest in a transferrable right.

**§ 1059.6. Required application information.**

(a) *SA-1 form.* The SA-1 is a multipurpose form intended for use in the sale of different transferable rights and shall be completed by the broker or attorneys, or both, in a manner consistent with the intentions of the sale.

(b) *Required information.* The completed SA-1 must include all of the information required by the Authority:

(1) The certificate numbers.

(2) The name of the proposed buyer and contact information, including a telephone number, an email address and a facsimile number.



(3) If the proposed buyer is a nonindividual person and is not already a certificate holder:

(i) The articles of incorporation, operating agreement, formation documents or other applicable organizing documents for the applicant.

(ii) A certificate of good standing for the applicant from the Bureau of Corporations and Charitable Organizations.

(iii) A copy of the Department of State's entity page for the applicant.

(4) The name of any holding company as defined in § 1051.2 (relating to definitions) having an interest in the proposed buyer and a contemporaneous certificate of good standing for the holding company from the Bureau of Corporations and Charitable Organizations, or similarly authorized entity in another jurisdiction in the United States.

(5) The trade name, if any, of the proposed buyer and a copy of the trade name registration certificate, if applicable.

(6) The mailing address and physical address of the proposed buyer.

(7) A copy of the proposed buyer's business plan.

(8) A list of current corporate officers, directors, stockholders, key employees and persons with controlling interests as defined in § 1051.2, if applicable with an indication of each individual's title.

(9) A list of all Authority, PUC and Federal common carrier rights held by the proposed buyer and any of the persons listed in response to paragraph (8), including taxicab medallions.

(10) The name, address, telephone number, facsimile number and email address of any attorney assisting the proposed buyer with the application process, together with an acknowledgement that § 1061.1(b) (relating to broker registration) has been reviewed by the proposed buyer.

(11) A criminal history report, issued within 30 days of the filing of the application, from any jurisdiction in which the following persons have lived in the preceding 5 years through the date of application:

(i) An individual proposed buyer.

(ii) Any individual with a controlling interest in the proposed buyer.

(iii) Any individual with a controlling interest in the holding company of a proposed buyer.

(iv) A key employee.

(12) A verified statement indicating that the persons identified in paragraph (11) have not been subject to a conviction as defined in § 1001.10 (relating to definitions) and that the proposed buyer has read and understands the prohibitions of ownership as provided in § 1051.5 (relating to ineligibility due to conviction or arrest).

(13) Verified statements from the owner and proposed buyer confirming that each are in compliance with § 1051.6 (relating to payment of outstanding fines, fees and penalties).

(14) The Federal Tax Identification number for the owner and proposed buyer.

#### § 1059.8. Financial fitness generally.

The Authority will review the financial fitness of the proposed buyer, including a review of the following:

(1) Bank statements of the proposed buyer evidencing ownership of a bank account holding not less than the greater of \$5,000 or 2% of the sale price of the transferable rights in unencumbered and available funds. The funds under review must have been in the bank account for at least 3 months.

(2) If the sale does not include financing by a lender authorized to make commercial loans in this Commonwealth, the proposed buyer shall submit documentation for the Authority's review to insure the following requirements are met:

(i) The credit report of each persons identified in § 1059.6(b)(8) (relating to required application information) evidencing a credit score of at least 600 for each person.

(ii) The absence of any outstanding and unappealed civil judgments against each of the parties required to submit a criminal history report under § 1059.6(b)(8).

(3) The Authority may require the submission of additional financial information necessary to determine the financial fitness of a proposed buyer.

#### § 1059.11. Approval process and closing on sale.

(a) If the Director determines that an applicant for a limousine certificate or a proposed buyer of rights is qualified as provided in the act, this part or an order of the Authority, a recommendation to approve the application or sale will be presented to the Authority for approval at its next regularly scheduled meeting. The Authority may require that proposals from the Director as provided in this section first be presented to a committee of the Board at a public meeting.

(b) Upon approval of the sale by the Authority, the Director will schedule the parties to meet at a time and location where an Authority staff member will witness the closing of the transaction except for an applicant that is obtaining a new limousine certificate under § 1059.2 (relating to applications for limousine rights).

(c) An Authority staff member will witness the execution of each document by the owner and proposed buyer, or their designated agents. Any closing not witnessed by Authority staff is void.

#### § 1059.13. Commencement of service.

A regulated party shall, within 30 days from the date of receipt of a certificate or from the date of settlement under § 1059.11(b) (relating to approval process and closing on sale), whichever is applicable, begin operating and furnishing service. If it has not commenced operating and furnishing the authorized service within 30 days, appropriate proceedings shall be initiated to terminate the certificate unless, upon specific permission as provided in § 1051.13 (relating to voluntary suspension of certificate), the time for commencement of service is extended.

### CHAPTER 1063. TARIFFS

#### § 1063.2. Limousine rates and tariffs.

(a) Certificate holders shall comply with section 5703 of the act (relating to rates) and this chapter as to rates and tariffs.

(b) Except when inconsistent with the act, this part or an order of the Authority, limousine certificate holders shall charge rates and maintain and file tariffs with the Director in a manner consistent with relevant portions of Chapter 23 (relating to tariffs for common carriers).

(c) Nonflexible rate tariffs for limousines must be based on time, mileage or a combination of both. Nonflexible rates shall be filed with the Director and may be effective no earlier than 72 hours' notice to the Director. Supporting financial justification for tariff changes utilizing nonflexible rates is not required. The use of meters is prohibited.

(d) Upon the Director's approval and conditions as may be appropriate, limousine certificate holders may adopt a tariff utilizing a flexible pricing model that allows rates to change in real time in response to the supply of available limousines and the demand for service. Tariffs utilizing flexible rates shall be filed with the Director and may be effective no earlier than 60 days' notice to the Director. Supporting financial justification for tariff changes utilizing flexible rates is not required. The use of meters is prohibited. Tariffs utilizing flexible rates must include a notification procedure that discloses the estimated fare to customers prior to the beginning of the trip. Tariffs must comply with the Price Gouging Act (73 P.S. §§ 232.1—232.5).

(e) A limousine certificate holder may offer below-tariff pricing such as promotions, coupons, loyalty programs and corporate client discounts upon 24 hours advanced written notice to the Authority.

[Pa.B. Doc. No. 17-758. Filed for public inspection May 5, 2017, 9:00 a.m.]

## Title 58—RECREATION

### GAME COMMISSION

#### [ 58 PA. CODE CH. 135 ]

#### Lands and Buildings; Pymatuning Wildlife Management Area

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its March 28, 2017, meeting, amended § 135.106 (relating to Pymatuning Wildlife Management Area) to establish new parameters for establishing and managing the Pymatuning Wildlife Management Area (PWMA) controlled deer hunt.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 47 Pa.B. 1475 (March 11, 2017).

#### 1. Purpose and Authority

Controlled deer hunts have been held at the PWMA (State Game Lands 214) since at least the 1970s. Over the years various formats have been used to manage the controlled deer hunts, including hunts during the regular firearms deer season, flintlock/archery hunts during the after-Christmas season and flintlock/archery hunts outside the regular seasons. Season lengths have also varied over the years ranging from hunts lasting 1 day to others lasting 5 days. The Commission has observed that

the very limited time frame and extent of this hunting pressure within the PWMA coupled with the higher hunting pressure on surrounding areas outside of the PWMA has resulted in dramatic increases in deer populations during the fall. This increase in population, albeit temporary, has had a significant negative impact on the PWMA's existing habitat.

The PWMA controlled deer hunts have proven quite popular with hunters, with over 1,000 applications received every year. The prehunt influx and retention of higher deer populations is expected to be the cause of this popularity as hunters have regularly described abundant deer sightings. The Commission has observed that typical hunts in the PWMA result in low harvest, but high wounding loss, likely the result of the high hunting pressure in the area during the controlled deer hunt.

The Commission amends § 135.106 to establish new parameters for establishing and managing the PWMA controlled deer hunt. The goal of these amendments is to provide a higher quality hunt for the participants of this limited program primarily by spreading the same number of hunters across a few weeks of the regularly established fall deer seasons rather than a few days. Hunting opportunities within the PWMA will be managed by a lottery process that is intended to more predictably and logically distribute hunting access to participants.

Section 721(a) of the code (relating to control of property) provides “[t]he administration of all lands or waters owned, leased or otherwise controlled by the commission shall be under the sole control of the director, and the commission shall promulgate regulations . . . for its use and protection as necessary to properly manage these lands or waters.” The amendments to § 135.106 are adopted under this authority.

#### 2. Regulatory Requirements

This final-form rulemaking amends § 135.106 to establish new parameters for establishing and managing the PWMA controlled deer hunt.

#### 3. Persons Affected

Persons wishing to participate in the PWMA controlled deer hunt will be affected by this final-form rulemaking.

#### 4. Comment and Response Summary

The Commission received one official comment in support of this final-form rulemaking.

#### 5. Cost and Paperwork Requirements

This final-form rulemaking should not result in additional cost or paperwork.

#### 6. Effective Date

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

#### 7. Contact Person

For further information regarding this final-form rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

#### Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968

(P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

#### *Order*

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 135, are amended by amending § 135.106 to read as set forth at 47 Pa.B. 1475.

(b) The Executive Director of the Commission shall certify this order and 47 Pa.B. 1475 and deposit them with the Legislative Reference Bureau as required by law.

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

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-411 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 17-759. Filed for public inspection May 5, 2017, 9:00 a.m.]

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**GAME COMMISSION**  
**[ 58 PA. CODE CH. 135 ]**  
**Lands and Buildings; State Game Lands**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its March 28, 2017, meeting, amended § 135.41 (relating to State game lands) to prohibit a person from engaging in dog training activities from the Monday prior to the start of the youth pheasant season until the opening of the regular pheasant season on lands designated as State game lands.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 47 Pa.B. 1479 (March 11, 2017).

#### *1. Purpose and Authority*

The Commission traditionally conducts the majority of its annual pheasant stocking operations on State game lands to provide adequate pheasant hunting opportunities across this Commonwealth. Pheasant hunting opportunities in this Commonwealth are directly linked to and limited by the existence and availability of pheasants stocked by the Commission each year. The Commission has become increasingly aware that dog training activities occurring on State game lands during the periods just prior to and concurrent with the youth pheasant season and prior to the opening of the regular pheasant season are consistently causing pheasants recently stocked by the Commission to scatter and disperse far away from designated release sites where they are intended to temporarily remain for the duration of the pheasant seasons. The Commission amends § 135.41 to prohibit a person from engaging in dog training activities from the

Monday prior to the start of the youth pheasant season until the opening of the regular pheasant season on lands designated as State game lands. These amendments will not limit dog training activities on private lands.

Section 721(a) of the code (relating to control of property) provides “[t]he administration of all lands or waters owned, leased or otherwise controlled by the commission shall be under the sole control of the director, and the commission shall promulgate regulations. . . for its use and protection as necessary to properly manage these lands or waters.” The amendments to § 135.41 are adopted under this authority.

#### *2. Regulatory Requirements*

This final-form rulemaking amends § 135.41 to prohibit a person from engaging in dog training activities from the Monday prior to the start of the youth pheasant season until the opening of the regular pheasant season on lands designated as State game lands.

#### *3. Persons Affected*

Persons wishing to engage in dog training activities on State game lands may be affected by this final-form rulemaking.

#### *4. Comment and Response Summary*

The Commission received a total of four official comments opposing to this final-form rulemaking.

#### *5. Cost and Paperwork Requirements*

This final-form rulemaking should not result in additional cost or paperwork.

#### *6. Effective Date*

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

#### *7. Contact Person*

For further information regarding this final-form rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

#### *Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

#### *Order*

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 135, are amended by amending § 135.41 to read as set forth at 47 Pa.B. 1479.

(b) The Executive Director of the Commission shall certify this order and 47 Pa.B. 1479 and deposit them with the Legislative Reference Bureau as required by law.



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

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-414 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 17-760. Filed for public inspection May 5, 2017, 9:00 a.m.]

**GAME COMMISSION**  
**[ 58 PA. CODE CH. 137 ]**

**Wildlife; Chronic Wasting Disease Restrictions**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its March 28, 2017, meeting, added § 137.35 (relating to Chronic Wasting Disease restrictions) to give more permanent status and structure to the Chronic Wasting Disease (CWD) requirements and restrictions previously established and maintained by executive order during the past decade.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 47 Pa.B. 1493 (March 11, 2017).

1. *Purpose and Authority*

CWD is an infectious and progressive neurological disease that is found in, and always proves fatal to, members of the family Cervidae (deer, elk, moose and other susceptible species, collectively called cervids). CWD is caused by prions (abnormal infectious protein particles) that are known to be concentrated in the nervous system and lymphoid tissues of infected cervids. There are no known treatments for CWD infection, no vaccines to protect against CWD infection and no approved tests that can detect the presence of CWD in live cervids. CWD is designated as a “dangerous transmissible disease” of animals by order of the Secretary of Agriculture under 3 Pa.C.S. § 2321(d) (relating to dangerous transmissible diseases). CWD is known to be transmissible from infected to uninfected cervids by contact with or ingestion of CWD-infected or contaminated cervid parts or materials. CWD is of particular concern to the Commonwealth because it has potential to have a catastrophic detrimental impact on both wild and captive cervid populations in this Commonwealth. The Department of Agriculture has detected CWD in captive deer in Adams, Franklin, Jefferson and York Counties. The Commission has also detected CWD in free-ranging deer in Bedford, Blair, Cambria and Fulton Counties. The Maryland Department of Natural Resources has detected CWD in free-ranging deer in Allegany County within 10 miles of the Pennsylvania border. The Commission adds § 137.35 to give more permanent status and structure to the CWD requirements and restrictions previously established and maintained by executive order during the past decade.

Section 2102(a) of the code (relating to regulations) provides that “[t]he commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the

protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” Section 137.35 is adopted under this authority.

2. *Regulatory Requirements*

This final-form rulemaking adds § 137.35 to give more permanent status and structure to the CWD requirements and restrictions previously established and maintained by executive order during the past decade.

3. *Persons Affected*

Persons wishing to import high-risk parts or materials from cervids harvested, taken or killed within a CWD-endemic state or Canadian province or persons wishing to remove or export high-risk parts or materials from cervids harvested, taken or killed within a Disease Management Area within this Commonwealth will be affected by this final-form rulemaking.

4. *Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

5. *Cost and Paperwork Requirements*

This final-form rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

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

7. *Contact Person*

For further information regarding this final-form rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

*Order*

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 137, are amended by adding § 137.35 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-412 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 137. WILDLIFE**

**§ 137.35. Chronic Wasting Disease restrictions.**

(a) *Importation.*

(1) It is unlawful to import any high-risk parts or materials from cervids harvested, taken or killed within any CWD-endemic state or Canadian province into this Commonwealth.

(2) This subsection may not be construed to limit the importation of non-high-risk parts or materials from cervids harvested, taken or killed within any CWD-endemic state or Canadian province into this Commonwealth.

(b) *Exportation.*

(1) It is unlawful to remove or export any high-risk parts or materials from cervids harvested, taken or killed, including by vehicular accident, within any Disease Management Area established within this Commonwealth.

(2) This subsection may not be construed to limit the removal or exportation of non-high-risk parts or materials from cervids harvested, taken or killed within any Disease Management Area established within this Commonwealth.

(3) This subsection may not be construed to limit the removal or exportation of high-risk parts or materials from cervids harvested, taken or killed in any Disease Management Area established within this Commonwealth if the parts or materials are transported directly to any location or facility designated and approved in advance by the Commission to receive high-risk cervid parts for waste disposal, taxidermy or butchering purposes. Locations or facilities designated and approved to receive high-risk cervid parts for waste disposal, taxidermy or butchering purposes will be made known through public announcement, web site and other means reasonably intended to reach the widest audience.

(4) All cervids harvested, taken or killed within any Disease Management Area established within this Commonwealth are subject to disease testing. This testing may require hunters to present cervids, or cervid parts, for checking and sampling at prescribed locations under conditions in a forthcoming notice. The submission process, if any, will be made known through public announcement, web site and other means reasonably intended to reach the widest audience. The cost of testing, sampling and analysis will be borne by the Commission.

(5) It is unlawful to rehabilitate wild, free-ranging cervids within any Disease Management Area established within this Commonwealth.

(6) It is unlawful to use or possess cervid urine-based attractants in any outdoor setting within any Disease Management Area established within this Commonwealth.

(7) It is unlawful to directly or indirectly feed wild, free-ranging cervids within any Disease Management Area established within this Commonwealth. This prohibition may not be construed to apply to normal or accepted agricultural, habitat management, oil and gas

drilling, mining, forest management, or other legitimate commercial or industrial practices. If otherwise lawful feeding is attracting cervids, the Commission may provide written notice prohibiting this activity. Failure to discontinue this activity is a violation of this section.

(8) The Commission will not issue any new permit to possess or transport live cervids within any Disease Management Area established within this Commonwealth.

(c) *Nonapplicability.*

(1) Nothing in this section shall be construed to extend to the regulation of captive cervids held under 3 Pa.C.S. Chapter 23 (relating to Domestic Animal Law) or the requirements of a lawful quarantine order issued by the Department of Agriculture.

(2) Nothing in this section shall be construed to limit the Commission's authority to establish or enforce additional importation, exportation, possession, transportation, or testing requirements or restrictions on cervid parts or materials under the authority of § 137.34 (relating to Chronic Wasting Disease and emergency authority of Director).

(d) *Authority to designate.* The Executive Director has the authority to designate and publish a list of current CWD-endemic states and Canadian provinces and Disease Management Areas established within this Commonwealth. The Executive Director will publish this list and any updates in the *Pennsylvania Bulletin*.

(e) *Definitions.* The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

*CWD—Chronic Wasting Disease*—The transmissible spongiform encephalopathy of cervids.

*CWD-endemic state or Canadian province*—States or Canadian provinces where CWD has been detected in wild or captive cervid populations.

*Cervid*—Any member of the family Cervidae (deer), specifically including, but not limited to, the following species: black-tailed deer; caribou; elk; fallow deer; moose; mule deer; red deer; sika deer; white-tailed deer; and any hybrids thereof.

*Disease Management Area*—Any geographic area of this Commonwealth influenced by a positive case of CWD and targeted by the Commission for CWD management activities.

*Feeding*—The act of placing any artificial or natural substance for the use or consumption of wild, free-ranging cervids on an annual, seasonal or emergency basis.

*High-risk parts or materials*—Any parts or materials, derived from cervids, which are known to accumulate abnormal prions. This includes any of the following: head (including brain, tonsils, eyes and lymph nodes); spinal cord/backbone (vertebra); spleen; skull plate with attached antlers, if visible brain or spinal cord material is present; cape, if visible brain or spinal cord material is present; upper canine teeth, if root structure or other soft material is present; any object or article containing visible brain or spinal cord material; and brain-tanned hide.

*Non-high-risk parts or materials*—Any parts or materials, derived from cervids, which are not known to accumulate abnormal prions. This includes any of the following: meat, without the backbone; skull plate with attached antlers, if no visible brain or spinal cord material is present; tanned hide or rawhide with no visible

brain or spinal cord material present; cape, if no visible brain or spinal cord material is present; upper canine teeth, if no root structure or other soft material is present; and taxidermy mounts, if no visible brain or spinal cord material is present.

(f) *Violations.* A person violating a requirement or restriction in this section may be prosecuted under section 2102 or 2307 of the act (relating to regulations; and unlawful taking or possession of game or wildlife) and, upon conviction, be sentenced to pay the fine prescribed in the act.

[Pa.B. Doc. No. 17-761. Filed for public inspection May 5, 2017, 9:00 a.m.]

**GAME COMMISSION**  
**[ 58 PA. CODE CH. 139 ]**  
**Seasons and Bag Limits**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its March 28, 2017, meeting, amended § 139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2017-2018 hunting/trapping license year.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 47 Pa.B. 1480 (March 11, 2017).

1. *Purpose and Authority*

To effectively manage the wildlife resources and provide hunting and trapping opportunities in this Commonwealth during the upcoming license year, the Commission amends § 139.4 to provide updated seasons and bag limits for the 2017-2018 license year. The 2017-2018 seasons and bag limits are amended to reflect current available scientific data, population and harvest records, field surveys and professional staff observations, as well as recommendations received from staff, organized sporting groups, members of the agricultural community and others interested in the management of the wildlife resources of this Commonwealth.

Amendments to small game seasons include: eliminating the post-Christmas segment of the ruffed grouse season in an effort to improve adult survival in light of significant recent population declines; opening the Central Susquehanna Wild Pheasant Recovery Area to a youth-only pheasant hunting season; and opening wildlife management unit (WMU) 5A to put-and-take bobwhite quail hunting given the lack of wild quail in this area and the low likelihood of reintroduction efforts in this WMU in the near future—closures can be enacted at this WMU or smaller scales as needed if and when restoration activities occur.

Amendments to wild turkey seasons include opening a conservative, midweek fall season in WMU 5B while reducing fall season length in three WMUs that have exhibited declining trends in turkey population indices. Specifically, seasons would decrease from 2 weeks + 3 days to 1 week + 3 days in WMUs 4A and 4B, and from 3 weeks + 3 days to 2 weeks + 3 days in WMU 4E.

Amendments to white-tailed deer seasons include adjusting WMUs 5A and 5B from a concurrent antlered/antlerless white-tailed deer season to a split antlered/antlerless white-tailed deer season. While not a seasons and bag limits issue per se, it should be noted that the use of large Deer Management Assistance Program areas surrounding locations of Chronic Wasting Disease-positive deer is being recommended instead of Disease Management Area permits to provide a simpler mechanism for hunters to reduce deer populations around known disease hotspots.

Amendments to black bear seasons include an earlier and 1-day longer Statewide archery season, concurrent with the Monday through Saturday of the next to last week of the Statewide archery deer season. This amendment addresses requests from staff and constituents and would likely provide for a moderate increase in overall bear harvest.

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the Commission to “fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife.” Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to “promulgate regulations relating to seasons and bag limits for hunting or furtaking. . . .” The amendments to § 139.4 are adopted under this authority.

2. *Regulatory Requirements*

This final-form rulemaking amends § 139.4 to provide updated seasons and bag limits for the 2017-2018 hunting/trapping license year.

3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2017-2018 hunting/trapping license year will be affected by this final-form rulemaking.

4. *Comment and Response Summary*

The Commission received a total of 68 official comments concerning the final-form rulemaking. The comments received concerned the following subtopics:

*Deer seasons.* A total of 42 comments were received concerning this subtopic: 7 supported and 2 opposed split antlered/antlerless seasons generally; 2 supported split antlered/antlerless seasons in special regulation areas; 1 supported split antlered/antlerless seasons in WMU 5B; 6 opposed split antlered/antlerless seasons in WMUs 5A and 5B; 4 supported concurrent antlered/antlerless seasons generally; 1 supported concurrent antlered/antlerless seasons in WMU 2F; 1 supported concurrent antlered/antlerless seasons in WMU 3D; 3 supported concurrent antlered/antlerless seasons in WMU 5A; 3 supported a 3-day antlerless only season; 3 supported closing antlerless deer seasons on State game lands with few deer; 1 supported closing antlerless deer seasons on in the northern portion of this Commonwealth; 1 supported extending archery deer season until the Statewide regular firearms deer season begins; 2 supported continuing archery deer season though the rut; 1 supported a longer archery deer season that starts sooner; 1 supported extending late archery deer season and flintlock muzzleloading deer season through the Martin Luther King, Jr. holiday; 1 supported moving the early muzzleloading deer season up 2 weeks; and 2 supported the early muzzleloading deer season generally.

*Bear seasons.* A total of 13 comments were received concerning this subtopic: 4 supported proposed archery



bear season generally; 1 supported concurrent archery bear and archery deer seasons; 1 supported an archery bear season during the last 2 weeks of archery deer season; 1 supported an archery bear season during the last week of archery deer season; 1 opposed concurrent archery bear and archery deer seasons; 1 supported extending the regular firearms bear season in WMU 4E to include the Monday and Tuesday of the regular firearms deer season; 2 supported a longer regular firearms bear season; 1 opposed the overlap of archery bear season and fall turkey season; and 1 supported extending the regular firearms bear season in WMU 3A.

*Turkey seasons.* A total of 11 comments were received concerning this subtopic: 3 supported the fall turkey season in WMU 5B; 1 supported a 2-week fall turkey season in WMU 2A; 1 opposed the absence of changes to WMU 2G; 2 opposed a reduction in the length of fall turkey season in WMU 4A; 1 supported a 1-week fall turkey season in WMU 4B; 1 supported advancing fall turkey season up 2 weeks; and 1 supported continuing fall turkey season 1 week past the closure of archery deer season.

*Small game seasons.* A total of two comments were received concerning this subtopic and both supported opening squirrel season on September 1st.

5. *Cost and Paperwork Requirements*

This final-form rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

This final-form rulemaking will be effective July 1, 2017, to June 30, 2018.

7. *Contact Person*

For further information regarding this final-form rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

*Order*

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 139, are amended by amending § 139.4 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order will be effective July 1, 2017, to June 30, 2018.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-405 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 139. SEASONS AND BAG LIMITS**

**§ 139.4. Seasons and bag limits for the license year.**

**2017-2018 OPEN HUNTING AND FURTAKING SEASONS, DAILY LIMIT, FIELD POSSESSION LIMIT AND SEASON LIMIT  
OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Squirrel—(Combined species) Eligible Junior Hunters only, with or without the required junior license	Sept. 30	Oct. 14	6	18
Squirrel—(Combined species)	Oct. 14	Nov. 25	6	18
	and			
	Dec. 11	Dec. 23		
	and			
	Dec. 26	Feb. 28, 2018		
Ruffed Grouse	Oct. 14	Nov. 25	2	6
	and			
	Dec. 11	Dec. 23		

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<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Rabbit, Cottontail—Eligible Junior Hunters only, with or without the required junior license	Sept. 30	Oct. 14	4	12
Rabbit, Cottontail	Oct. 14	Nov. 25	4	12
		and		
	Dec. 11	Dec. 23		
		and		
	Dec. 26	Feb. 28, 2018		
Ring-necked Pheasant—There is no open season for the taking of pheasants in the Somerset, Hegins-Gratz or Franklin County Wild Pheasant Recovery Areas.				
Ring-necked Pheasant Eligible Junior Hunters only, with or without the required junior license	Oct. 7	Oct. 14	2	6
WMUs 2A, 2C, 4C, 4E, 5A and 5B—Male only				
WMUs 1A, 1B, 2B, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C and 5D—Male or female				
Central Susquehanna Wild Pheasant Recovery Area—Male only	As authorized by the Executive Order.			
Ring-necked Pheasant	Oct. 21	Nov. 25	2	6
		and		
WMUs 2A, 2C, 4C, 4E, 5A and 5B—Male only	Dec. 11	Dec. 23		
		and		
	Dec. 26	Feb. 28, 2018		
WMUs 1A, 1B, 2B, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C and 5D—Male or female				
Bobwhite Quail	Oct. 14	Feb. 28	8	24
Hare (Snowshoe Rabbits) or Varying Hare	Dec. 26	Jan. 1, 2018	1	3
Woodchuck (Groundhog)	No closed season except during the regular firearms deer season(s). Hunting on Sundays is prohibited.		Unlimited	
<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Turkey, Fall—Male or Female			1	1
WMU 2B (Shotgun, Bow and Arrow only)	Oct. 28	Nov. 17		
		and		
	Nov. 23	Nov. 25		
WMU 1B	Oct. 28	Nov. 4		
WMUs 1A, 2A, 4A and 4B	Oct. 28	Nov. 4		
		and		
	Nov. 23	Nov. 25		
WMUs 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4C, 4D and 4E	Oct. 28	Nov. 11		
		and		
	Nov. 23	Nov. 25		
WMU 2C	Oct. 28	Nov. 17		
		and		
	Nov. 23	Nov. 25		

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
WMU 5A	Nov. 2	Nov. 4		
WMU 5B	Oct. 31	Nov. 2		
WMUs 5C and 5D	Closed to fall turkey hunting.			
Turkey, Spring <sup>1</sup> Bearded Bird only, Eligible Junior Hunters only with the required junior license	Apr. 21, 2018	Apr. 21, 2018	1	1
Turkey, Spring <sup>1</sup> Bearded Bird only			1	2
	Apr. 28, 2018	May 12, 2018	May be hunted 1/2 hour before sunrise to 12 noon	
	and			
	May 14, 2018	May 31, 2018	May be hunted 1/2 hour before sunrise to 1/2 hour after sunset	

### MIGRATORY GAME BIRDS

Except as further restricted by this chapter, the seasons, bag limits, hunting hours and hunting regulations for migratory game birds shall conform to regulations adopted by the United States Secretary of the Interior under authority of the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—712) as published in the *Federal Register* on or about February 28 of each year.

Exceptions:

(a) Hunting hours in § 141.4 (relating to hunting hours).

(b) Nontoxic shot as approved by the Director of the United States Fish and Wildlife Service is required for use Statewide in hunting and taking of migratory waterfowl.

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Crow (Hunting permitted on Friday, Saturday and Sunday only)	July 1	Apr. 8, 2018	Unlimited	
Starling and English Sparrow	No closed season except during the regular firearms deer seasons.		Unlimited	

### FALCONRY

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Squirrel—(Combined species)	Sept. 1	Mar. 31, 2018	6	18
Quail	Sept. 1	Mar. 31, 2018	4	12
Ruffed Grouse	Sept. 1	Mar. 31, 2018	2	6
Cottontail Rabbits	Sept. 1	Mar. 31, 2018	4	12
Snowshoe or Varying Hare	Sept. 1	Mar. 31, 2018	1	3
Ring-necked Pheasant—Male and Female—(Combined)	Sept. 1	Mar. 31, 2018	2	6

Migratory Game Bird—Seasons and bag limits shall be in accordance with Federal regulations.

### WHITE-TAILED DEER

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Season Limit</i>
Deer, Archery (Antlered and Antlerless) <sup>2</sup> With the required archery license	Sept. 16	Nov. 25	One antlered deer, and an antlerless deer with each required antlerless license.
WMUs 2B, 5C and 5D	Dec. 26	Jan. 27, 2018	



<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Season Limit</i>
Deer, Archery (Antlered and Antlerless) <sup>2</sup> With the required archery license WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Sept. 30  Dec. 26	and  Nov. 11  Jan. 13, 2018	One antlered deer, and an antlerless deer with each required antlerless license.
Deer, Muzzleloading (Antlerless only) With the required muzzleloading license	Oct. 14	Oct. 21	An antlerless deer with each required antlerless license.
Deer, Special firearms (Antlerless only) Only Junior and Senior License Holders, <sup>3</sup> Commission Disabled Person Permit Holders (to use a vehicle as a blind) and Residents serving on active duty in the United States Armed Forces or United States Coast Guard	Oct. 19	Oct. 21	An antlerless deer with each required antlerless license.
Deer, Regular firearms (Antlered and Antlerless) <sup>2</sup> WMUs 2B, 5C and 5D	Nov. 27	Dec. 9	One antlered deer, and an antlerless deer with each required antlerless license.
Deer, Regular firearms (Antlered only) <sup>2</sup> WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Nov. 27	Dec. 1	One antlered deer.
Deer, Regular firearms (Antlered and Antlerless) <sup>2</sup> WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Dec. 2	Dec. 9	One antlered deer, and an antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) <sup>2</sup> With the required muzzleloading license WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Dec. 26	Jan. 13, 2018	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) <sup>2</sup> With the required muzzleloading license WMUs 2B, 5C and 5D	Dec. 26	Jan. 27, 2018	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.
Deer, Extended Regular firearms (Antlerless) Allegheny, Bucks, Chester, Delaware, Montgomery and Philadelphia Counties	Dec. 26	Jan. 27, 2018	An antlerless deer with each required antlerless license.
Deer, Antlerless (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County, and Fort Detrick, Raven Rock Site, Adams County)	Hunting is permitted on days established by the United States Department of the Army.		An antlerless deer with each required antlerless license.

**BLACK BEAR**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Season Limit</i>
Bear, Archery <sup>4</sup> WMUs 2B, 5C and 5D	Sept. 16	Nov. 25	1
Bear, Archery <sup>4</sup> WMU 5B	Sept. 30	Nov. 11	1
Bear, Archery <sup>4</sup> WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A	Oct. 30	Nov. 4	1

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Season Limit</i>
Bear, Muzzleloader <sup>4</sup> WMUs 2B, 5B, 5C and 5D	Oct. 14	Oct. 21	1
Bear, Special firearms <sup>4</sup> Only Junior and Senior License Holders, <sup>3</sup> Commission Disabled Person Permit Holders (to use a vehicle as a blind) and Residents serving on active duty in the United States Armed Forces or in the United States Coast Guard, with required bear license WMUs 2B, 5B, 5C and 5D	Oct. 19	Oct. 21	1
Bear, Regular Firearms <sup>4</sup> (Statewide)	Nov. 18	Nov. 22	1
Bear, Extended firearms <sup>4</sup> WMUs 3B, 3C and 3D	Nov. 27	Dec. 2	1
Bear, Extended firearms <sup>4</sup> WMUs 2B, 5B, 5C and 5D	Nov. 27	Dec. 9	1
Bear, Extended firearms <sup>4</sup> WMUs 1B, 2C, 3A, 4B, 4C, 4D and 4E	Nov. 29	Dec. 2	1

**ELK**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Season Limit</i>
Elk, Special Conservation Tag <sup>5</sup> and Special-License Tag <sup>5</sup> (Antlered and Antlerless)	Sept. 1	Nov. 4	1
Elk, Regular <sup>5</sup> (Antlered and Antlerless)	Oct. 30	Nov. 4	1
Elk, Extended <sup>5</sup> (Antlered and Antlerless)	Nov. 6	Nov. 11	1

**FUR TAKING—TRAPPING**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Mink and Muskrat	Nov. 18	Jan. 7, 2018	Unlimited	
Beaver	Dec. 26	Mar. 31, 2018		
WMUs 1A, 1B and 3C (Combined)			20	40
WMUs 2A, 2B, 2C, 2D, 2E, 2F, 3A, 3B, 3D, 5C and 5D (Combined)			20	20
WMUs 2G, 2H, 4A, 4B, 4C, 4D, 4E, 5A and 5B (Combined)			5	5
Coyote, Fox, Opossum, Raccoon, Striped Skunk and Weasel	Oct. 22	Feb. 18, 2018	Unlimited	
Coyote and Fox Use of cable restraint devices authorized with required certification	Dec. 26	Feb. 18, 2018	Unlimited	
Bobcat, with required bobcat permit WMUs 2A, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4C, 4D and 4E	Dec. 16	Jan. 7, 2018	1	1
Fisher, with required fisher permit WMUs 1B, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4D and 4E	Dec. 16	Dec. 27	1	1
River Otter, with required otter permit WMUs 3C and 3D	Feb. 17, 2018	Feb. 24, 2018	1	1

FURTAKING—HUNTING

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Coyote—(Outside of any big game season)	May be taken with a hunting license or a furtaker’s license.		Unlimited	
Coyote—(During any big game season)	May be taken while lawfully hunting big game or with a furtaker’s license.		Unlimited	
Opossum, Striped Skunk, Weasel	No closed season.			
Raccoon and Fox	Oct. 21	Feb. 17, 2018	Unlimited	
Bobcat, with required bobcat permit WMUs 2A, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4C, 4D and 4E	Jan. 13, 2018	Feb. 7, 2018	1	1
Porcupine	Sept. 1	Mar. 31, 2018	3	10
No open seasons on other wild birds or wild mammals.				

<sup>1</sup> Only persons who possess a special wild turkey license as provided for in section 2709 of the act (relating to license costs and fees) may take a second spring gobbler during the hunting license year; all other persons, including mentored youth hunters, may take only one spring gobbler. A maximum of two spring gobblers per license year may be taken by any combination of licenses or exceptions for mentored youth.

<sup>2</sup> Only one antlered deer (buck) may be taken during the hunting license year.

<sup>3</sup> Includes residents and nonresident license holders who have reached or will reach their 65th birthday in the year of the application for the license and hold a valid adult license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).

<sup>4</sup> Only one bear may be taken during the hunting license year with the required bear license.

<sup>5</sup> Only one elk may be taken during the hunting license year with the required elk license.

[Pa.B. Doc. No. 17-762. Filed for public inspection May 5, 2017, 9:00 a.m.]

**GAME COMMISSION**  
**[ 58 PA. CODE CH. 139 ]**

**Seasons and Bag Limits; Field Possession and Transportation Limits**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its March 28, 2017, meeting, amended § 139.6 (relating to field possession and transportation limits) to increase the daily possession limit from double to triple the daily limit.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 47 Pa.B. 1486 (March 11, 2017).

1. *Purpose and Authority*

The Commission first established triple possession limits in § 139.4 (relating to seasons and bag limits for the license year) for the 2014-2015 license year. Unfortunately, the Commission did not contemporaneously amend § 139.6 with these same amendments. The Commission amends § 139.6 to increase the daily possession limit from double to triple the daily limit.

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the Commission to “fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife.” Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to “promulgate regulations relating to

seasons and bag limits for hunting or furtaking. . . .” The amendments to § 139.6 are adopted under this authority.

2. *Regulatory Requirements*

This final-form rulemaking amends § 139.6 to increase the daily possession limit from double to triple the daily limit.

3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife within this Commonwealth will be affected by this final-form rulemaking.

4. *Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

5. *Cost and Paperwork Requirements*

This final-form rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

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

7. *Contact Person*

For further information regarding this final-form rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968



(P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

#### *Order*

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 139, are amended by amending § 139.6 to read as set forth at 47 Pa.B. 1486.

(b) The Executive Director of the Commission shall certify this order and 47 Pa.B. 1486 and deposit them with the Legislative Reference Bureau as required by law.

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

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-415 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 17-763. Filed for public inspection May 5, 2017, 9:00 a.m.]

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**GAME COMMISSION**  
**[ 58 PA. CODE CH. 141 ]**  
**Hunting and Trapping; Hunting Hours**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its March 28, 2017, meeting, amended Chapter 141, Appendix G (relating to hunting hours) to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2017-2018 hunting/trapping license year.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 47 Pa.B. 1472 (March 11, 2017).

#### *1. Purpose and Authority*

The Commission amends Appendix G to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2017-2018 hunting/trapping license year.

Section 2102(a) of the code (relating to regulations) provides that “[t]he commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or

may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendments to Appendix G are adopted under this authority.

#### *2. Regulatory Requirements*

This final-form rulemaking amends Appendix G by replacing the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2017-2018 hunting/trapping license year.

#### *3. Persons Affected*

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2017-2018 hunting/trapping license year will be affected by this final-form rulemaking.

#### *4. Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

#### *5. Cost and Paperwork Requirements*

This final-form rulemaking should not result in additional cost or paperwork.

#### *6. Effective Date*

This final-form rulemaking will be effective July 1, 2017, to June 30, 2018.

#### *7. Contact Person*

For further information regarding this final-form rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

#### *Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

#### *Order*

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending Appendix G to read as set forth at 47 Pa.B. 1472.

(b) The Executive Director of the Commission shall certify this order and 47 Pa.B. 1472 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order will be effective July 1, 2017, to June 30, 2018.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-407 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 17-764. Filed for public inspection May 5, 2017, 9:00 a.m.]

**GAME COMMISSION**  
**[ 58 PA. CODE CH. 147 ]**  
**Special Permits; Deer Control**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its March 28, 2017, meeting, amended §§ 147.552 and 147.553 (relating to application; and permit) to replace the dawn to dusk terminology with a reference to legal hunting hours as set forth in § 141.4 and Chapter 141, Appendix G (relating to hunting hours) and to delete the requirement that an applicant be enrolled in one of the Commission's public access programs for 2 years to be eligible for the Red Tag permit.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 47 Pa.B. 1490 (March 11, 2017).

*1. Purpose and Authority*

Former regulations limited subpermittees exercising the privileges of a Red Tag permit to hunting and taking white-tailed deer from "dawn to dusk." Most participants in this program understand this ambiguous time frame to coincide with legal hunting hours, but this link was not clear in the established regulations. The Commission amends § 147.553 to replace the dawn to dusk terminology with a reference to legal hunting hours in § 141.4 and Chapter 141, Appendix G. These amendments will more effectively guide and instruct subpermittees on the lawful periods during which they may exercise the privileges of this program. The Commission also amends § 147.552 to delete the requirement that an applicant be enrolled in one of the Commission's public access programs for 2 years to be eligible for the Red Tag permit. This amendment will alleviate constraints on farmers wishing to participate in the Red Tag program who cannot wait the 2-year public access program enrollment period due to current deer damage problems.

Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." The amendments to §§ 147.552 and 147.553 are adopted under this authority.

*2. Regulatory Requirements*

This final-form rulemaking amends §§ 147.552 and 147.553 to replace the dawn to dusk terminology with a reference to legal hunting hours as set forth in § 141.4 and Chapter 141, Appendix G and to delete the requirement that an applicant be enrolled in one of the Commission's public access programs for 2 years to be eligible for the Red Tag permit.

*3. Persons Affected*

Persons wishing to make application and participate in the Red Tag deer control program may be affected by this final-form rulemaking.

*4. Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

*5. Cost and Paperwork Requirements*

This final-form rulemaking should not result in additional cost or paperwork.

*6. Effective Date*

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

*7. Contact Person*

For further information regarding this final-form rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

*Order*

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending §§ 147.552 and 147.553 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-409 remains valid for the final adoption of the subject regulations.

**Annex A**  
**TITLE 58. RECREATION**  
**PART III. GAME COMMISSION**  
**CHAPTER 147. SPECIAL PERMITS**  
**Subchapter R. DEER CONTROL**  
**AGRICULTURE**

**§ 147.552. Application.**

(a) Application for the deer control permit shall be made through the district wildlife conservation officer on a form provided by the Commission.

(b) Except in wildlife management units 5C and 5D, applications will only be accepted from persons who are currently enrolled in one of the Commission public access programs (Farm Game Project or Safety Zone—P.1-2-3).

(c) A copy of a deed or lease showing the applicant to be the owner or have control, or both, of the hunting rights of the land to be permitted must accompany the application.

(d) Applicants from the southeast special regulations areas only may be eligible to obtain approval to engage in limited baiting activities to enhance deer control activities

on their properties. Approval will be based solely upon an applicant's demonstrable need for a baiting authorization as evidenced by written justifications or other evidence submitted on or in addition to the application at the time of application or renewal.

§ 147.553. **Permit.**

The deer control permit authorizes the permittee to enlist the aid of a limited number of subpermits. The maximum number of subpermits issued will be no more than one for every 5 acres of land that is under cultivation unless the wildlife conservation officer recommends an increase in the number due to warranted circumstances.

(1) *Validity.* The permit is valid from February 1 to September 28 each calendar year, excluding Sundays, during legal hunting hours as set forth in § 141.4 and Chapter 141, Appendix G (relating to hunting hours).

(2) *Exceptions.* The permit is not valid from May 16 to June 30 during peak fawning season.

(3) *Posting.* Except in wildlife management units 5C and 5D, deer control permit signs provided by the Commission shall be conspicuously posted on the boundary of and along all public roadways traversing the property by the landowner/cooperator on all contiguous acres of the farm under agreement. Posting shall be completed prior to February 1.

(4) *Fee for permit.* There is no fee for the issuance of the deer control permit.

[Pa.B. Doc. No. 17-765. Filed for public inspection May 5, 2017, 9:00 a.m.]

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**GAME COMMISSION**  
**[ 58 PA. CODE CH. 147 ]**

**Special Permits; Deer Management Assistance Program Permits**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its March 28, 2017, meeting, amended § 147.673 (relating to eligibility and application for DMAP) to allow the Commission to accept Deer Management Assistance Program (DMAP) applications from political subdivisions and government agencies to enable them to manage deer harvest within a conglomeration of distinct, privately-owned and publically-owned lands under their jurisdiction.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 47 Pa.B. 1490 (March 11, 2017).

1. *Purpose and Authority*

The Commission is statutorily charged with managing white-tailed deer herds in this Commonwealth on behalf of citizens. To accomplish this responsibility, the Commission allocates antlerless deer licenses across this Commonwealth among its various wildlife management units to utilize hunter harvest as the primary management tool of white-tailed deer. These allocations are adjusted each year to allow the deer herd to grow, stabilize or decrease, and are based on the best available science and in

consideration of the broad and disparate interests of the various stakeholders in this Commonwealth. This system addresses deer management Statewide.

In 2003, DMAP was established to provide both public and private landowners with an additional tool for the management of local white-tailed deer herds on lands where excessive deer numbers have compromised the landowners' land uses and other interests. Some communities in more urbanized areas have documented evidence that requiring individual landowners to individually submit DMAP applications has not been an effective method towards resolving localized deer management concerns. Subsequently, the Commission has recognized the need to increase deer harvests in local areas in response to growing concerns related to disease outbreaks.

The Commission amends § 147.673 to allow the Commission to accept DMAP applications from political subdivisions and government agencies to enable them to manage deer harvest within a conglomeration of distinct, privately-owned and publically-owned lands under their jurisdiction. By expanding political subdivisions' and government agencies' ability to apply for permits on behalf of property owners, the Commission hopes to improve efforts to control deer populations using regulated DMAP hunting. Political subdivisions and government agencies making application in this manner will be required to submit a management plan. The Commission will allocate DMAP harvest permits based on current conditions relative to goals and objectives outlined in the Commission-approved management plan.

Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." The amendments to § 147.673 are adopted under this authority.

2. *Regulatory Requirements*

This final-form rulemaking amends § 147.673 to allow the Commission to accept DMAP applications from political subdivisions and government agencies to enable them to manage deer harvest within a conglomeration of distinct, privately-owned and publically-owned lands under their jurisdiction.

3. *Persons Affected*

Political subdivisions and government agencies wishing to make application for participation in DMAP on behalf of a conglomeration of distinct, privately-owned and publically-owned lands may be affected by this final-form rulemaking.

4. *Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

5. *Cost and Paperwork Requirements*

This final-form rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

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

7. *Contact Person*

For further information regarding this final-form rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

*Order*

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending § 147.673 to read as set forth at 47 Pa.B. 1490.

(b) The Executive Director of the Commission shall certify this order and 47 Pa.B. 1490 and deposit them with the Legislative Reference Bureau as required by law.

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

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-406 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 17-766. Filed for public inspection May 5, 2017, 9:00 a.m.]



# PROPOSED RULEMAKING

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

[ 52 PA. CODE CH. 59 ]

[ L-2016-2577413 ]

### Rulemaking to Amend the Provisions of 52 Pa. Code Chapter 59 Regulations Regarding Standards For Changing a Customer's Natural Gas Supplier; Request for Additional Comments

Public Meeting held  
April 20, 2017

*Commissioners Present:* Gladys M. Brown, Chairperson; Andrew G. Place, Vice Chairperson; John F. Coleman, Jr.; Robert F. Powelson; David W. Sweet

*Rulemaking to Amend the Provisions of 52 Pa. Code, Chapter 59 Regulations Regarding Standards For Changing a Customer's Natural Gas Supplier; L-2016-2577413*

#### Order

*By the Commission:*

On December 22, 2016, the Pennsylvania Public Utility Commission (Commission) adopted an Advanced Notice of Proposed Rulemaking (ANOPR) to solicit comments about amending and adding to the provisions of 52 Pa. Code §§ 59.91—59.99 regarding standards for changing a Customer's natural gas supplier.<sup>1</sup> These regulations address the process for transferring a customer's account from a service of last resort (SOLR) provider to a competitive natural gas supplier (NGS or supplier), from one supplier to another supplier and from a supplier to SOLR service. The proposed regulatory changes are intended to accelerate this process while preserving safeguards to prevent the unauthorized switching of a customer's account, also known as "slamming." Comments were due and were filed on February 21, 2017. With this Order, the Commission seeks additional comments on issues raised in comments filed on February 21, 2017.

#### *Background*

The current NGS switching regulations were adopted on July 7, 2000 and became effective July 8, 2000.<sup>2</sup> Due to changes in the competitive retail gas and electric markets since the adoption of these regulations, the Commission is reviewing these regulations, previous relevant orders, and comments from interested parties regarding an accelerated switching process. The ANOPR was published in the *Pennsylvania Bulletin* on January 7, 2017—triggering the start of a 45-day comment period.

Twelve parties filed comments on February 21, 2017, Columbia Gas of Pennsylvania (Columbia); Energy Association of Pennsylvania (EAP); National Fuel Gas Distribution Corporation (NFG); Natural Gas Supplier Parties (NGS Parties); Office of Consumer Advocate (OCA); PECO Energy Company (PECO); Peoples Natural Gas Company LLC and Peoples TWP LLC (Peoples); Philadelphia Gas

Works (PGW); Retail Energy Supply Association (RESA); UGI Distribution Companies (UGI Distribution); UGI Energy Services (UGI Energy) and Valley Energy (Valley). All comments, in addition to the December 22 ANOPR, are available on the Commission's website at [http://www.puc.pa.gov/about\\_puc/consolidated\\_case\\_view.aspx?Docket=L-2016-2577413](http://www.puc.pa.gov/about_puc/consolidated_case_view.aspx?Docket=L-2016-2577413).

With this Order, the Commission seeks additional comments on its proposals and issues raised by parties in their February 21, 2017 comments, to revise the regulations to facilitate accelerated switching without endangering safeguards to protect customers against unauthorized switching.

#### *Discussion*

Upon review of the initial comments, Commission staff determined that parties raised several concerns and/or introduced new proposals that warrant further exploration. Accordingly, the Commission now invites any interested stakeholder to submit additional comments. While stakeholders are free to comment on any topic they believe warrants additional comment, the Commission wants to highlight a few specific matters raised in the initial comments that we believe need further vetting by the stakeholders and that we expressly invite further comment upon:

#### *Backdating NGS Switches:*

As an alternative to off-cycle switching, NFG proposed that natural gas distribution companies (NGDCs) have the option to affect the switch retroactively to the last meter read used for billing (NFG at 9-10). We invite parties to comment on this proposal, including any technical or customer-related issues they identify. Additionally, we are interested in the analysis of the costs and possible cost-savings that a "retroactive" switch procedure may provide in comparison to the possible costs of off-cycle switching.

#### *Limitations on Off-Cycle Switching:*

In the analogous EGS switching regulations (see 52 Pa. Code §§ 57.171—180), there is no limitation on the number of off-cycle supplier switches a customer may make within a single billing cycle. However, for NGS switching, some parties have proposed that if off-cycle switching is required, that it be limited to one off-cycle switch per billing period. (Peoples at 5-6; NFG at 6). We invite parties to comment on the benefits of such a restriction—especially as it relates to costs compared to unrestricted off-cycle switching. Parties are also invited to comment on any possible consequence of such a restriction—especially possible impacts on consumers.

#### *The NGDC Acting as a Capacity "Clearinghouse":*

Parties expressed a diversity of opinion on the NGDC acting as a "clearinghouse" to address capacity assignment in an off-cycle switching environment—with some voicing caution while others believing that the concept is workable. (NFG at 7-8; NGS Parties at 6 and PECO at 7-8). We invite parties to comment further on this concept and any possible alternatives.

#### *Diversity of NGDC Systems:*

Several NGDCs noted the diversity of their distribution systems, billing capabilities and metering technology. (Columbia at 4-5; EAP at 9-10; PGW at 6-7; Valley at 3; and UGI on pages 3-4). Should the regulations and

<sup>1</sup> See Advanced Notice of Proposed Rulemaking to Amend the Provisions of 52 Pa. Code Chapter 59 Regulations Regarding Standards for changing a Customer's Natural Gas Supplier, Docket L-2016-2577413 (Order entered December 22, 2016).

<sup>2</sup> See Final Rulemaking Order re: Rulemaking Establishing Procedures to Ensure Customer Consent To A Change of Natural Gas Supplier, Docket L-00990145 (Order entered May 12, 2000).

switching timeframes vary depending upon the NGDCs capabilities? Would such diversity be too confusing and problematic for suppliers and consumers? Should all NGDCs be held to the same standards—but with varying implementation timeframes dependent upon changes or updates in their technical capabilities?

*Data Elements in § 59.93:*

The current rule at 52 Pa. Code § 59.93(1) requires that when an NGS transmits an enrollment to the NGDC, that the “. . . NGDC shall verify the accuracy of the information provided by the NGS by matching at least two data elements such as name and account number, or address and account number, with NGDC records.” This same requirement is included in the proposed revised regulation as found in the ANOPR. This requirement is not found in the analogous EGS switching regulation (see 52 Pa. Code §§ 57.172—174)—as pointed out by PECO in their comments. Further, PECO contends that it has not encountered problems using only one data element—the account number. Accordingly, PECO asks that flexibility be provided to allow the switching of accounts based upon only one element. (PECO at 6). We invite parties to comment on this—especially concerning any issues with the exchange of account data between suppliers and NGDCs that may be impacted by any change.

*Conclusion*

We invite parties to submit additional comments on the matters discussed in this order and on any other issue raised in the comments filed at this Docket that they think warrant further attention by the Commission. As we did in the ANOPR, we urge parties to submit along with their comments any data supporting their position, including any cost data. Where parties oppose the proposed regulations, we encourage them to offer alternative solutions.

Upon careful review and consideration of the all comments received in this Docket, the Commission intends to issue a formal Notice of Proposed Rulemaking with proposed revised regulations; *Therefore,*

*It Is Ordered That:*

1. The Secretary shall duly certify this Order and deposit it with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.

2. Written comments referencing Docket No. L-2016-2577413 be submitted within 30 days of publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attn: Secretary, P.O. Box 3265, Harrisburg, PA 17105-3265. Comments may also be filed electronically through the Commission’s e-File System.

3. This Order proposing to revise the regulations appearing in Title 52 of the *Pennsylvania Code* Chapter 59 (relating to Standards for Changing a Customer’s Natural Gas Supplier), be served on all jurisdictional natural gas utilities, all licensed natural gas suppliers, the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, and the Office of Small Business Advocate.

4. The Office of Competitive Market Oversight shall electronically send a copy of this Order to all persons on the contact list for the Committee Handling Activities for Retail Growth in Electricity; and to all persons on the contact list for the Investigation of Pennsylvania’s Retail Natural Gas Market, order entered December 18, 2014 at Docket No. I-2013-2381742.

5. A copy of this Order shall be posted on the Commission’s website at the Office of Competitive Market Oversight web page and on the web page for the Retail Markets Investigation—Natural Gas.

6. The contact persons for this matter are Daniel Mumford, Office of Competitive Market Oversight (717) 783-1957; dmumford@pa.gov, Matthew Hrivnak in the Bureau of Consumer Services (717) 783-1678, mhrivnak@pa.gov, and Kriss Brown in the Law Bureau (717) 787-4518, kribrown@pa.gov.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-767. Filed for public inspection May 5, 2017, 9:00 a.m.]

# NOTICES

## BOARD OF COAL MINE SAFETY

### Meeting Cancellation

The June 6, 2017, meeting of the Board of Coal Mine Safety (Board) is cancelled. The next regular Board meeting is scheduled for Tuesday, September 5, 2017, at 10 a.m. in Conference Rooms 1A and 1B, Department of Environmental Protection, Cambria Office, 286 Industrial Park Road, Ebensburg, PA.

The agenda and meeting materials for the September 5, 2017, meeting will be available on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov). Questions concerning the Board's next scheduled meeting may be directed to Allison Gaida at (724) 404-3147 or [agaida@pa.gov](mailto:agaida@pa.gov).

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Allison Gaida at (724) 404-3147 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Acting Chairperson*

[Pa.B. Doc. No. 17-768. Filed for public inspection May 5, 2017, 9:00 a.m.]

## DELAWARE RIVER BASIN COMMISSION

### Public Hearing and Business Meeting

The Delaware River Basin Commission (Commission) will hold a public hearing on Wednesday, May 17, 2017. A business meeting will be held on Wednesday, June 14, 2017. The hearing and business meeting are open to the public and will be held at the Washington Crossing Historic Park Visitor Center, 1112 River Road, Washington Crossing, PA.

*Public hearing.* The public hearing on May 17, 2017, will begin at 1:30 p.m. Hearing items will include draft dockets for withdrawals, discharges and other water-related projects subject to the Commission's review, and two Fiscal Year 2018 budget resolutions: (1) a resolution to apportion among the signatory parties the amounts required for the support of the current expense and capital budgets for the fiscal year ending June 30, 2018; and (2) a resolution to adopt the Commission's annual current expense and capital budgets for the fiscal year ending June 30, 2018.

Written comments on matters scheduled for hearing on May 17, 2017, will be accepted through 5 p.m. on May 22, 2017. Time permitting, an opportunity for open public comment will be provided upon the conclusion of Commission business at the June 14, 2017, business meeting; in accordance with recent format changes, this opportunity will not be offered upon completion of the public hearing.

The public is advised to check the Commission's web site periodically prior to the hearing date, as items

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

1. *Palmerton Borough, D-1964-028 CP-3.* An application to renew the approval of the applicant's existing 0.75 million gallons per day (mgd) Wastewater Treatment Plant (WWTP) and its discharge. The WWTP will continue to discharge treated effluent to Aquashicola Creek, which is a tributary of the Lehigh River, at River Mile 183.7—36.3—0.8 (Delaware River—Lehigh River—Aquashicola Creek). The WWTP discharge is located within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in the Borough of Palmerton, Carbon County, PA.

2. *Borough of Phoenixville, D-1967-080 CP-4.* An application to renew the approval of the existing 4.0 mgd Phoenixville Borough WWTP and its discharge. No modifications to the WWTP are proposed. The WWTP will continue to discharge treated effluent to the Schuylkill River at River Mile 92.47—35.0 (Delaware River—Schuylkill River) in the Borough of Phoenixville, Chester County, PA.

3. *Borough of Phoenixville, D-1967-123 CP-3.* An application to renew the approval of an existing surface water withdrawal of up to 182.311 million gallons per month (mgm) to supply the applicant's public water supply system. Surface water will continue to be withdrawn from two existing intakes (Nos. 1 and 2) located in the Schuylkill River. The requested allocation is not an increase from the previous allocation. The water treatment plant is located within the Commission's designated Ground Water Protected Area (GWPA), in the Borough of Phoenixville, Chester County, PA.

4. *Kutztown Borough, D-1983-023 CP-4.* An application to renew the approval of a groundwater withdrawal project to continue to supply up to 62 mgm from Wells Nos. 1, 2, 3A and 4 for use as public supply without an increase in the existing allocation or expansion of the docket holder's service area. The wells are completed in the Epler Formation in the Saucony Creek Watershed in Maxatawny Township, Berks County, PA.

5. *Pike County Environmental, Inc., D-1989-082-3.* An application to renew the approval of the applicant's existing 0.1 mgd WWTP and its discharge. No modifications to the WWTP are proposed. The WWTP will continue to discharge treated effluent directly to Water Quality Zone 1B at River Mile 256.5, within the section of the main stem Delaware River known as the Middle Delaware, which is classified as Special Protection Waters, in Westfall Township, Pike County, PA.

6. *Bethlehem City, D-1995-019 CP-2.* An application to renew an allocation of 12 mgd based on an annual average of surface water from Tunkhannock Creek and to approve an allocation of 30.32 mgd (939.92 mgm) of surface water from the Wild Creek Reservoir on Wild Creek for continued use in the docket holder's existing public water supply system. This docket consolidates and updates previous Commission approvals issued to the City of Bethlehem. The Wild Creek intake is located in the Pohopoco Creek Watershed in Towamensing Town-



ship, Carbon County, PA and the Tunkhannock Creek intake located in the Tobyhanna Creek Watershed in Tunkhannock Township, Monroe County, PA, within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters.

7. *Philadelphia City—Aviation Division, D-1996-036 CP-3*. An application to renew the approval of an existing groundwater withdrawal of up to 30.69 mgm for remediation purposes from existing Wells Nos. EW-A, EW-1—EW-3. The project wells are completed in the Pleistocene Trenton Gravel. The requested allocation is not an increase from the previous allocation. The project is located in the City of Philadelphia, Philadelphia County, PA.

8. *Milford Senior Care and Rehabilitation Center, D-1998-051 CP-4*. An application to renew the approval of the existing 0.015 mgd Milford Senior Care and Rehabilitation Center WWTP and its discharge. The WWTP will continue to discharge treated effluent directly to Water Quality Zone 1C at River Mile 251, within the section of the main stem Delaware River known as the Middle Delaware, which is classified as Special Protection Waters, in Westfall Township, Pike County, PA.

9. *Penn Estates Utilities Inc., D-1999-020 CP-4*. An application to renew the approval of the applicant's existing 0.56 mgd WWTP and its discharge. The WWTP will continue to discharge treated effluent to an unnamed tributary (UNT) of Brodhead Creek at River Mile 213.0—8.7—1.5 (Delaware River—Brodhead Creek—UNT of Brodhead Creek) by means of Outfall No. 1, within the drainage area of the section of the nontidal Delaware River known as the Middle Delaware, which is classified as Special Protection Waters, in Stroud Township, Monroe County, PA.

10. *Rivercrest Homeowners Association, D-2001-045 CP-4*. An application to renew the approval of the applicant's 0.115 mgd WWTP and its related seasonal discharges to surface water and to land by means of spray irrigation. The WWTP will continue to discharge treated effluent to an UNT of the Schuylkill River at River Mile 92.47—36.3—0.5 (Delaware River—Schuylkill River—UNT of the Schuylkill River), in Upper Providence Township, Montgomery County, PA.

11. *Beach Lake Municipal Authority, D-2001-052 CP-3*. An application to renew the approval of the 0.09 mgd Beach Lake WWTP and its discharge. No modifications are proposed to the WWTP. Treated effluent will continue to discharge to Beach Lake Creek, a tributary of Masthope Creek at River Mile 282.5—6.98—3.1 (Delaware River—Masthope Creek—Beach Lake Creek) by means of Outfall No. 001, located within the drainage area of the section of the nontidal Delaware River known as the Upper Delaware, which is classified as Special Protection Waters, in Berlin Township, Wayne County, PA.

12. *SC Stream PA, LLC, D-2006-020-3*. An application to renew the approval of the existing 0.05 mgd Paradise Stream Resort WWTP and its discharge. The WWTP will continue to discharge treated effluent to Paradise Creek, which is a tributary of Brodhead Creek at River Mile 213—13.7—7.7 (Delaware River—Brodhead Creek—Paradise Creek) in Paradise Township, Monroe County, PA, within the drainage area of the section of the main stem Delaware River known as the Middle Delaware, which the Commission has classified as Special Protection Waters.

13. *Teva Pharmaceuticals, D-2006-022-2*. An application to renew the approval of an existing groundwater

withdrawal of up to 5.14 mgm from existing Well No. PW-1 for irrigation purposes on the Teva property. Well No. PW-1 is completed in the Wissahickon Schist Formation. The requested allocation is not an increase from the previous allocation. The project is located in the Pennypack Creek Watershed in the City of Philadelphia, Philadelphia County, PA.

14. *East Brandywine Township Municipal Authority, D-2007-002 CP-3*. An application to renew the approval of an existing discharge from the 0.3 mgd Applecross WWTP. The Department of Environmental Protection Water Quality Monitoring (WQM) Permit limits the existing WWTP to an average flow of 0.138 mgd. During April through November, treated effluent is land-applied by means of spray irrigation located at the Applecross Golf Course. During December through March, treated effluent is stored in lagoons. Excess treated effluent is discharged to two drip disposal areas or conveyed to surface waters by means of Outfall No. 001 to Beaver Creek at River Mile 70.73—1.77—20.22—8.7—6.1 (Delaware River—Christina River—Brandywine Creek—East Branch Brandywine Creek—Beaver Creek), in East Brandywine Township, Chester County, PA.

15. *To-Jo Mushrooms, Inc., D-2007-003-3*. An application to renew the approval of the applicant's existing 0.049 mgd Industrial Wastewater Treatment Plant (IWTP) and its discharge. No modifications to the IWTP are proposed. The IWTP will continue to discharge to an UNT of Trout Run at River Mile 70.7—18.5—5.2—7.4—0.8—0.1 (Delaware River—Christina River—White Clay Creek—East Branch White Clay Creek—Trout Run—UNT), in New Garden Township, Chester County, PA.

16. *Bath Borough Authority, D-2007-016 CP-2*. An application to renew the approval of an existing groundwater withdrawal of up to 15.5 mgm to supply the applicant's public water supply distribution system from existing Wells Allen Street, Smith Street and Holiday Hill. Wells Allen Street and Smith Street are both completed in the Ontelaunee Formation and Well Holiday Hill is completed in the Jacksonburg Formation. The requested allocation is not an increase from the previous allocation. The project is located in the Monocacy Creek Watershed in Bath Borough, Northampton County, PA within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters.

17. *Wayne Economic Development Corporation, D-2007-018-4*. An application to renew the approval of the existing 0.014 mgd Wayne Economic Development Corporation Sterling Business Park WWTP. Treated effluent will continue to discharge to the West Branch Wallenpaupack Creek at River Mile 277.7—17.5—11.5—5.0 (Delaware River—Lackawaxen River—Lake Wallenpaupack—West Branch Wallenpaupack Creek) within the drainage area of the section of the main stem Delaware River known as the Upper Delaware, which is classified as Special Protection Waters, in Sterling Township, Wayne County, PA.

18. *PaperWorks Industries, Inc., D-2007-020-2*. An application to renew the approval of an existing surface water withdrawal of up to 217 mgm to supply water to the applicant's manufacturing facility for industrial process and cooling purposes from an existing intake on the Schuylkill River. The requested allocation is not an increase from the previous allocation. The project is located in the Schuylkill River Watershed in the City of Philadelphia, Philadelphia County, PA.



19. *East Stroudsburg Borough, D-2007-039 CP-3.* An application to renew the approval of the applicant's 2.1 mgd water filtration plant (WFP) and its discharge of up to 0.09 mgd of filter backwash. The WFP will continue to discharge to Sambo Creek, which is a tributary of Brodhead Creek, at River Mile 213.5—5.2—3.5 (Delaware River—Brodhead Creek—Sambo Creek). The project discharge is located within the drainage area of the nontidal Delaware River known as the Middle Delaware, which is classified as Special Protection Waters, in Smithfield Township, Monroe County, PA.

20. *Morrisville Municipal Authority, D-2008-006 CP-3.* An application to renew the approval of an existing discharge of up to 0.15 mgd of filter backwash from the 6.0 mgd Municipal Authority of the Borough of Morrisville WFP. The WFP will continue to discharge directly to Water Quality Zone 1E at River Mile 134.6 (Delaware River). The discharge is within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, which is classified as Special Protection Waters, in Lower Makefield Township, Bucks County, PA.

21. *Wallenpaupack Lake Estates, D-1971-150 CP-2.* An application to approve the Beaver Well, Ski Bluff Well and new Well No. 6 for inclusion into the applicant's public water supply system and to renew the approval of an existing groundwater withdrawal of up to 10.0 mgm. The Beaver and Ski Bluff wells are existing wells that are in operation but were never approved by the Commission. The requested allocation is not an increase from the previous allocation. The project wells are completed in the Long Run and Walcksville Members of the Catskill Formation in the Wallenpaupack Lake Watershed, within the drainage area of the section of the main stem Delaware River known as the Upper Delaware, which is classified as Special Protection Waters, in Paupack Township, Wayne County, PA.

22. *New York State Department of Corrections and Community Supervision, D-2007-028 CP-2.* An application to approve an increase in the total allocation from 7.44 mgm to 9.40 mgm of groundwater from existing Wells Nos. 2—4, 6 and 7 used for water supply at the Woodbourne Correctional Facility. This docket also approves the withdrawals from existing Well No. 7, which was included in but not used at the time of the previous docket approval. The increase in allocation is necessary to meet the current and future water demands of the facility. The wells are screened in unconsolidated glacial outwash sand and gravel in the Neversink River Watershed in the Town of Fallsburg, Sullivan County, NY within the drainage area of the section of the main stem Delaware River known as the Middle Delaware, which is classified as Special Protection Waters.

23. *Fleischmanns Village, D-2009-008 CP-2.* An application to renew the approval of an existing withdrawal of up to 4.95 mgm of spring water from Springs Nos. 3—5 and groundwater from Wells Nos. 2—5 for continued use in the docket holder's public water system. The allocation approved by this docket is a decrease from the 9.75 million gallons per 30 days (mg/30 days) approved in the previous docket and is based on the docket holder's estimated 10-year demands. The project sources are located in the Lower Walton Formation in the Vly Creek-Bush Kill Watershed in the Village of Fleischmanns and the Town of Middletown, Delaware County, NY within the drainage area of the section of the main stem Delaware River known as the Upper Delaware, which the Commission has classified as Special Protection Waters.

24. *Friesland Campina Domo, D-2010-010-2.* An application to approve the withdrawals from existing Well No. 2 and new Wells Nos. 1A, 3 and 4 and renew the previously approved total groundwater allocation of 24.8 mgm used for non-contact cooling water, industrial processes and potable use at the docket holder's vitamin manufacturing facility. New Well No. 1A was installed to replace former Well No. 1 and Wells Nos. 3 and 4 were installed for supplemental supply purposes so that the other wells could be taken off-line for maintenance purposes and to provide additional instantaneous capacity to meet short-term facility processing demands. New Wells Nos. 1A, 3 and 4 and existing Wells Nos. 1 and 2 are completed in unconsolidated sand and gravel deposits in the West Branch Delaware River Watershed within the drainage area of the section of the main stem Delaware River known as the Upper Delaware, which the Commission has classified as Special Protection Waters in the Town of Delhi, Delaware County, NY.

25. *Philmont Country Club, D-2016-009-1.* An application to approve groundwater and surface water withdrawals of up to 10.0 mgm to irrigate the docket holder's golf course from Wells Nos. 1—4 and a run of stream irrigation pond on the Huntington Valley Creek, which is a tributary of the Pennypack Creek. The project wells are completed in felsic gneiss. The project is located in the Commission's designated GWPA in the Pennypack Creek Watershed, Lower Moreland Township, Montgomery County, PA.

*Public meeting.* The public business meeting on June 14, 2017, will begin at 10:30 a.m. and will include: adoption of the minutes of the Commission's March 15, 2017, business meeting, announcements of upcoming meetings and events, a report on hydrologic conditions, reports by the Executive Director and the Commission's General Counsel, and consideration of any items for which a hearing has been completed or is not required. The latter are expected to include a resolution for the minutes providing for election of the Commission Chair, Vice Chair and Second Vice Chair for the year beginning July 1, 2017, and ending June 30, 2018.

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

There will be no opportunity for additional public comment for the record at the June 14, 2017, business meeting on items for which a hearing was completed on May 17, 2017, or a previous date. Commission consideration on June 14, 2017, of items for which the public hearing is closed may result in approval of the item (by docket or resolution) as proposed, approval with changes, denial or deferral. When the Commissioners defer an action, they may announce an additional period for written comment on the item, with or without an additional hearing date or they may take additional time to consider the input they have already received without requesting further public input. Any deferred items will be considered for action at a public meeting of the Commission on a future date.

*Advance sign-up for oral comment.* Individuals who wish to comment on the record during the public hearing on May 17, 2017, or to address the Commissioners informally during the open public comment portion of the meeting on June 14, 2017, as time allows, are asked to sign up in advance by contacting Paula Schmitt, paula.schmitt@drbc.nj.gov.

*Addresses for written comment.* Written comment on items scheduled for hearing may be delivered by hand at

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

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

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

PAMELA M. BUSH,  
Secretary

[Pa.B. Doc. No. 17-769. Filed for public inspection May 5, 2017, 9:00 a.m.]

## DEPARTMENT OF AGRICULTURE

### Establishment of the Pennsylvania Apple Program

Under 3 Pa.C.S. §§ 4501—4513 (relating to Agricultural Commodities Marketing Act) a referendum was held from April 3, 2017, through April 18, 2017, to determine if apple producers in this Commonwealth desired to establish a new program titled the Pennsylvania Apple Program (Program). To pass, the referendum requires both a majority by number of those producers voting as well as a majority by production volume of those producers voting. An impartial Teller Committee met on April 24, 2017, to count the ballots. The following results were submitted by the Teller Committee: a total of 151 eligible votes were cast with 103 producers voting in favor of and 48 voting against the establishment of the Program. One ballot was invalid because it did not contain a vote. Two ballots were invalid because they were not signed. Three ballots were ineligible because they were postmarked and received late. Additionally, eligible producers voting in favor represented 68% of the votes and 78% of production volume. Producers voting against the establishment of the Program represented 32% of the votes and 22% of production volume. In accordance with the foregoing, the Program has been established and will become effective May 27, 2017.

RUSSELL C. REDDING,  
Secretary

### APPENDIX A Program Order

#### Pennsylvania Apple Program

##### *Article I: Declaration*

In accordance with requirements of the Agricultural Commodities Marketing Act, as amended, the Secretary of Agriculture finds that this program effectuates the purposes of said Act.

##### *Article II: Definitions*

*Section A. Definitions:* As used in this program, the following words and terms shall have the following meaning unless the context clearly indicates otherwise:

1. "Act" means the Act of March 24, 1998 (P.L. 217, No. 39) (3 Pa.C.S.A. § 4501 et seq.) known as the Agricultural Commodities Marketing Act.

2. "Apples" means all apples produced or grown in Pennsylvania for the purpose of sale by any producer as herein defined.

3. "Commodity Board" or "Board" consists of the Secretary plus those persons who are appointed by the Secretary from among producers whose commodities are subject to this program.

4. "Department" means the Department of Agriculture of the Commonwealth of Pennsylvania.

5. "Fresh Market" means all outlets other than processing.

6. "Contract" Any contract or agreement between the Commodity Board and a person for the performance of services relating to U.S. Apple Association membership obligations, research, consumer education, and administrative expense necessary for the accomplishment of those authorized activities.

7. "Season" means the period beginning July 1 of any year extending through June 30 of the following year.

8. "Person" means an individual, partnership, firm, corporation, association or any other business unit.

9. "Processing" means the operation of canning, dehydrating, preserving, freezing, grinding, crushing, slicing or in any way preserving or changing the form of apples, as herein defined, for marketing in any form other than as a whole apple for fresh consumption.

10. "Producer" means a person who produces or grows or causes to be produced or grown apples as herein defined.

11. "Sales Agent" A processor, a producer or a person who purchases, handles, receives, sells or contracts to sell apples originating from a producer. A producer may be a sales agent with respect to apples of his/her/its own production.

12. "Secretary" means the Secretary of Agriculture of the Commonwealth of Pennsylvania, or his/her designee.

##### *Article III: Scope of Program*

The area affected by this program shall be the Commonwealth of Pennsylvania. The program shall apply to all producers who have 500 or more apple trees of all ages.

##### *Article IV: Commodity Board*

###### *Section A. Establishment and Members*

The Commodity Board shall consist of seven (7) members, one of whom shall be the Secretary, or his/her designee, and shall have the primary decision making authority in the administration of this program, as provided in the Act.

###### *Section B. Term of Office*

1. The term of office of each appointed member shall be for three (3) years, beginning July 1 and ending June 30: Provided, that the terms of office of the initial appointed members of the Commodity Board shall be staggered as follows: two (2) members shall serve one (1) year terms; two (2) members shall serve two (2) year terms; and three

(3) members shall serve three (3) year terms. All members appointed after those first appointed, shall serve three (3) year terms.

2. The Secretary, or his/her designee, will be a member of the Commodity Board, and the other six (6) members shall be appointed by the Secretary from among the affected producers. In making these appointments, the Secretary shall consider nominations submitted by the affected producers.

3. Successor members to fill the expired terms of members of the Commodity Board shall be appointed in the same manner as the initial members of the Commodity Board. Members shall serve in such capacities for the portion of the term of office for which they are appointed and until their respective successors are appointed and have qualified.

4. Any person appointed as a member of the Commodity Board shall be and remain a producer while a member of the Board and shall qualify by filing a written acceptance with the Secretary within fifteen (15) days of being notified.

5. To fill any vacancy occasioned by the failure of any person appointed as a member of the Commodity Board, a successor for the unexpired term of such member shall be appointed by the Secretary from among the affected producers.

6. Meetings of the Board will be held at least two (2) times a year.

#### *Section C. Powers and Duties of the Board*

The Commodity Board shall have the primary decision-making authority relative to contracts and other projects in furtherance of this program and includes the following powers and duties:

1. To determine all matters pertaining to this program.
2. To adopt written procedures for acquiring and disposing of property, and subject to these procedures, to acquire, own, use, hire, lease, operate and dispose of personal property, real property and interests in real property.
3. To make and enter into contracts and agreements, in accordance with the provisions of the law, which the Board deems necessary or incidental to the furtherance of the program or performance of duties and powers pursuant to the Act. The Board shall adopt written procurement procedures for all contracts.
4. To receive, account for and disburse all monies collected pursuant to this program, the Act and any applicable regulations.
5. To prepare a budget for the administration, operating costs and expenses of this program.
6. To receive and report to the Secretary complaints or violations of this program and to assist and cooperate with the Secretary in the enforcement thereof.
7. To establish committees or subcommittees to carry out assigned duties and functions, and to designate Board members and non-board members to serve on such committees and subcommittees.
8. To collect and gather information and data relevant to the proper administration of this program.
9. To charge fees and to assist the Secretary in the imposition of fees and the collection of fees and revenue pursuant to the Act.

10. To issue an annual report on the operation of this program.

11. To recommend amendments to this program and amendments to the Act and regulations issued pursuant thereto.

#### *Section D. Expenses and Compensation*

No member of the Board shall receive a salary, but each shall be entitled to actual expenses incurred while engaged in performing duties authorized herein. In addition, a per diem payment may be made to each Board Member or subcommittee member for each day in which a Board Member or subcommittee member is performing a duty necessary to the functions of the Board. The per diem payment shall not exceed the maximum sum allowable under the Act.

#### *Article V: Powers and Duties of the Secretary*

Subject to the provisions contained in the Act, the Secretary shall administer and enforce the provisions of the Act, and shall have and shall exercise all administrative powers necessary to effectuate the purposes of the Act, including the issuance of this program, the appointment of members to the Commodity Board and the providing of personnel, staff, legal counsel, and office facilities required for the administration and enforcement of this program.

#### *Article VI: Purpose*

This program is to provide funds to be used for, or to contract with any person, organization, or state or federal agency to, conduct, administer and execute plans and/or contracts for: (1) fulfillment of U.S. Apple membership obligations; (2) research regarding apples or apple products; (3) consumer education regarding apples or apple products; and (4) administrative activities necessary to those three authorized objectives and activities. U.S. Apple membership obligations shall be satisfied and maintained at the millage rate set for Pennsylvania by the U.S. Apple Association.

No program materials shall be approved, which shall make use of false or unwarranted claims. The Secretary and the Board may cooperate with any other state or Federal agency, or other organization whose activities may be deemed beneficial to the purpose of this Act.

#### *Article VII: Budget, Rate of Assessment, Collection of Assessment, Disbursement of Funds*

##### *Section A. Budget and Assessment*

1. A budget shall be prepared and established for each season and not later than July 1st, for the administration and enforcement of this program and for carrying out duly authorized programs and activities as herein provided.
2. The rate of assessment shall be five cents (\$.05) per harvested bushel of apples sold for fresh market use and one cent (\$.01) per harvested bushel of apples sold or accepted for processing. A producer may elect to pay the rate of (\$.05) per harvested bushel of apples sold for all purposes.
3. A bushel shall be that amount defined as a bushel of apples by the United States Department of Agriculture, Federal Crop Insurance Corporation regulations.
4. No assessment shall be paid on apples grown and processed by a producer as an ingredient of an agricultural commodity sold by that same producer subject to another program established under the Agricultural Commodities Marketing Act.



*Section B. Collection of Assessment/Charge*

1. Each producer shall be responsible for payment of the proper charge upon the apples which he/she produces or causes to be produced, and sells or delivers for sale.

2. All producers shall make remittance and accounting of the proper charge to the Secretary or his/her designated fiscal agent. Such remittance and accounting shall be inclusive of all sales of apples through the end of the period.

3. Any delinquent producer may be assessed a penalty for late payments as established by regulation.

*Section C. Disbursement of Funds*

1. Disbursement of funds shall be made in the manner described in the Act and in any rules or any regulations promulgated by the Secretary to effectuate the provisions and intent thereof, and in accordance with the provisions of this program.

*Article VIII: Effecting Program*

This program, or any amendment thereto, shall not become effective unless and until the Secretary determines by a referendum whether the affected producers assent to the proposed action. The Secretary shall conduct the referendum among affected producers and the affected producers shall be deemed to have assented to the proposed program if, of those voting, not less than a majority by number and a majority by volume assent to the proposed program.

*Article IX: Amending Program*

The Secretary shall call for a referendum on amendments to the program within a reasonable period of time, upon the request of the Board or with written request of ten percent of the producers in a commodity group of over two thousand affected producers or fifteen percent of the producers in a commodity group of less than two thousand affected producers. In voting on an amendment to the program, the vote shall be only on the amendment, and shall not terminate the program.

*Article X: Terminating Program*

Subject to approval of the Board, the Secretary shall suspend or terminate this program or any provisions

hereof whenever he/she finds that such provisions or program does not tend to effectuate the purpose of the Act within the standards and subject to the limitations and restrictions imposed in the Act; Provided that such termination or suspension shall not be effective until the expiration of the current season.

If the Secretary finds that the termination of the program is requested in writing, by more than thirty-three and one-third percent of the affected producers who produce for market more than fifty percent of the volume of agricultural commodities produced within the designated production area for market, the Secretary shall terminate or suspend for a specified period, the program or provisions thereof; provided that such termination shall be effective only if announced on or before the first day of July in any calendar year. If ten percent of the producers in a commodity group of over two thousand affected producers or fifteen percent of the producers in a commodity group of less than two thousand affected producers, request in writing, that a referendum be held on the question of terminating the program, the Secretary must announce and conduct a referendum within a reasonable period of time. The program shall be terminated if so voted by a majority of those voting.

*Article XI: Program Reviewed*

At intervals of no greater than five (5) years, the Secretary of Agriculture shall call a referendum to determine whether or not a majority of the apple producers voting still desire a Commodity Program.

*Article XII: Interpretation*

Applicable provisions of this program shall be interpreted consistent with the Act and the Act shall take precedence in the event of any conflict with this program.

*Article XIII: Effective Date*

This Program shall become effective on May 27, 2017.

[Pa.B. Doc. No. 17-770. Filed for public inspection May 5, 2017, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P.L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P.L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P.L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending April 25, 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.



## NOTICES

## BANKING INSTITUTIONS

## Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
4-20-2017	Shady Maple Foundation East Earl Lancaster County  Application for approval to acquire more than 5% of the common stock of Hamilton Bancorp, Inc., Ephrata.	Filed
4-25-2017	Jacob and Joseph King Lancaster County  Application for approval to acquire more than 5% of the common stock of Hamilton Bancorp, Inc., Ephrata.	Filed

## Holding Company Acquisitions

4-21-2017	NexTier, Inc. Kittanning Armstrong County  Application for approval to acquire 100% of Manor Bank, Manor.	Approved
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## Branch Applications

## De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-17-2017	Peoples Security Bank and Trust Company Scranton Lackawanna County	2151 Emrick Boulevard Bethlehem Northampton County	Opened

## Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-17-2017	Orrstown Bank Shippensburg Cumberland County	1601 Manheim Pike Lancaster Lancaster County	Closed

## CREDIT UNIONS

## Change of Principal Place of Business

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Address</i>	<i>Action</i>
4-21-2017	Swindell Dressler Credit Union Pittsburgh Allegheny County	<i>To:</i> 4712 Clairton Boulevard Pittsburgh Allegheny County  <i>From:</i> 555 Grant Street Pittsburgh Allegheny County	Effective
4-24-2017	EME Credit Union Easton Northampton County	<i>To:</i> 123 South Third Street Easton Northampton County  <i>From:</i> 1 South Third Street Easton Northampton County	Effective

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. 17-771. Filed for public inspection May 5, 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

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PAS222204 (Storm Water)	Consolidated Storage Co. Inc. 225 Main Street Tatamy, PA 18085-0429	Northampton County Tatamy Borough	Bushkill Creek (1-F)	Yes
PA0063461 (Sewage)	Mehoopany Township WWTP 110 Adams Acres Lane Mehoopany, PA 18629	Wyoming County Mehoopany Township	Little Mehoopany Creek (4-G)	Yes

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

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

**PA0090018**, Sewage, **North Strabane Township Municipal Authority**, 1929B Route 519, Canonsburg, PA 15317-5128. Facility Name: Willolake STP. This existing facility is located in North Strabane Township, **Washington County**.

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

The receiving stream(s), Unnamed Tributary of Chartiers Creek, is located in State Water Plan watershed 20-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.14 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Average Monthly	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Min	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	5.0 Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	11.7	XXX	10.0	XXX	XXX	20.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	Report	Report	XXX	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	Report	XXX	XXX	XXX
Total Suspended Solids	29.2	XXX	25.0	XXX	XXX	50.0
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ultraviolet light transmittance (%)	XXX	XXX	Report Min	XXX	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	4.1	XXX	3.5	XXX	XXX	7.0
May 1 - Oct 31	2.3	XXX	2.0	XXX	XXX	4.0
Total Nitrogen	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Daily Max	XXX	XXX

The EPA Waiver is in effect.

*Northeast Regional Office: Regional Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone: 570.826.2511.*

**PA0031127**, Sewage, SIC Code 4952, **Northampton Borough Northampton County**, 1401 Laubach Avenue, Northampton, PA 18067-0070. Facility Name: Northampton Borough WWTP. This existing facility is located in Northampton Borough, **Northampton County**.

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

The receiving stream(s), Hokendauqua Creek, is located in State Water Plan watershed 2-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX Daily Max	6.0	XXX	9.0 Max	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly	Minimum	Average Monthly	Weekly Average	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.17
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	312	500	XXX	25.0	40.0	50.0
BOD, carbonaceous, 20 day, 20 C Intake	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids Intake	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids	375	563	XXX	30.0	45.0	60.0
Total Dissolved Solids	XXX	XXX	XXX	1,000	XXX	XXX
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	Report	XXX	XXX	Report	XXX	XXX
May 1 - Oct 31	182	XXX	XXX	14.5	XXX	29.0
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Copper, Total (µg/L)	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of stormwater—0 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly	Minimum	Average Monthly	Daily Maximum	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of stormwater—0 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly	Minimum	Average Monthly	Daily Maximum	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

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

- Yearly WET Testing
- Stormwater

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

The EPA Waiver is not in effect.

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

**PA0054852 A-1**, Industrial, SIC Code 4953, **WBLF Acquisition Co. LLC**, 455 Poplar Neck Road, Birdsboro, PA 19508-8300. Facility Name: Western Berks Comm Landfill & Recycling Ctr/Birdsboro. This existing facility is located in Cumru Township, **Berks County**.

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

The receiving stream(s), Schuylkill River and Unnamed Tributary to Schuylkill River, is located in State Water Plan watershed 3-C and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.047 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.64



<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	9.8	19.6	XXX	25.0	50.0	75
Total Suspended Solids	10.6	23.5	XXX	27.0	60.0	75
Total Dissolved Solids	2,568	5,137	XXX	7,700.0	15,400.0	19,250
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ammonia-Nitrogen	1.9	3.9	XXX	4.9	10.0	12.2
Zinc, Total	0.043	0.078	XXX	0.11	0.20	0.275
Phenol	0.006	0.010	XXX	0.015	0.026	0.037
a-Terpineol	0.006	0.013	XXX	0.016	0.033	0.04
Benzoic Acid	0.028	0.047	XXX	0.071	0.120	0.177
p-Cresol	0.005	0.010	XXX	0.014	0.025	0.035
PCBs Dry Weather Analysis (pg/L)	XXX	XXX	XXX	XXX	Report	XXX
PCBs Wet Weather Analysis (pg/L)	XXX	XXX	XXX	XXX	Report	XXX

There are no proposed changes for the stormwater outfalls: 002, 003, 004, 007, 008, 009, 010, 011.

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

The EPA Waiver is in effect.

**PA0038733**, Sewage, SIC Code 4952, **East Providence Township Municipal Authority Bedford County**, 244 Municipal Road, Breezewood, PA 15533-0083. Facility Name: East Providence Township STP. This existing facility is located in East Providence Township, **Bedford County**.

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

The receiving stream(s), Unnamed Tributary to Tub Mill Run, is located in State Water Plan watershed 11-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.38 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.02	XXX	0.07
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	79	127	XXX	25	40	50
Total Suspended Solids	95	145	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ammonia-Nitrogen				Geo Mean		
Nov 1 - Apr 30	19	XXX	XXX	6.0	XXX	12
May 1 - Oct 31	6.3	XXX	XXX	2.0	XXX	4
Total Phosphorus	6.3	XXX	XXX	2.0	XXX	4

The proposed effluent limits for Outfall 001 are based on a design flow of 0.38 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	79	127	XXX	25	40	50

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Suspended Solids	95	145	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	19	XXX	XXX	6.0	XXX	12
May 1 - Oct 31	6.3	XXX	XXX	2.0	XXX	4
Total Phosphorus	6.3	XXX	XXX	2.0	XXX	4

The proposed effluent limits for Outfall 001 are based on a design flow of 0.38 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Influent	Report	Report	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Ammonia-Nitrogen	Report	Total Annual Report	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Report	Total Annual XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report Total Annual	XXX	Report	XXX	XXX

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

- Subsequent to completion of the construction upgrade, the disinfection process will change from chlorine disinfection to ultraviolet light disinfection.

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

The EPA Waiver is in effect.

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

**PA0265004**, Sewage, SIC Code 8800, **Heather CREDIT**, 3741 Philip Island Road, West Sacramento, CA 95691. Facility Name: Heather CREDIT SRSTP. This proposed facility is located in Clarion Township, **Clarion County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated SRSTP Sewage.

The receiving stream(s), an unnamed tributary to Whites Run, is located in State Water Plan watershed 17-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		

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

The EPA Waiver is not in effect.

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


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

**WQM Permit No. 4017401**, Sewerage, **Harveys Lake Borough Municipal Authority Luzerne County**, 4875 Memorial Highway, Harveys Lake, PA 18618.

This proposed facility is located in Harveys Lake Borough, **Luzerne County**.

Description of Proposed Action/Activity: Installation of new flow meters at 13 existing Pump Stations. The meters will be installed within new vaults on existing force mains.

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

**WQM Permit No. WQG02361701**, Sewerage, **West Earl Sewer Authority**, 157 West Metzler Road, PO Box 787, Brownstown, PA 17508.

This proposed facility is located in West Earl Township, **Lancaster County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of the Conestoga View Sanitary Sewer Extension.

**WQM Permit No. 0617405**, Sewerage, **Fred Curtis**, 1561 Weisstown Road, Boyertown, PA 19512.

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

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a single residence sewage treatment plant to serve their residence.

**WQM Permit No. 6706407, Amendment No. 1**, Springfield Township, **York County Sewer Authority**, PO Box 75, 9211 Susquehanna Trail, Seven Valleys, PA 17360.

This proposed facility is located in Springfield Township, **York County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of headworks improvements.

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

**WQM Permit No. 4317404**, Sewerage, **Charlotte & Robert Russo**, 6480 Lakeside Drive, Sharpsville, PA 16150.

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

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

**WQM Permit No. 6183401 A-1**, Sewerage, **Aqua Pennsylvania Inc.**, 762 W Lancaster Avenue, Bryn Mawr, PA 19010-3402.

This existing facility is located in Emlenton Borough, **Venango County**.

Description of Proposed Action/Activity: Amendment to convert chlorine gas to sodium hypochlorite at Emlenton Area Sewage Treatment Plant.

**WQM Permit No. 2517404**, Sewerage, **Cory Migliaccio & Jill Fuller**, PO Box 11222, Erie, PA 16514.

This proposed facility is located in Greenfield Township, **Erie 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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*Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD510011	Westrum Development Company 1300 Virginia Drive Suite 215 Fort Washington, PA 19034	Philadelphia	City of Philadelphia	Delaware Estuary WWF-MF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390014	VerTek Construction Management 7171 Airport Rd Suite 200 Bath, PA 18014	Lehigh	Lower Macungie Township	Swabia Creek (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD450018	Jaroslav Wojtach 121 Grove Street Elmwood Park, NJ 07407-2106	Monroe	Coolbaugh Township	East Branch of Red Run (HQ-CWF, MF)

*Northampton County Conservation District, 14 Gracedale Avenue Greystone Bldg., Nazareth, PA 18064-9211.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD480014	IPT Brodhead DC, LLC 301 Route 17 North Suite 206 Rutherford, NJ 07070	Northampton	Bethlehem Township	Monocacy Creek (HQ-CWF, MF)

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

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD670001	Goodman North American Partnership Holdings, LLC 1275 Glenlivet Drive Suite 100 Allentown, PA 18106	York County	Newberry Township	UNT Fishing Creek (TSF, MF) Wetlands EV Wetlands

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

*Union County Conservation District: Union County Government Center, 155 North 15th Street, Lewisburg, PA 17837, (570) 524-3860.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD600001	Jason Zimmerman 2345 Reber Road Mifflinburg, PA 17844	Union	West Buffalo Twp	UNT to Cool Run HQ-CWF

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

<i>Permit No.</i>	<i>Applicant &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAD630010	Plenary Walsh Keystone Partners 2000 Cliff Mine Road Park West Two Third Floor Pittsburgh, PA 15275	Washington County	Independence Township	Brush Run (HQ-WWF)
PAD650005	Virtus Institute 643 North Main Street Greensburg, PA 15601	Westmoreland County	North Huntingdon Township	Stewartsville Run Road (HQ-TSF)
PAD650006	RWS Development Company 8958 Hill Drive North Huntingdon, PA 15642-3112	Westmoreland County	North Huntingdon Township	Stewartsville Run Road (HQ-TSF) UNT to Long Run (HQ-TSF)

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

*Warren County Conservation District, 4000 Conewango Avenue, Warren, PA 16365, 814-726-1441.*

*Erie County Conservation District, 1927 Wager Road, Erie, PA 16509, 814-825-6403.*

*Lawrence County Conservation District, 430 Court Street, New Castle, PA 16101, 724-652-4512.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD620001	Fox & Sons Excavating, LLC Dana Hennessy P.O. Box 405 223 North Main Street Clarendon, PA 16313	Warren County	Pleasant Twp	West Branch Tionesta HQ



<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD250001	Mid Atlantic Interstate Transmission, LLC (a First Energy Company) 341 White Pond Drive Akron, OH 44320	Erie County	North East Twp	Twelvemile Creek HQ; CWF; MF
PAD370001	Pennsylvania American Water Mr. William Lage 2736 Ellwood Road New Castle, PA 16101	Lawrence County	Shenango Twp & Slippery Rock Twp	UNT to Big Run Big Run WWF UNT to McKee Run McKee Run WWF UNT to Duck Run Duck Run WWF UNT to Hell Run Hell Run EV

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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. PAG124859**, CAFO, **Stonewall Pork, LLC**, 242 Alder Run Road, Millerton, PA 16936-9253.

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

Description of size and scope of proposed operation/activity: The construction of a proposed finishing swine barn facility with underbarn manure storage. The facility will house approximately 4,800 animals. There will be a total of 713.42 AEUs.

The receiving stream, Unnamed Tributary to Hammond Creek, is in watershed 4-B 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 100-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.

## STATE CONSERVATION COMMISSION

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

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

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

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

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

**CAFO NMP  
PUBLIC NOTICE SPREADSHEET—APPLICATIONS (Submission)**

<i>Agricultural Operation (Name and Address)</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units (AEUs)</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>New or Renewal</i>
Hickory Hollow Farm, LLC 491 Barnsley Road Oxford, PA 19363	Chester	1,000	620.25	Swine	EV & HQ	Renewal
Jevin Kready 1113 North Colebrook Rd Manheim, PA 17547	Lancaster	93.6	378.14	Broiler	NA	R
Deer Stone Ag., Inc. Drew Derstein Farm 10049 Ferguson Valley Road Lewistown, PA 17044	Mifflin	24.6	720.52	Swine	HQ	Renewal
Star Rock Dairy Robert Barley 175 Chestnut Grove Rd Conestoga, PA 17516	Lancaster	311	2,331.1	Dairy	NA	R
Brubaker Run Farms, LLC Nicholas Brubaker 2871 North Colebrook Rd Manheim, PA 17545	Lancaster	24.2	131.2	Ducks	NA	R

**PUBLIC WATER SUPPLY (PWS)  
PERMITS**

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

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

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

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

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

**SAFE DRINKING WATER**

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

*Southeast Region: Safe Drinking Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Permit No.1517509, Minor Amendment.** Public Water Supply.

Applicant	<b>Evans Christou</b> Post House Restaurant P.O. Box 159 Nottingham, PA 19362
Township	East Nottingham
County	<b>Chester</b>
Type of Facility	PWS
Consulting Engineer	Thomas J. Whitehill, P.E.
Permit to Construct Issued	April 6, 2017

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

**Permit No. 0617504,** Public Water Supply.

Applicant	<b>Diakon Lutheran Social Ministries</b>
Municipality	Longswamp Township
County	<b>Berks</b>
Responsible Official	Paul Moriarty, Facilities Management 1 South Home Avenue Topton, PA 19562
Type of Facility	Public Water Supply

Consulting Engineer R. Scott Hughes, P.E.  
Gannett Fleming, Inc  
PO Box 80794  
Valley Forge, PA 19484-0794

Application Received: 4/17/2017

Description of Action Diakon Lutheran Social Ministries has submitted an application for the addition of a new source, Well No. 3, to the existing community water system at the Topton Campus in Longswamp Township and Topton Borough, Berks County. The new source will have metering equipment as well as disinfection and corrosion control treatment installed in the proposed well house. A new transmission line will connect Well No. 3 to the existing transmission line upstream of the existing meter chamber.

#### MINOR AMENDMENT

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

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

#### Application No. 3917504MA, Minor Amendment.

Applicant **Lehigh County Authority**  
PO Box 3348  
Allentown, PA 18106-3348

[Township or Borough] City of Allentown  
**Lehigh County**

Responsible Official Mr. Craig W. Messinger  
Lehigh County Authority  
641 South 10th Street  
Allentown, PA 18103

Type of Facility Public Water Supply

Consulting Engineer Donnell Ducan, P.E.  
Utility Service Company  
1230 Peachtree Street  
Atlanta, GA 30309

Received Date 04/17/2017

Description of Action Installation of PAX active mixing system in the 118,000 gallons 28th street tank.

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

#### Application No. 5617503MA, Minor Amendment.

Applicant **Somerset Township Municipal Authority**  
PO Box 247  
Somerset, PA 15501

[Township or Borough] Somerset Township

Responsible Official Carolyn Zambanini  
Somerset Township Municipal Authority  
PO Box 247  
Somerset, PA 15501

Type of Facility Friedens water system

Consulting Engineer Somerset Planning & Engineering Services, LLC  
222 West Main Street  
Suite 200  
Somerset, PA 15501

Application Received Date April 20, 2017

Description of Action Installation of a vault and waterline to provide an interconnection to Sunny Acres MHP.

#### Application No. 2617509MA, Minor Amendment.

Applicant **Municipal Authority of Westmoreland County**  
124 Park & Pool Road  
New Stanton, PA 15672

[Township or Borough] Hempfield Township and New Stanton Borough

Responsible Official William Castelli, Distribution Facility Superintendent  
Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Type of Facility Water system

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

Application Received Date April 20, 2017

Description of Action Installation of approximately 3,000 feet of 12-inch diameter waterline and appurtenances along Hunker Waltz Mill Road and Broadview Road.

#### Application No. 0317501MA, Minor Amendment.

Applicant **Ford City Borough**  
1000 4th Avenue  
Ford City, PA 16226

[Township or Borough] Ford City Borough

Responsible Official Carol Fenyes, Council President  
Ford City Borough  
1000 4th Avenue  
Ford City, PA 16226

Type of Facility Water system

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

Application Received Date April 21, 2017

Description of Action Installation of approximately 1,200 feet of 8-inch diameter waterline and appurtenances; and approximately 1,200 feet of 12-inch diameter raw water transmission main.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

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

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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:

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

**Power Residence**, 37 Mulberry Street, Upper Chichester Township, **Delaware County**. Thomas Ferro, Ferro Fuel Oil, Inc., 2400 Chichester Avenue, Boothwyn, PA 19061, William Johns-Villa, Crawford Environmental Services, LLC, 20 Cardinal Drive, Birdsboro, PA 19508, Patrick Crawford, PG, Crawford Environmental Services, LLC, 20 Cardinal Drive, Birdsboro, PA 19508 behalf of Robert and Dawn Powers, 37 Mulberry Street, Boothwyn, PA 19061 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of home heating oil. The proposed future use of the property will be residential for residential use. A Notice of Intent to Remediate was published in the *Daily Local News* on August 15, 2016. 809927.

**Wells Fargo**, 101 Main Street, Borough of Phoenixville, **Chester County**. John Van-Wagenon, PG, Coventry Environmental Associates, Inc., P.O. Box 224, St. Peters, PA 19470 on behalf of Brandon Whitaker, BAW Group, P.O. Box 706, Devon, PA 19333 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of heating oil. The future use of the property will be commercial for us as a bank. A Notice of Intent to Remediate was published in the *Daily Local News* on April 6, 2017. PF817586.

**844 Keim Street**, 814 Keim Street, Lower Pottsgrove Township, **Montgomery County**. David B. Farrington, P.G., Brickhouse Environmental, 51 South Franklin Street, West Chester, PA 19382, David Magee, Archdiocese of Philadelphia Office of Catholic Education, 222 North 17th Street, Suite 500, Philadelphia, PA 19103-1299 on behalf of Keith Montone, FCE-SPX, LLC 1373 Enterprise Drive, West Chester, PA 19380 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 heating oil. The proposed future use of the property will be for use as a school. A Notice of Intent to Remediate was published in the *Mercury* on March 22, 2017. PF817588.

**Shops @ Wedgewood (Wedgewood Cleaners)**, 4311 Street Lincoln High, Caln Township, **Chester County**. Alan R. Hirschfeld, D/R Bankers Environmental Solutions, LLC, 219 Laureen Road, Schwenksville, PA 19473, Dale Reier, D/R Bankers Environmental Solutions, LLC, 219 Laureen Road, Schwenksville, PA 19473 on behalf of Mike Weaver, Wedgewood Associates, LP, 409 Stenton Avenue, Flourtown, PA 19031 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of the TCL volatile organics. The intended future use of the property is to remain as a retail shopping center. A Notice of Intent to Remediate was published in the *Daily Local News* on March 30, 2017. PF817641.

#### RESIDUAL WASTE GENERAL PERMITS

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**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 Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

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*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17106-9170.*

**General Permit Application No. WMGR147. GMA Garnet Corporation**, 1800 Hughes Landing, Suite 350, The Woodlands, TX 77380; Site: Fairless Hills Recycling Facility, 25 Sorrells Boulevard, Fairless Hills, PA 19030, **Bucks County**. GMA Garnet Corporation has requested an amendment to General Permit No. WMGR147 to increase the maximum allowable amount of spent garnet received for processing from 12,000 tons per year to 25,000 tons per year.

Written comments concerning the requested amendment should be directed to Ali Tarquino-Morris, Program Manager, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on WMGR147" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 30 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

#### **DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS**

**Application for Determination of Applicability Renewal Received Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.*

**General Permit Application No. WMGR028SE006. H & K Group Inc.**, 2052 Lucon Road, P.O. Box 196, Skippack, PA 19474. This application is for the renewal of the determination of applicability (DOA) under General Permit No. WMGR028 for the beneficial use of asphalt plant baghouse fines at the Sanatoga Blacktop facility (original assigned permit ID number was WMGR028D017B). The Sanatoga Blacktop (formerly Reading Materials) is located at 394 S. Sanatoga Road, Pottstown, PA 19464-3148 in Lower Pottsgrove Township, **Montgomery County**. The application for determination of applicability was accepted as administratively complete by Southeast Regional Office on April 11, 2017.

Comments concerning the application should be directed to the Waste Management Program Manager, DEP Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915. Persons interested in obtaining more information about the general permit application may contact the Southeast Regional Office by telephone at 484.250.5960 TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654.5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

**Application for Determination of Applicability Received Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.*

**General Permit Application No. WMGR096SE008. Pennsylvania Department of Transportation, District 6-0**, 7000 Geerdes Boulevard, King of Prussia, PA 19406. This application is for determination of applicability (DOA) under General Permit No. (WMGR096) for the beneficial use of regulated fill material as defined in Department of Environmental Protection, (DEP) Document No. 258-2182-2773 (Management of Fill) to be used as construction material at the SR 0926 Brandywine Bridge Replacement Project located in Brandywine and Pocopson Townships, **Chester County**. The application for determination of applicability was accepted administratively complete by the Southeast Regional Office on April 19, 2017.

Comments concerning the application should be directed to the Waste Management Program Manager, DEP, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915. Persons interested in obtaining more information about the general permit application may contact the Southeast Regional Office by telephone at 484.250.5960. TDD users may contact the DEP through the Pennsylvania AT&T Relay Service, (800) 654.5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

### **AIR QUALITY**

#### **PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS**

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

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

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

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

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

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

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

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

#### PLAN APPROVALS

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

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

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

**10-001P: AK Steel Corporation—Butler Works** (210 Pittsburgh Road, Butler, PA 16003), for the proposed modification to plan approval 10-001N emission limitations and removal of 40 CFR 63 Subpart DDDDD requirements for Source 162 (Carlite Line Dry Furnace 26) in Butler City, **Butler County**. This is a Title V facility.

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

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

*Contact: Norman Frederick, P.E., Environmental Engineer Manager—Telephone: 570-826-2409.*

**64-00019A: Stourbridge Energy LLC** (358 North Shore Drive, Suite 201, Pittsburgh, PA 15212) for their facility in Berlin Township, **Wayne County**.

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) intends to issue a Plan Approval to Stourbridge Energy LLC (358 North Shore Drive, Suite 201, Pittsburgh, PA 15212) for their facility to be located in Berlin Township, Wayne County. This Plan Approval No. 64-00019A will be incorporated into a Natural Minor Permit through an administrative amendment at a later date.

Plan Approval No. 64-00019A is for the construction of 22 MW electric generating plant. The plant will include three (3) Rolls-Royce natural gas fired engines with oxidation catalysts and SCR technology. The VOC emissions from the facility will not equal or exceed 50 TPY, based on a 12-month rolling sum. The NO<sub>x</sub> emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. Total PM, SO<sub>x</sub>, and CO emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. The HAPs from the facility must never equal or exceed 10 TPY of any single HAP and must never equal or exceed 25 TPY of all aggregated HAPs, based on a 12-month rolling sum. 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 facility is subject to NSPS Subpart JJJJ, MACT Subpart ZZZZ and 25 Pa. Code § 127.12(a)(5) Best Available Technology (BAT) requirements. The visible emission opacity shall not be equal to or greater than 20% at any time. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions.

Emissions from the engines will meet BAT, MACT ZZZZ & NSPS Subpart JJJJ requirements. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 64-00019A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania*



Bulletin or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.*

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

**36-03206A: Green Harvest Augsburger, LLC** (P.O. Box 209, Reinholds, PA 17569) for the construction of a combined heat & power (CHP) distributed generation facility located in West Cocalico Township, **Lancaster County**. The maximum expected emissions as a result of the project are: 16.0 TPY NO<sub>x</sub>; 14.5 TPY PM<sub>10</sub>/PM<sub>2.5</sub>; 10.4 TPY CO; 8.6 TPY VOC; 5.6 TPY total HAPs; and 3.1 TPY SO<sub>2</sub>. The facility is a State-Only facility. The Department's review of the information submitted by the applicant indicates that the air contamination source as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12, and 40 CFR Part 60, Subpart JJJJ. 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 specifications of the application for plan approval, the requirements established in the plan approval may be included in the facility's initial State-Only Operating Permit pursuant to the provisions of 25 Pa. Code §§ 127.441 and 127.443.

**36-05001L: Armstrong World Industries, Inc.** (1507 River Road, Marietta, PA 17547) for the replacement of an existing 18.554 MMBtu/hr gas-fired burner with a 23.845 MMBtu/hr gas-fired burner in the Boardmill (ID 104) dryer at their ceiling tile plant in East Donegal Township, **Lancaster County**. No other equipment will be modified or replaced during this project. Overall tile production capacity at the facility will not increase due to this replacement nor will the line speed increase. 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 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.

#### 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: Norman Frederick, P.E., Environmental Engineer Manager—Telephone: 570-826-2409.*

**66-00001: Proctor and Gamble Paper Products Co.** (P.O. Box 32, State Route 87 South, Mehoopany, PA 18629) The Department intends to issue a Title V Operating Permit renewal for operation in Washington Township, **Wyoming County**. The sources on site include natural gas fired boilers, a paper fines fired boiler, a natural gas fired combustion turbine, diesel fired pumps, emergency generators, and miscellaneous space heaters. Additional processes include papermaking machines, pulp preparation, printing processes, converting lines, diaper lines, wastewater treatment processes, and a parts washer. Control equipment at the facility includes multi-cyclones, venturi scrubbers, settling chambers, a thermal oxidizer, baghouses, and drum filters. These sources have the potential to emit major quantities of regulated pollutants above Title V emission thresholds. The proposed Title V Operating Permit contains all applicable requirements including Federal and State regulations. The proposed operating permit includes all applicable emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

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

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

**43-00287: Jones Performance Products, Inc.** (1 Jones Way, West Middlesex, PA 16159), the Department intends to issue the renewal of the Title V Operating Permit to operate a facility that manufactures truck and bus bodies made of fiberglass reinforced plastics. The sources at the facility include a gel coating booth, resin application booths, surface coating booths, a curing oven, and a parts washer. The facility is a Title V facility because its styrene emission from gel coating and resin application activities exceeds the 10-TPY major source threshold for single HAP. Sources for gel coating and resin application are subject to National Emission Standards for Hazardous Air Pollutants (NESHAP) for reinforced plastic composite production (40 CFR 63, Subpart WWW). Starting with this renewal permit, sources for surface coating are subject to VOC content limits and requirements of 25 Pa. Code § 129.52d, which pertains to control of VOC emissions from surface coating of several materials that include miscellaneous plastic parts.

**62-00141: National Fuel Gas Supply Corp.—Roystone Compressor Station** (Route 6 Sheffield, PA 16347), the Department intends to issue the renewal of the Title V Operating Permit to operate a natural gas compressor station in Sheffield Township, **Warren County**. Sources of air emissions at the facility include ten natural gas-fired compressor engines, two natural gas-fired emergency generator engines, two triethylene glycol (TEG) dehydration units, a boiler, pipeline heaters, a gasoline storage tank, parts washers, and a drip fluid tank. The facility is a Title V facility because of its high potential to emit VOC and NO<sub>x</sub> emissions, with PTEs of 72.51 TPY and 138.44 TPY, respectively. The engines at the facility are subject to 40 CFR 63 Subpart ZZZZ pertaining to National Emission Standards for Hazardous Air Pollutants (NESHAP) for stationary reciprocating internal combustion engines. As a major source of VOC and NO<sub>x</sub>, the facility is subject the presumptive NO<sub>x</sub> and VOC requirements of the RACT II (25 Pa. Code §§ 129.96—129.100) promulgated on April, 23, 2016 (46

Pa.B. 2036). Compliance milestones have been established to meet the approved petition for alternative compliance schedule to have the two TEG dehydration units comply with VOC requirements of the RACT II.

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

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

*Contact: Norman Frederick, P.E., Environmental Engineer Manager—Telephone: 570-826-2409.*

**39-00083: Filmtech Corporation** (2121 31st Street SW, Allentown, PA 18103-7006) intends to issue a State Only Operating Permit for their unlaminated plastics film and sheet manufacturing facility located in the City of Allentown, **Lehigh County**. The sources at the facility include eight (8) film lines controlled by six (6) electrostatic precipitators. The proposed permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**58-00003: Mountain View School District** (11748 State Route 106, Kingsley, PA 18826-6941) intends to issue a State Only Operating Permit renewal for their facility located in Harford Township, **Susquehanna County**. The sources at the facility include one (1) wood-fired boiler controlled by a cyclone. The proposed permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

*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.*

**36-03121: Cenveo Publisher Services** (3575 Hempland Road, Lancaster, PA 17601) to issue a State Only Operating Permit for the commercial journal printing facility located in West Hempfield Township, **Lancaster County**. The actual emissions from the facility in 2016 year are estimated at PM<sub>10</sub> 0.08 ton, SO<sub>x</sub> 0.01 ton, NO<sub>x</sub> 1.02 ton, CO 0.86 ton and VOCs 17.46 tons. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.67b Control of VOC emissions from offset lithographic printing presses and letterpress printing presses and 40 CFR Part 63 Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

**67-03059: Hill Street Veterinary Hospital** (555 Hill Street, York, PA 17403) to issue a State Only Operating Permit for operation of their pathological incinerator in Spring Garden Township, **York County**. The estimate potential emissions are 0.46 ton of CO, 0.55 ton of NO<sub>x</sub>, 0.52 ton of PM, 0.24 ton of SO<sub>2</sub>, and 0.04 ton of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping

and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

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

**43-00152: Wheatland Tube Mill Street Plant** (134 Mill St., Sharon, PA 16146-2118), the Department intends to issue the renewal of the Natural Minor Permit to operate a steel pipes and tubing manufacturing facility in the City of Sharon, **Mercer County**. In this renewal, eight sources that were deactivated, including their associated control devices and stacks, are removed from the permit. Remaining sources at the facility include a buttweld furnace, a coating line, three boilers, nine degreasers, area space heaters, and fugitive dust emissions from unpaved and paved roads. With these sources, the facility has potential to emit 36.0, 23.0, 21.5, 7.5, and 0.2 TPY of NO<sub>x</sub>, VOC, CO, PM<sub>10</sub>, and SO<sub>x</sub>, respectively. Starting with this renewal permit, VOC content limit and requirements of 25 Pa. Code § 129.52d applicable to the coating line at the facility supersede those from § 129.52. Because of its Natural Minor status, the facility is no longer subject to recordkeeping and reporting requirements 25 Pa. Code Chapter 135.

## 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.*

**26961601 and NPDES No. PA0214779. Matt Canestrone Contracting, Inc.**, (P.O. Box 234, Belle Vernon, PA 15012). To renew the permit for the LaBelle Site in Luzerne Township, **Fayette County**, East Bethlehem Township, **Washington County** and related NPDES Permit. No additional discharges. The application was considered administratively complete on April 19, 2017. Application received December 27, 2016.

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

**Permit No. 11060103 and NPDES No. PA0262242, Hoffman Mining Inc.**, P.O. Box 130, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface & auger mine to change the land use from Woodland to Unmanaged Natural habitat in Adams Township, **Cambria County**, affecting 182.1 acres. Receiving streams: unnamed tributaries to/and Paint Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 14, 2017.

**Permit No. 11000104 and NPDES No. PA0248851, Hoffman Mining Inc.**, P.O. Box 130, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface & auger mine to change the land use from Woodland to Unmanaged Natural habitat in Adams Township, **Cambria County**, affecting 151.0 acres. Receiving stream: Paint Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 14, 2017.

**Permit No. 11050102 and NPDES No. PA0249831, Hoffman Mining Inc.**, P.O. Box 130, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface & auger mine to change the land use from Woodland to Unmanaged Natural habitat in Adams Township, **Cambria County**, affecting 90.6 acres. Receiving streams: unnamed tributaries to/and Paint Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 14, 2017.

**Permit No. 56970105 and NPDES No. PA0262633, Hoffman Mining Inc.**, P.O. Box 130, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface & auger mine to change the land use from Woodland to Unmanaged Natural habitat in Paint Township, **Somerset County**, affecting 171.0 acres. Receiving streams: unnamed tributary to/and Stonycreek River classified for the following uses: cold water fishes and trout stocked fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 14, 2017.

**Permit No. 56080105 and NPDES No. PA0234630, Hoffman Mining Inc.**, P.O. Box 130, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface & auger mine to change the land use from Woodland to Unmanaged Natural habitat in Ogle & Paint Townships, **Somerset County**, affecting 290.8 acres. Receiving streams: Clear Shade Creek & unnamed tributaries to/and Shade Creek classified for the following uses: high quality cold water fishes, cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 14, 2017.

**Permit No. 56100103 and NPDES No. PA0263036, Hoffman Mining Inc.**, P.O. Box 130, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface & auger mine to change the land use from Woodland to Unmanaged Natural habitat in Ogle & Paint Townships, **Somerset County**, affecting 129.5 acres. Receiving streams: unnamed tributaries to/and Stonycreek River classified for the following uses: trout stocked fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 14, 2017.

**Permit No. 56070103 and NPDES No. PA0262366. PBS Coals, Inc.**, 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, renewal for reclamation only of a bituminous surface and auger mine in Stonycreek Township, **Somerset County**, affecting 338.3 acres. Receiving streams: unnamed tributaries to/and Schrock Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 13, 2017.

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

**33070103. Reichard Contracting, Inc.** (212 Olean Trail, New Bethlehem, PA 16242). Renewal of an existing bituminous surface and auger mine in Ringgold and Redbank Townships, **Jefferson** and **Armstrong Counties** affecting 165.5 acres. This renewal is for reclamation only. Receiving streams: Six unnamed tributaries to Painter Run and Sugar Camp Run, both classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: April 13, 2017.

**33120103. Reichard Contracting, Inc.** (212 Olean Trail, New Bethlehem, PA 16242). Renewal of an existing bituminous surface mine in Beaver Township, **Jefferson County** affecting 68.0 acres. This renewal is for reclamation only. Receiving streams: One unnamed tributary to Redbank Creek, two unnamed tributaries to Little Sandy Creek, and Brosius Run, both classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is Redbank Valley Municipal Authority. Application received: April 13, 2017.

**16140109 and NPDES Permit No. PA0259594. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127) Revision to an existing bituminous surface mine to add 12.0 acres in Washington Township, **Clarion County**, affecting a total of 70.0 acres. This revision also includes the addition of a sediment pond and a treatment facility to the NPDES permit. Receiving streams: Unnamed tributary to East Sandy Creek, classified for the following uses: CWF. Application received: April 20, 2017.

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

**17860144 and NPDES PA0115711. Junior Coal Contracting, Inc.** (2330 Six Mile Road, Philipsburg, PA 16866). Permit renewal for continued operation and resto-

ration of a bituminous surface coal mine located in Decatur Township, **Clearfield County** affecting 324.0 acres. Receiving stream(s): Big Run, Shimel Run, and Moshannon Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: April 7, 2017.

**17160104 and NPDES PA0269778. RES Coal LLC** (224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920). Commencement, operation, and restoration of a bituminous surface and auger mine located in Decatur Township, **Clearfield County** affecting 91.4 acres. Receiving stream(s): Unnamed Tributaries to Shimel Run and Shimel Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: April 17, 2017.

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

**65150101 and NPDES Permit No. PA0278238. Coal Loaders, Inc.** (210 E. Main Street, Ligonier, PA 15658). Application for commencement, operation and restoration of bituminous surface mine, located in Ligonier Township, **Westmoreland County**, affecting 339.9 acres. Receiving streams: unnamed tributaries to Mill Creek and Coalpit 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: April 3, 2017.

*Noncoal Applications Received*

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

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

\* The parameter is applicable at all times.

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

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

**37160303 and NPDES Permit No. PA0259713. Amerikohl Aggregates, Inc.** (202 Sunset Drive, Butler, PA 16001) Commencement, operation and restoration of a large industrial minerals mine and associated NPDES permit in Wayne Township, **Lawrence County**, affecting 204.0 acres. Receiving streams: Unnamed tributaries to Connoquenessing Creek and Connoquenessing Creek, unnamed tributary to the Beaver River, all classified for the following uses: WWF. Application received: March 28, 2017.

**37160303-E-1. Amerikohl Aggregates, Inc.** (202 Sunset Drive, Butler, PA 16001) Application for a stream encroachment to conduct mining activities within 100 feet of unnamed tributary No. 1 to the Beaver River in Wayne Township, **Lawrence County**. Receiving streams: Unnamed tributaries to Connoquenessing Creek and Connoquenessing Creek, unnamed tributary to the Beaver River, all classified for the following uses: WWF. Application received: March 28, 2017.

**37160303. Amerikohl Aggregates, Inc.** (202 Sunset Drive, Butler, PA 16001) Application for a wetlands encroachment to impact 1.35 acre of wetlands. As a replacement for the wetland impacts, 1.35 acre of shallow wetland communities will be developed according to the Module 14.4 mitigation plan in Wayne Township, **Lawrence County**. Receiving streams: Unnamed tributaries to Connoquenessing Creek and Connoquenessing Creek, unnamed tributary to the Beaver River, all classified for the following uses: WWF. Application also includes a request for a Section 401 Water Quality Certification. Application received: March 28, 2017.

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

**4773SM3 and NPDES PA0207101. Hanson Aggregates Pennsylvania LLC** (7660 Imperial Way, Allenton, PA 18195). Renewal of the NPDES permit on an existing industrial mineral mine located in Limestone Township, **Lycoming County** affecting 321.7 acres. Receiving stream: Antes Creek classified for the following use(s): CWF, MF. Application received: April 11, 2017.

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

**Permit No. 58170802 and NPDES Permit No. PA0225673. Lorenzo Sumba Granda**, (1525 Fair Hill Road, New Milford, PA 18834), commencement, operation and restoration of a quarry operation and NPDES Permit for discharge of treated mine drainage in Franklin Township, **Susquehanna County** affecting 6.7 acres, receiving stream: unnamed tributary to Fall Brook, classified for the following uses: EV—cold water and migratory fishes. Application received: March 22, 2017.

**Permit No. 58082805. Rock Ridge Stone, Inc.** (7295 Kingsley Road, Kingsley, PA 18826), Stage I & II bond release of a quarry operation in Forest Lake Township, **Susquehanna County** affecting 1.0 acre on property owned by Joseph Liotino. Application received: April 17, 2017.

**Permit No. 48870301C13 and NPDES Permit No. PA0593893. H & K Group, Inc.** (PO Box 196, Skippack, PA 19474), renewal of an NPDES permit for discharge of treated mine drainage from a quarry operation in Lower Mt. Bethel Township, **Northampton County** affecting 252.75 acres, receiving streams: Mud Run, cold water fishes and Delaware River, warm water fishes. Application received: April 19, 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:

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

\*The parameter is applicable at all times.

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

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

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

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

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

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

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

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

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

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

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a



hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

*Coal NPDES Draft Permits*

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

**NPDES No. PA0279498 (Mining Permit No. 32160101), P & N Coal Company, Inc.**, P.O. Box 332, Punxsutawney, PA 15767 for a new NPDES permit for surface mining activities in Banks and Burnside Townships, **Indiana and Clearfield Counties**, affecting 82.3 acres. Receiving streams: unnamed tributaries to Cush Creek, classified for the following use: cold water fishes. This receiving stream is included in the West Branch Susquehanna River Watershed TMDL. Application received: March 13, 2017.

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

The treatment outfall listed below discharges to an unnamed tributary to Cush Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001 (TB-1)	Y

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

<i>Outfalls: 001 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

The stormwater outfall listed below discharges to an unnamed tributary to Cush Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
002 (A)	Y

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

<i>Outfall: 002 (Dry Weather) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			
<i>Outfall: 002 (&gt; 10-yr/24 hr Precip. Event) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	N/A	N/A	7.0
Total Settleable Solids (ml/l)	N/A	N/A	0.5
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

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

**NPDES No. PA0106682 (Permit No. 33850118), P. and N. Coal Company, Inc.** (P.O. Box 332, Punxsutawney, PA 15767) Renewal of an existing NPDES permit for a bituminous surface mine in Winslow Township, **Jefferson County**, affecting 190.0 acres. Receiving streams: Unnamed tributaries to Soldier Run, classified for the following uses: CWF. TMDL: None. Application received: March 16, 2017.

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

The outfall(s) listed below discharge to unnamed tributaries to Soldier Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TB-1	N
TB-2	N
TB-3	N



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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		2.0	4.0	5.0
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90

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

The outfall(s) listed below discharge to unnamed tributaries to Soldier Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
A	N
B	N
C	N
D	N
F	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/l)				0.5

*Noncoal NPDES Draft Permits*

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

**NPDES Permit No. PA0594369 on Surface Mining Permit No. 7973SM3. Naceville Materials**, (350 South Main Street, Doylestown, PA 18901), renewal of an NPDES Permit for an argillite quarry operation in Wrightstown Township, **Bucks County**, affecting 60.0 acres. Receiving stream: Mill Creek, classified for the following use: warm water fishes. Application received: October 16, 2013.

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 Mill Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	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
Iron (mg/l)		3.5	7.0	
Manganese (mg/l)		2.0	4.0	

<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.*

**E46-1151. Holman PA Automotive, LLC**, 244 Kings Highway, Maple Shade, NJ 08052, Whitmarsh Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain a 53,800-square foot, four story building situated within the wetlands (PFO, PFE), and the floodplain of UNT to Sandy Run (TSF, MF) associated with the auto dealership and infrastructure improvements including parking, stormwater management controls, and land scaping. Total wetland impact will be 8,870 sq. feet (0.204 AC).

The site is located at about 3,000 feet northwest of Pennsylvania Avenue and Pa Turnpike (Ambler, PA USGS Quadrangle Latitude: 40.135215; Longitude: -75.209266).

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E31-238: PA Department of Transportation Engineering District 9-0**, 1620 North Juniata Street, Hol-

lidsburg, PA 16648 in Jackson Township, **Huntingdon County**, U.S. Army Corps of Engineers Baltimore District.

To maintain 2 18-inch diameter outfalls in UNT Standing Stone Creek (HQ-CWF) and Standing Stone Creek (HQ-CWF) with R-4 and R-5 Riprap scour protection for the purpose of improving roadway safety. The project is located in Jackson Township, Huntingdon County. (40° 38' 26.4", -77° 49' 55.8")

**E01-317: Plenary Walsh Keystone Partners**, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275 in Menallen Township, **Adams County**, U.S. Army Corps of Engineers Baltimore District.

To remove the existing structure and to install and maintain a 64-foot long, 30 foot wide concrete box beam bridge having an under clearance of 6.7 feet over Opossum Creek (TSF, MF, Wild Trout). The construction will temporarily impact 0.046 acre and permanently impact 0.017 acre of Exceptional Value Wetland. All impacts are associated with the SR 4006, Aspers Bendersville bridge replacement over Opossum Creek (Latitude 39°58'37.56", Longitude -77°13'31.44") for the purpose of improving safety standards.

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

**E41-681. Joe Schick**, 600 Tallman Hollow Road, Montoursville, PA 17754. Schick Property—Culvert Installation in Upper Fairfield Township, **Lycoming County**, ACOE Baltimore District (Montoursville North, PA Quadrangles N: 41° 18' 32.6"; W: -76° 54' 5.4").

To install and maintain a 48-inch diameter HDPE driveway pipe.

This project proposes to have the following impacts:

Cross #	Activity	Resource	Resource Name*	Chapter 93	Impact Temporary		Impact Permanent		Latitude	Longitude
					Length (Feet)	Acres (AC)	Length (Feet)	Acres (AC)		
1	Culvert Installation	Stream	UNT to Loyalsock Creek	TSF, EV	0	0	40	0.0028	41.309129	76.901509

There are no wetland being impacted by the project. The proposed culvert will not permanently impact wetlands, cultural or archaeological resources, National/State/local parks, forests recreational areas, landmarks wildlife refuge, or historical sites. UNT to Loyalsock Creek is classified with a designated use of Trout Stocked Fishery (TSF) with an existing use of Exceptional Value. It is not listed as an approved trout or wild trout stream.

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

**E02-1747, 911th Airlift Wing, Pittsburgh Air Reserve Station**, 2475 Defense Avenue, Coraopolis, PA 15108-4450, Moon Township, **Allegheny County**, Pittsburgh ACOE District.

The applicant proposes to:

Place and maintain fill in approximately 0.017 acre of PEM isolated wetlands for the purpose of expanding an existing parking lot at the 911th Airlift Wing, Pittsburgh

International Airport, Air Reserve Station. The proposed parking lot expansion will be approximately 1.2 acre in size and is located just northwest from the intersection of Defense Avenue and Rocky Lane (Oakdale, PA N: 21.7 inches; W: 11.6 inches; Latitude: 40° 29' 39.0"; Longitude: -80° 12' 32.3") in Moon Township, Allegheny County.

**E02-1766, Equitrans, LP**, 625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222, Forward Township, **Allegheny County**, Pittsburgh ACOE District.

The applicant proposes to:

Construct and maintain a temporary road crossing across approximately 0.55 acre of PEM wetland (aka Wetland W-BB7), in association with the installation of a 20" natural gas pipeline (aka the H-318 Pipeline), which is a component of the Equitrans Expansion Project (Project). The temporary road crossing is located at 614 McVicker Lane, in Forward Township, Allegheny County. This temporary road crossing is one component of this larger project, for which the Department is reviewing an

Environmental Assessment and request for state water quality certification (DEP File No. WQ05-001). Portions of this larger project are located in Allegheny, Greene and Washington Counties.

**E04-364, Borough of Ambridge**, 600 Eleventh Street; Ambridge, PA 15003, Ambridge Borough, **Beaver County**, Pittsburgh ACOE District.

The applicant proposes to:

Replace, operate, and maintain a recently damaged 60" diameter RCP stormwater outfall (AKA # SW-07) with a 60" diameter CCP stormwater outfall within the Ohio River (WWF), to repair, operate and maintain a second, recently damaged 36" diameter STL stormwater outfall (AKA # SW-08) within the Ohio River (WWF), to replace, operate and maintain fill that was recently washed away along the Ohio River and to construct operate and maintain 60" RCP barrels filled with concrete along the tow of slope of the riverbank to form breakwater for the purpose of reconstructing previously constructed stormwater outfalls along the right descending bank of the Ohio River, approximately 0.01 mile upstream from the Ambridge Woodlawn Bridge (Quadrangle: Ambridge, PA: Latitude: 40° 35' 30"; Longitude: -80° 14' 3"; N:16.5, W:15.1) in Ambridge Township, Beaver County.

**E63-706, Plenary Walsh Keystone Partners**, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275, North Strabane Township, **Washington County**, Pittsburgh ACOE District.

The applicant proposes to:

Replace a structurally deficient bridge over Little Chartiers Creek (HQ-WWF) on SR 1023 in North Strabane Township, Washington County. The replacement bridge will consist of 84-foot long, single span, prestressed concrete spread box beams. The bridge will increase from 18.96 feet to 32.0 feet and will include two 11-foot lanes and 4-foot shoulders. Upgrades will include guiderail updates, drainage improvements, and overlaying of approaches. A temporary stream crossing with four pipes

will be constructed to allow construction access. The project will include the relocation of two unnamed tributaries to Little Chartiers Creek. Unnamed tributary No. 1 will have a total of 121 linear feet of permanent impact. Unnamed tributary No. 2 will have a total of 83 linear feet of permanent impact. Also, 0.017 acre of wetlands will be permanently disturbed for the construction of the new bridge.

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

**E4129-112: Seneca Resources Corporation**, 5800 Corporate Drive, Suite 300, Pittsburgh, PA 15237, Lewis Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) An 8-inch water pipeline in a 16-inch steel casing bored under 119 linear feet of Lycoming Creek (EV) (Bodines, PA Quadrangle 41°26'13"N 76°59'35"W).

The project will result in a total of 119 linear feet of stream impacts for the purpose of installing a water pipeline for Marcellus well development.

#### ENVIRONMENTAL ASSESSMENTS

*Cambria District: Contact Person: Patrick M. Webb, 286 Industrial Park Rd., Ebensburg, PA 15931-4119.*

**EA1009-019. Pennsylvania Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Rd., Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Allegheny Township, **Butler County**, Pittsburgh ACOE District.

The applicant will backfill an abandoned surface mine, which includes a 0.4-acre non-discharging dangerous impoundment. There are no wetlands on the site due to mine spoil. No mitigation is proposed and none is required. (Hilliards Quadrangle 41° 06' 44" N, 79° 46' 11" W).

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## ACTIONS

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

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

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

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction

requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

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

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

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0217506 (Sewage)	Whispering Woods STP 116 Minter Road Butler, PA 16001	Beaver County New Sewickley Township	Unnamed Tributary to Snake Run (20-G)	Yes

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Phone: 484.250.5970.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0244881 Storm Water	Victory Gardens Inc. 357 West Street Road Warminster, PA 18974	Bucks County Milford Township	Unnamed Tributary to Unami Creek 3-E	Y
PA0012424 Industrial Waste	McAdoo & Allen Inc. 201 South Hellertown Avenue Quakertown, PA 18951-1768	Bucks County Quakertown Borough	Beaver Run 2-D	Y
PA0056570 Industrial Waste	Hoover Treated Wood Products Oxford Facility 154 Wire Road Thomson, GA 30824	Chester County East Nottingham Township	Unnamed Tributary to Little Elk Creek 7-K	Y
PA0026867 Sewage	Abington Township 1176 Old York Road Abington, PA 19001-3713	Montgomery County Upper Dublin Township	Sandy Run 3-F	N

*Northeast Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2511.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0065315 (Sewage)	Roger & Denise Radcliff SRSTP 4279 Chestnut Drive Walnutport, PA 18088	Northampton County Lehigh Township	Unnamed Tributary of Lehigh River (2-C)	Yes
PAS802227 (Stormwater)	Dayton Superior Corporation—Allentown Distribution Center 7130 Ambassador Drive Allentown, PA 18106	Lehigh County Upper Macungie Township	Unnamed Tributary to Iron Run (2-C)	Yes



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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0046159 (Sewage)	Regional Water Pollution Control Facility PO Box 277 116 Sterling Street Houtzdale, PA 16651-0277	Clearfield County Woodward Township	Beaver Run (8-D)	No

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0222305 (Sewage)	Andrew L & Betty A Confer SFTF 8971 Route 27 Pittsfield, PA 16340-9402	Warren County Deerfield Township	Caldwell Creek (16-E)	Yes
PA0104558 (Sewage)	Ebberts Laundromat 580 Millcreek Road Utica, PA 16362	Crawford County Fairfield Township	Unnamed Tributary to French Creek (16-D)	Yes

## **II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions**

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**NPDES Permit No. PA0020303**, Sewage, **Schwenksville Borough**, 298 Main Street, Schwenksville, PA 19473-0458.

This proposed facility is located in Schwenksville Borough, **Montgomery County**.

Description of Action/Activity: Issuance of an NPDES permit for an existing discharge of treated sewage.

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

**NPDES Permit No. PA0275964**, Sewage, SIC Code 5812, **5751 Route 209 LLC**, PO Box 543, Sciota, PA 18354.

This proposed facility is located in Hamilton Township, **Monroe County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Sewage from an existing facility.

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

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

**WQM Permit No. 6317400**, Sewage, **Chartiers Township**, PO Box 510, Washington, PA 15301-4514.

This proposed facility is located in Washington City, **Washington County**.

Description of Proposed Action/Activity: Sewer extension project to replace malfunctioning on-lot systems.

**WQM Permit No. 2685407 A-3**, Sewage, SIC Code 4952, **Fairchance-Georges Joint Municipal Sewer Authority**, 141 Big Six Road, Smithfield, PA 15478-1600.

This existing facility is located in Georges Township, **Fayette County**.

Description of Proposed Action/Activity:

Expansion of the Existing Fairchance-Georges STP and Sewer Extensions to Serve the Collier and York Run areas of Georges Township.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the Water Quality Management (Part II) Permit has not identified any significant environmental impacts resulting from this proposal.

**WQM Permit No. 0416403**, Sewage, SIC Code 8800, **Reed William T**, 143 Mill Street, Hookstown, PA 15050.

This proposed facility is located in Greene Township, **Beaver County**.

Description of Proposed Action/Activity: Installation of a small flow STP.

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900.*

**WQM Permit No. 4617401**, Sewage, **Lower Salford Township Authority**, 57 Main Street, Harleysville, PA 19348-2515.

This proposed facility is located in Lower Salford Township, **Montgomery County**.

Description of Action/Activity: Extension of an existing force main to new headworks building which includes a fine screen.

**WQM Permit No. WQG02231704**, Sewage, **Middletown Township Sewer Authority**, P.O. Box 9, Media, PA 19037.

This proposed facility is located in Middletown Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a sewage pump station.

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

**WQM Permit No. 4597406-T3**, Sewage, SIC Code 5812, **5751 Route 209 LLC**, PO Box 543, Sciota, PA 18354.

This existing facility is located in Hamilton Township, **Monroe County**.

Description of Proposed Action/Activity: Transfer of a WQM Permit.

#### **VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD460008	Realen Valley Forge Greenes Associates 1550 Vine Street Philadelphia, PA 19102	Montgomery	Upper Merion Township	Trout Creek WWF
PAD510007	Philadelphia Energy Solutions Refining & Marketing, LLC 3144 West Passyunk Avenue Philadelphia, PA 19145	Philadelphia	City of Philadelphia	Schuylkill River WWF-MF
PAD510005	Hightop Washington, LLC 1845 Washington Street Suite 1500 Philadelphia, PA 19103	Philadelphia	City of Philadelphia	Delaware Estuary WWF-MF

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

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD360008 Issued April 20, 2017	John R. Zimmerman 1087 Silver Hill Road Narvon, PA 17555	Lancaster County	Brecknock Township	UNT Black Creek (HQ-WWF, MF)
PAI030716003 Issued April 21, 2017	Steve Dillen 538 Beaver Dam Road Hollidaysburg, PA 16648	Blair County	Frankstown Township	UNT Canoe Creek (HQ-CWF, MF)
PAD310002 Issued April 24, 2017 Application noticed under PAD310003	William Wingert 5497 Shade Lane Alexandria, PA 16611	Huntingdon County	Porter Township	Frankstown Branch Juniata River (WWF, MF)

*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.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041416011	Joe Thomas 1450 South Atherton St State College, PA 16801	Centre	Harris Twp	Spring Creek HQ-CWF
PAD140009 (Previously PAI041404002)	Lindsey Kiefer 2990 Ernest Lane State College, PA 16801	Centre	Ferguson Twp College Twp	UNT-Spruce Creek HQ-CWF

*Lycoming County Conservation District: 542 County Farm Road, Suite 202, Montoursville, PA 17754, (570) 433-3003.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD410001	John Grado City Of Williamsport 245 W. 4th St Williamsport, PA 17701	Lycoming	Williamsport City	Lycoming Creek EV, MF

*Tioga County Conservation District: 50 Plaza Lane, Wellsboro, PA 16901, (570) 724-1801, X 3.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD590002	Drew Remley 1170 Salt Spring Rd. Roaring Branch, PA 17765	Tioga	Liberty Twp	Salt Spring Run, HQ-CWF/MF (EV)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI055615005	Hidden Valley Development Group, LLC 777 Waterwheel Drive Seven Springs, PA 15622	Somerset County	Jefferson Township	Crise Run (HQ-CWF); Gross Run (HQ-CWF)

## VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

### List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

#### *General Permit Type—PAG-02*

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

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Clifton Heights Borough Delaware County	PAC230004	HRES Clifton Heights 5100 West Kennedy Boulevard Suite 100 Tampa, FL 33609	Darby Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Aston Township Delaware County	PAC230022	Delaware County Intermediate Unit 200 Yale Avenue Morton, PA 19070	West Branch of Chester Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Chester City Delaware County	PAC230007	VB Chester Hotel Development, LLC 5400 North Black Horse Park Turnersville, NJ 08012	Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Media Borough Delaware County	PAC230021	Pennsylvania CVS Pharmacy, LLC 201 South Maple Avenue Suite 100 Ambler, PA 19002	Ridley Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Newtown Township Delaware County	PAC230020	BPG Properties, LTD 3815 West Chester Park Newtown, Square, PA 19073	Crum Creek CWF-MF Darby Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

<i>Facility Location: Municipality &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>
Palmer Township Northampton County	PAC480003	Luke Jaendl Jaendl Land Development Company 3150 Coffeetown Road Orefield, PA 18069	UNT to Lehigh River (CWF, MF)	Northampton County Conservation District 610-746-1971
Clifford Township Susquehanna County	PAC580002	SWN Production Company, LLC 917 SR 92 North Tunkhannock, PA 18657	UNT of the Tunkhannock Creek (CWF, MF)	Susquehanna County Conservation District 570-278-4600

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Cumru Township Berks County Issued	PAC060055	Harry O'Neill Empire Services 1420 Clarion Street Reading, PA 19601	Schuylkill River (WWF, MF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533 610.372.4657
Bethel Township Berks County Issued	PAC060031	Gary Silvi Vesper at Berks, LP 1100 Brynlawn Road Villanova, PA 19085	UNT Little Swatara Creek (CWF, MF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533 610.372.4657
City of Reading Berks County Issued	PAC060051	Douglas Smith Alvernia University 400 Saint Bernardine Street Reading, PA 19607	Angelica Creek (CWF, MF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533 610.372.4657
Borough of Kutztown Berks County Issued	PAC060038	David Miller Kutztown Area School District 251 Long Lane Kutztown, PA 19530	Saucony Creek (CWF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533 610.372.4657
Fermanagh Township Juniata County Issued	PAC340005	Juniata County School District 146 Weatherby Way Mifflintown, PA 17059	Schweyer Run (CWF, MF)	Juniata County Conservation District 146 Stoney Creek Drive Suite 4 Mifflintown, PA 17059 717.436.8953 x5



<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Colerain Township Lancaster County Issued	PAC360075	Elam King 102 Sproul Road Christian, PA 17509	UNT East Branch Octoraro Creek (TSF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.248.4695
West Lampeter Township Lancaster County Issued	PAC360056	Fred Martin 1906 Bridge Road Lancaster, PA 17602	UNT Pequea Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.248.4695
East Hempfield Township Lancaster County Issued	PAC360039	John Hogan 616 Paxton Place Suite 100 Lititz, PA 17543	Little Conestoga Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.248.4695
East Drumore Township Lancaster County Issued	PAI033611007(1)	Scott Kreider 761 Spring Valley Road Quarryville, PA 17566	Jackson Run (HQ, CWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.248.4695
Paradise Township Lancaster County Issued	PAC360060	David Lapp 41 Mount Pleasant Road Paradise, PA 17562	Calamus Run (TSF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.248.4695
Colerain Township Lancaster County Issued	PAI033616006	John Holliger 345 Kirkwood Pike Quarryville, PA 17566	West Branch Octoraro Creek (HQ, CWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.248.4695
East Drumore Township Lancaster County Issued	PAC360004	Ronald Clark 754 Solanco Road Quarryville, PA 17566	Stewart Run (HQ-CWF) McFarland's Run (HQ-CWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.248.4695
East Cocalico Township Lancaster County Issued	PAC360034	NHT Holdings, Inc. 165 North Shirk Road New Holland, PA 17557	Little Muddy Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.248.4695
West Cocalico Township Lancaster County Issued	PAC360051	Myron Martin 646 Swamp Church Road Reinholds, PA 17569	UNT Little Cocalico Creek (TSF) Wetlands	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.248.4695
Manheim Borough Lancaster County Issued	PAC360046	Manheim Central School District 281 White Oak Road Manheim, PA 17545	Chiques Creek (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.248.4695

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Lancaster City Lancaster County Issued	PAC360072	Steve Lee 555 North Duke Street Lancaster, PA 17604	Conestoga River (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.248.4695
East Donegal Township Lancaster County Issued	PAC360074	John Hess 218 Rock Point Road Marietta, PA 17547	UNT Susquehanna River (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.248.4695
Fairview Township York County Issued	PAC670040	Fairview Township Steve M. Waller 599 Lewisberry Road New Cumberland, PA 17070	Iron Stone tributary Yellow Breeches (CWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Newberry Township York County Issued	PAC670039	Don Park 1605 York Haven Road York Haven, PA 17370	Susquehanna River (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
York Township York County Issued	PAC670030	CHR Corp Tim Rutter 2295 Susquehanna Trail York, PA 17404	UNT to Codorus Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Newberry Township York County Issued	PAG02006716047	Red Land Little League Rob McClure P O Box 456 Lewisberry, PA 17339	UNT to Susquehanna River (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Penn Township York County Issued	PAC670037	Hanover Storage, LLC Paul D. Burkentine 330 Dubs Church Road Hanover, PA 17331	Oil Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
<i>Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.</i>				
<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Sayre Boro, Bradford Cnty	PAC080005	Megan Houppert Home Leasing, LLC 180 Clinton Square Rochester, NT 14604	Susquehann River (WWF)	Bradford County Conservation District Stoll Natural Resource Ctr 200 Lake Rd Ste E Towanda, PA 18848 (570) 265-5539, X6
Muncy Twp, Lycoming Cnty	PAC410008	Thomas Neuhard Ashler Inc. 276 Ashler Manor Drive Muncy, PA 17756 Jason Dohl Dohl General Construction 96 South Broad St Hughesville, PA 17737	Wolf Run (CWF,MF)	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville, PA 17754 (570) 433-3003

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

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
East Franklin Township	PAC030004	Plenary Walsh Keystone Partners 2000 Cliff Mine Road Pittsburgh, PA 15275	UNT to Glad Run (TSF)	Armstrong County Conservation District Armsdale Administration Building 124 Armsdale Road Kittanning, PA 16201 (724) 548-3425
Adams Township	PAC110012	Forest Hills Municipal Authority 900 Locust Street Saint Michael, PA 15951	UNT to Otto Run (CWF); Otto Run (CWF)	Cambria County Conservation District 401 Candlelight Drive Suite 229 Ebensburg, PA 15931 (814) 472-2120
Robinson Township	PAC630031	J. J. Kennedy, Inc. 1790 Route 558 Fombell, PA 16123	St. Patrick Run (WWF)	Washington County Conservation District 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Fairview Twp, Erie County	PAC250019	Bartlett Land LLC 5148 Peach Street Erie, PA 16509	Brandy Run; CWF; MF	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
City of Erie, Erie County	PAC250008	Erie Insurance Group 100 Erie Insurance Place Erie, PA 16530	Mill Creek WWF; MF; Presque Isle WWF	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
Millcreek Twp, Erie County	PAC250002	Temple Anshe Hesed c/o Connor, Riley, Friedman, & Weichler 17 West 10th Street Erie, PA 16501	Walnut Creek CWF; CWF	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
Millcreek Twp, Erie County	PAC250010	Voices of Independence 1107 Payne Avenue Erie, PA 16503	Unnamed Tributary to Lake Erie; CWF; CWF	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
Millcreek Twp, Erie County	PAC250005	David Baldwin 1440 High Street Erie, PA 16509	Millcreek; WWF; MF	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
City of Erie, Erie County	PAC250011	Barber National Institute 136 East Avenue Erie, PA 16507	Lake Erie/Presque Isle Bay; WWF; WWF	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
Lawrence Park Twp/ City of Erie, Erie County	PAC250016	Widget Financial 2154 East Lake Road Erie, PA 16511	McDannel Run; WWF; WWF	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Cranberry Twp, Butler County	PAC100043	Manor Development Group II 11279 Perry Highway Suite 509 Wexford, PA 15090	UNT to Brush Creek WWF	Butler County Conservation District 122 McCune Dr. Butler, PA 16001 724-284-5270
Adam Twp, Butler County	PAC100035	Mars Area School District 545 Route 228 Mars, PA 16046	Breakneck Creek WWF	Butler County Conservation District 122 McCune Dr. Butler, PA 16001 724-284-5270
Cranberry Twp, Butler County	PAC100015	Cranberry Township 2525 Rochester Road Suite 400 Cranberry Township, PA 16066	Brush Creek WWF	Butler County Conservation District 122 McCune Dr. Butler, PA 16001 724-284-5270
Ringgold Twp, Jefferson County	PAC330005	O Ring CNG Fuel Systems, LP 5349 Route 36 Coolspring, PA 15730	Caylor Run CWF	Jefferson County Conservation District 1514 Route 28 Brookville, PA 15825 814-849-7463
Findley Twp & Springfield Twp, Mercer County	PAC430009	American Transmission Systems Inc. (a First Energy Company) 800 Cabin Hill Drive Greensburg, PA 15601	Pine Run & unnamed tributaries TSF, Mill Run and unnamed tributaries TSF, Neshannock Creek unnamed tributaries TSF, Black Run unnamed tributaries CWF	Mercer County Conservation District 747 Greenville Road Mercer, PA 16137 724-662-2242
Fairview Twp, Mercer County	PAC430008	Mercer (Fairview) DPP, LLC 9010 Overlook Boulevard Brentwood, TN 37027	Unnamed tributary of Otter Creek TSF	Mercer County Conservation District 747 Greenville Road Mercer, PA 16137 724-662-2242

*General Permit Type—PAG-03*

<i>Facility Location Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Jessup Borough Lackawanna County	PAG032225	Fastenal Company 1225 Mid Valley Drive Jessup, PA 18434-1820	Sterry Creek—5-A CWF/MF	DEP Northeast Regional Office Clean Water Program 2 Public Square Wilkes-Barre, PA 18701-1915 570.826.2511
Braintrim Township Wyoming County	PAG032224	KEN-DRA Realty LLC 829 State Route 118 Sweet Valley, PA 18656	Susquehanna River— 4-D	DEP Northeast Regional Office Clean Water Program 2 Public Square Wilkes-Barre, PA 18701-1915 570.826.2511
Blawnox Borough Allegheny County	PAG036159	Chase Corporation 128 First Street Pittsburgh, PA 15238	Allegheny River— 18-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000



<i>Facility Location Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Hempfield Township Westmoreland County	PAG096102	Larry W. Smith Roger W. Smith A-Septic Tank Service 1406 Rolling Acres Road Latrobe, PA 15650	Hills Farm 1049 Cody Road Hunker PA 15639	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000

*General Permit Type—PAG-4*

<i>Facility Location Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Worcester Township Montgomery County	PAG040215	Mr. David Burns 1003 Towamencin Avenue Lansdale, PA 19446	Unnamed Tributary to Stony Creek 3-F	DEP Southeast Regional Office Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970

*General Permit Type—PAG-10*

<i>Facility Location Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Brooklyn Township and Lathrop Township, Susquehanna County	PAG102354	Williams Field Services Company, LLC Park Place Corporate Center 2 2000 Commerce Drive Pittsburgh, PA 15275-1026	Unnamed Tributary to Horton Creek—4-F CWF/MF	DEP Northeast Regional Office Clean Water Program 2 Public Square Wilkes-Barre, PA 18701-1915 570.826.2511

**STATE CONSERVATION COMMISSION****NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

**CAFO NMP****PUBLIC NOTICE SPREADSHEET—ACTIONS (Approval/Disapproval)**

<i>Agricultural Operation (Name and Address)</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units (AEUs)</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproval</i>
Downs Racing L. P. DBA Mohegan Sun at Pocono Downs	Luzerne	216	336.63	Horse	NA	Approved

<i>Agricultural Operation (Name and Address)</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units (AEUs)</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproval</i>
Jonathan Z. Lapp The Lapp Farm 274 Media Road Oxford, PA 19363	Chester	11.7	166.67	Poultry (Pullets)	Jordan Run, EV	Approved
Philip Courter 6527 Jacksonville Rd Mill Hall, PA 17751	Clinton	194.7	1,070.86	Swine Cattle Goats	HQ-CWF	Approved

**PUBLIC WATER SUPPLY PERMITS**

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

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

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

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act**

*Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Permit No. 0917507, Construction.** Public Water Supply.

Applicant	<b>Aqua Pennsylvania, Inc.</b> 762 West Lancaster Avenue Bryn Mawr, PA 19010
Borough	Bristol
County	<b>Bucks</b>
Type of Facility	PWS

Consulting Engineer Mott MacDonald  
The Public Ledge  
150 S. Independence Mall, W  
# 1040  
Philadelphia, PA 19106  
Permit to Construct Issued April 12, 2017

**Permit No. 4617507, Construction.** Public Water Supply.

Applicant **North Wales Water Authority**  
200 West Walnut Street  
P.O. Box 1339  
North Wales, PA 19445-0339

Townships Whitpain and Upper Dublin  
County **Montgomery**  
Type of Facility PWS

Consulting Engineer Carroll Engineering Corporation  
949 Easton Road  
Warrington, PA 18976

Permit to Operate Issued April 12, 2017

**Permit No. 1516516, Construction.** Public Water Supply.

Applicant **Nottingham Property Management, LLC**  
478 Christine Road  
Nottingham, PA 19362

Township West Nottingham  
County **Chester**  
Type of Facility PWS

Consulting Engineer Mr. Hudson, P.E.  
P.O. Box 735  
Uwchland, PA 19480

Permit to Operate Issued April 20, 2017

*Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Operations Permit # 4615523** issued to: **Frederick Living**, 2849 Big Road, P.O. Box 498, Frederick, PA 19435 [(PWSID)] Upper Frederick Township, **Montgomery County** on April 12, 2017 for the operation of injection of Chlorine Dioxide to the Hot and Cold Water Distribution Systems.

**Operations Permit # 4616510** issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, [(PWSID)] Cheltenham Township, **Montgomery County** on April 19, 2017 for the operation of Addition of Ammonium Sulfate and Sodium Hypo-

chlorite Feed Systems at Cheltenham Booster Pump Station facilities approved under construction permit # 4616510.

**Operations Permit # 0915526** issued to: **Plumstead Township**, 5186 Stump Road, P.O. Box 387, Plumstead, PA 18949 [(PWSID)] Plumstead Township, **Bucks County** on April 20, 2017 for the operation of Summer Hill Booster Station—500GPM Auxiliary Pump facilities approved under construction permit # 0915526.

**Operations Permit # 0916523** issued to: **CST Brands, Inc.**, 6816 Easton Road, Pipersville, PA 18947, [(PWSID)] Bedminster Township, **Bucks County** on April 11, 2017 for the operation of Water System including Well, Pressure Tank, Two (2) GAC Treatment Units, UV Pretreatment Filter, and UV Disinfection facilities approved under construction permit # 0916523.

**Operations Permit # 0917501** issued to: **Township of Falls Authority**, 557 Lincoln Highway, Fairless Hills, PA 19030, [(PWSID)] Falls Township, **Bucks County** on April 19, 2017 for the operation of Iron Sequestration and Existing Previously Unpermitted interconnections with Lower Bucks County Joint Municipal Authority (4) and Bucks County Water & Sewer Authority (1).

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

**Permit No. 2409002, Operation Permit**, Public Water Supply.

Applicant	<b>Pennsylvania-American Water Company</b> (Ceasetown Water System) 800 West Hershey Park Drive Hershey, PA 17033
Municipality	Jackson Township
County	Luzerne
Type of Facility	PWS
Consulting Engineer	N/A
Permit to Operate Issued	April 25, 2017

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

**Permit No. 2117505 MA, Minor Amendment**, Public Water Supply.

Applicant	<b>Regency Woods MHP</b>
Municipality	Middlesex Township
County	<b>Cumberland</b>
Responsible Official	Lynde K. Blymier, Property Manager 130 Rex Drive Carlisle, PA 17013
Type of Facility	The four greensand filters in Pump House # 1 will be replaced one at a time, and a 35 gpm flow restrictor will be installed on the system discharge.
Consulting Engineer	Kevin L. Little, P.E. Barton & Loguidice DPC 3901 Hartzdale Drive Camp Hill, PA 17013
Permit to Construct Issued	4/25/2017

**Operation Permit No. 0116506** issued to: **New Oxford Municipal Authority (PWS ID No. 7010025)**,

Oxford Township, **Adams County** on 4/19/2017 for facilities approved under Construction Permit No. 0116506.

**Operation Permit No. 3816506 MA** issued to: **Cornwall Borough Municipal Authority (PWS ID No. 7380007)**, Cornwall Borough, **Lebanon County** on 3/31/2017 for facilities approved under Construction Permit No. 3816506 MA.

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**Permit No. 1717501—Construction—Public Water Supply.**

Applicant	<b>Aqua Pennsylvania, Inc.</b>
Township/Borough	Sandy Township
County	<b>Clearfield</b>
Responsible Official	Mr. Patrick Burke 204 East Sunbury St. Shamokin, PA 17872-0909
Type of Facility	Public Water Supply
Consulting Engineer	Peter J. Lusardi, P.E., B.C.E.E. GHD 1240 N. Mountain Rd. Harrisburg, PA 17112
Permit Issued	April 21, 2017
Description of Action	Authorizes the addition of sodium hexametaphosphate for general corrosion control of Bimini Well.

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

**Permit No. 3217505**, Public Water Supply.

Applicant	<b>Indiana County Municipal Services Authority</b> 602 Kolter Drive Indiana, PA 15701
[Township or Borough]	Center Township
County	<b>Indiana</b>
Type of Facility	Coy pump station
Consulting Engineer	Gibson-Thomas Engineering Co., Inc. 1004 Ligonier Street Box 853 Latrobe, PA 15650
Permit to Construct	April 25, 2017

**Permit No. 3217514**, Public Water Supply.

Applicant	<b>Indiana County Municipal Services Authority</b> 602 Kolter Drive Indiana, PA 15701
[Township or Borough]	Armstrong Township
County	<b>Indiana</b>
Type of Facility	Ernest pump station
Consulting Engineer	Gibson-Thomas Engineering Co., Inc. 1004 Ligonier Street Box 853 Latrobe, PA 15650
Permit to Construct	April 20, 2017

**Permit No. 3217522**, Public Water Supply.  
 Applicant **Indiana County Municipal Services Authority**  
 602 Kolter Drive  
 Indiana, PA 15701  
 [Township or Borough] Conemaugh Township  
 County **Indiana**  
 Type of Facility Ben Franklin pump station  
 Consulting Engineer Gibson-Thomas Engineering Co.,  
 Inc.  
 1004 Ligonier Street  
 Box 853  
 Latrobe, PA 15650  
 Permit to Construct April 20, 2017

**Permit No. 3217502**, Public Water Supply.  
 Applicant **Indiana County Municipal Services Authority**  
 602 Kolter Drive  
 Indiana, PA 15701  
 [Township or Borough] Center Township  
 County **Indiana**  
 Type of Facility Lucerne pump station  
 Consulting Engineer Gibson-Thomas Engineering Co.,  
 Inc.  
 1004 Ligonier Street  
 Box 853  
 Latrobe, PA 15650  
 Permit to Construct April 25, 2017

**Permit No. 3217513**, Public Water Supply.  
 Applicant **Indiana County Municipal Services Authority**  
 602 Kolter Drive  
 Indiana, PA 15701  
 [Township or Borough] White Township  
 County **Indiana**  
 Type of Facility Mary Ann Hill pump station  
 Consulting Engineer Gibson-Thomas Engineering Co.,  
 Inc.  
 1004 Ligonier Street  
 Box 853  
 Latrobe, PA 15650  
 Permit to Construct April 25, 2017

**Operations Permit** issued to: **Pittsburgh Water & Sewer Authority**, 1200 Penn Avenue, Pittsburgh, PA 15222, (PWSID # 5020038) City of Pittsburgh, **Allegheny County** on April 17, 2017 for the operation of facilities approved under Construction Permit # 0217507.

**Permit No. 0217510MA, Minor Amendment.** Public Water Supply.  
 Applicant **Pennsylvania American Water Company**  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 [Borough or Township] Jefferson Hills Borough  
 County **Allegheny**

Type of Facility Route 885 tank painting  
 Consulting Engineer Pennsylvania American Water Company  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 Permit to Construct April 25, 2017  
 Issued

#### WATER ALLOCATIONS

**Actions taken on applications received under the act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.**

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**WA 59-1016, Water Allocations. Upper Tioga River Regional Authority**, 245 Main Street, Blossburg, PA 16912, Covington, Putnam, and Richmond Townships, **Tioga County**. This Water Allocation Permit grants Upper Tioga River Regional Authority the right to purchase 70,050 gallons per day, based on a 30-day average, from the Blossburg Municipal Authority in Blossburg Borough, Tioga County.

**WA 59-342B, Water Allocations. Blossburg Municipal Authority**, 245 Main Street, Blossburg, PA 16912, Blossburg Borough, **Tioga County**. This Water Allocation Permit Modification Order orders that Blossburg Municipal Authority's Water Allocation Permit, issued on February 2, 1990, be modified to require service of water to Upper Tioga River Regional Authority, as per the Intermunicipal Agreement for Municipal Water Services, executed October 5, 2016.

*Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**WA-46-1004 Water Allocations. Schwenksville Borough Authority**, 298 Main Street, P.O. Box 458, Schwenksville, PA 19473, Borough of Schwenksville, **Montgomery County**. The applicant is requesting the right to purchase 36,366 gallons per day of water, based on a 30-day average, from the North Penn Water Authority.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

**Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P.S. § 750.5)**

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

##### Plan Location:

Borough or Township	Borough or Township Address	County
City of New Castle	110 East Washington Street P.O. Box 1404 New Castle, PA 16103	Lawrence

*Plan Description:* The approved plan provides for an in depth evaluation of the existing facilities at the WWTP to identify alternatives to improve operations and eliminate wet weather related bypassing. It concludes recommending the implementation of a 12 MGD increase to secondary treatment capacity by utilizing biologically enhanced



high rate clarification along with other major improvements and a host of general improvements. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

## HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

### Public Notice of proposed Consent Order and Agreement 3501 Richmond Street, Philadelphia, PA (formerly the Gryphin Coatings, Inc. Site)

The Department of Environmental Protection ("Department"), under the authority of the Pennsylvania Hazardous Sites Cleanup Act ("HSCA"), 35 P.S. § 6020.1113, has entered into a Consent Order and Agreement with 5627-41 Hegerman Street, LLC ("HSLLC") for cleanup of the property located at 3501 Richmond Street, Philadelphia, PA 19134 ("the Site") and for reimbursement of certain Department response costs incurred to remediate hazardous substances released and threatened to be released at this property.

The Site was the former location of Gryphin Coatings, Inc. and the Gryphin Company ("the Gryphin Companies"), related companies which manufactured industrial paints, coatings, lacquers and varnishes at the Site. In 2008, the Department determined that the Gryphin Companies' caused the release and threatened release of hazardous substances from their operations on the Site.

To abate the release and threatened release of hazardous substances at the Site, the Department secured the Site and characterized on-site surficial hazardous substances abandoned by the Gryphin Companies. The Department's response actions did not include the remediation of soil and groundwater on the Site. Consequently, hazardous substances remain in soil and groundwater on the Site and create conditions which are a threat of pollution to the waters of the Commonwealth.

The Department and HSLLC have negotiated in good faith. These negotiations yielded the parties' execution of a Consent Order and Agreement in which HSLLC agreed to remediate existing on-site contamination to meet an Act 2 cleanup standard<sup>i</sup> and it also agreed to perform corrective actions to remediate storage tanks on the Site. HSLLC shall reimburse the Department for the government's past response costs in the amount of Seven Thousand Five Hundred Dollars (\$7,500). It is in the public interest for the Department to resolve its potential claims against HSLLC.

This notice is provided pursuant to Section 1113 of HSCA, 35 P.S. § 6020.1113, which states that, "settlement shall become final upon the filing of the Department's response to significant written comments." The Consent Order and Agreement, which contains the specific terms of the agreement is available for public review and comment. The agreement can be examined from 8 a.m. to 4 p.m. at the Department's Southeast Regional Office, located at 2 East Main Street in Norristown, PA by contacting either Richard Staron, P.G. at (484) 250-5780 or Gina M. Thomas, Esquire at (484) 250-5930. Mr. Staron and Ms. Thomas may also be contacted electronically at [rstaron@pa.gov](mailto:rstaron@pa.gov) and [githomas@state.pa.us](mailto:githomas@state.pa.us), respectively. A public comment period on the Consent Order and Agreement will extend for 60 days from today's date.

Persons may submit written comments regarding the agreement within 60 days from today's date, by submitting them to Mr. Staron at the above address.

<sup>i</sup> See the Land Recycling and Environmental Remediation Standards Act, the Act of May 19, 1995, P.L. 4, No. 2, 35 P.S. §§ 6026.101 et seq. ("Act 2")

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 2

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**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

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Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Robert Crompton Property**, 36 Maple Shade Road, Christiana, PA 17509, Colerain Township, **Lancaster County**. Boucher & James, Inc., 1456 Ferry Road, Bldg. 500, Doylestown, PA 18901, on behalf of John P. Stewart, Inc., 115 Jackson Road, Christiana, PA 17509, and BNY Mellon Wealth Management, 1735 Market Street, Suite 815, Philadelphia, PA 19103 submitted a Final Report concerning remediation of site soil contaminated with

leaded and unleaded gasoline. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

*Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**NFG Midstream Clermont West Compressor Station**, 12753 Shawmut Grade Road, Jones Township, **Elk County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of National Fuel Gas Supply Corporation, P.O. Box 2081, 1100 State Street, Erie, PA 16512, submitted a Remedial Investigation/Risk Assessment Report concerning the remediation of site soil and site groundwater contaminated with benzene, toluene, ethyl benzene, xylene, sec-butyl benzene, tert-butyl benzene, cyclohexane, 1,3,4-trimethylbenzene, 1,3,5-trimethylbenzene, cumene, naphthalene, acenaphthene, anthracene, benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[g,h,i]perylene, chrysene, fluoranthene, fluorene, indeno[1,2,3-c,d]pyrene, 2-methylnaphthalene, phenanthrene, pyrene, 1,1, biphenyl, phenol, aluminum, barium, boron, chloride, iron, lithium, manganese, strontium, vanadium, zinc, selenium, and ethylene glycol. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**INDSPEC Chemical**, Route 268, 133 Main Street, Petrolia Borough, **Butler County**. ARCADIS U.S., Inc., 6041 Wallace Road Extension, Suite 300, Wexford, PA 15090, on behalf of Beazer East, Inc., 1 Oxford Center, Suite 3000, Pittsburgh, PA 15219-6401 and INDSPEC Chemical Corporation, c/o Glenn Springs Holdings, Inc., P.O. Box 2148, Houston, TX 77252-2148, submitted a Risk Assessment Report concerning the remediation of site soil and site groundwater contaminated with including, but not limited to, benzenesulfonic acid, m-benzenedisulfonic acid, formaldehyde, p-phenolsulfonic acid, resorcinol, 2,4,3?-trihydroxydiphenyl and benzene. The report is intended to document remediation of the site to meet the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a

remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Filippone Property**, 112 Tamarack Drive, Dingman Township, **Pike County**. Bluestone Environmental, Inc., 196 Beach Lake Highway, Honesdale, PA 18431, on behalf of Alternative Petroleum Services, 183 Paddlers Point, Matamoras, PA 18346, submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Ethylbenzene, Isopropylbenzene (Cumene), MTBE, Naphthalene, Toluene, 1,2,4-TMB, and 1,3,5-TMB. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on April 19, 2017.

**LVIP VII Coal Chemical Area**, Commerce Center Boulevard, Bethlehem City, **Northampton County**. HDR Engineering, 1720 Spillman Drive, Suite 280, Bethlehem, PA 18015, on behalf of Lehigh Valley Industrial Park Inc., 1720 Spillman Drive, Suite 150, Bethlehem, PA 18015, submitted a Remedial Investigation Report and Cleanup Plan concerning the remediation of site soils contaminated with VOCs and heavy metals. The Remedial Investigation Report and Cleanup Plan was approved by the Department April 12, 2017.

**Duncott Hose Company**, 1332 Valley Road, Cass Township, **Schuylkill County**. Entech Engineering Inc., 500 North Centre Street, PO Box 389, Pottsville, PA 17901, on behalf of Duncott Hose Company, PO Box 86, Llewellyn, PA 17944, submitted a Final Report concerning the remediation of site soils contaminated with benzene, cumene, ethylbenzene, MTBE, naphthalene, toluene, 1,2,4-trimethylbenzene and 1,3,5-trimethylbenzene. The Final Report demonstrated attainment of the No-Residential Statewide Health Standard, and was approved by the Department on April 20, 2017.

**Heavy Weight Transport, Inc. Diesel Fuel Spill**, Interstate 380 West Mile Marker 12.9, Coolbaugh Township, **Monroe County**. Taylor GeoServices, Inc., 38 Bishop Hollow Road, Newtown Square, PA 19073, on behalf of Heavy Weight Transport, Inc., 20 A North Avenue East, Elizabeth, NJ 07201, submitted a Final Report concerning the remediation of site soil contaminated with Benzene, Toluene, Ethylbenzene, MTBE, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, and Cumene. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on April 21, 2017.

**36 Portland Trailer Park**, 36 Portland Trailer Park Drive, Upper Mount Bethel Township, **Northampton County**. JMT Environmental, 3353-C Gun Club Road, Nazareth, PA 18064, on behalf of J. Fontana Enterprises, LLC, 682 Chestnut Street, Secaucus, NJ 07094, submitted a Final Report concerning the remediation of site soil contaminated with No. 2 Fuel Oil. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on April 24, 2017.

**Fiondi 1H**, 916 Lane Road, Middletown Township, **Susquehanna County**. Resource Environmental, 50 Maple Street, Montrose, PA 18801, on behalf of SWN Production Company LLC, 917 SR 92 North, Tunkhannock, PA 18657, submitted an Addendum to Site Characterization and Final Report concerning the remediation of site groundwater contaminated with aluminum, barium, strontium, chloride, and sulfate. The Final Report demonstrated attainment of the Statewide health and Background standards, and was approved by the Department on April 24, 2017.

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

**Pine Creek Structures Retail Outlet**, 3850 Paxton Street, Harrisburg, PA 17111, Swatara Township, **Dauphin County**. Herbert, Rowland & Grubic, Inc., 369 East Park Drive, Harrisburg, PA 17111, on behalf of Pine Creek Structures, 102 East Market Street, Gratz, PA 17030 submitted a Final Report concerning remediation of site soil and groundwater contaminated with diesel fuel and unleaded gasoline. The Final Report demonstrated attainment of the Residential and Non-Residential Statewide Health Standard and the Site Specific Standard, and was approved by the Department on April 17, 2017.

**Pennsylvania Electric Company (Penelec) Bedford District Office**, RD 5, Box 1238, US Route 30, Bedford, PA 15522, Snake Spring Township, **Bedford County**. Groundwater and Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066, on behalf of Pennsylvania Electric Company, P.O. Box 16001, Reading, PA 19612, submitted a Final Report concerning remediation of site soil and groundwater contaminated with leaded and unleaded gasoline. The Final Report demonstrated attainment of the Residential and Non-Residential Statewide Health Standards, and was approved by the Department on April 21, 2017.

*Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**NFG Midstream Clermont West Compressor Station**, 12753 Shawmut Grade Road, Jones Township, **Elk County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of National Fuel Gas Supply Corporation, P.O. Box 2081, 1100 State

Street, Erie, PA 16512, submitted a Remedial Investigation/Risk Assessment Report concerning the remediation of site soil and site groundwater contaminated with benzene, toluene, ethyl benzene, xylene, sec-butyl benzene, tert-butyl benzene, cyclohexane, 1,3,4-trimethylbenzene, 1,3,5-trimethylbenzene, cumene, naphthalene, acenaphthene, anthracene, benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[g,h,i]perylene, chrysene, fluoranthene, fluorene, indeno[1,2,3-c,d]pyrene, 2-methylnaphthalene, phenanthrene, pyrene, 1,1, biphenyl, phenol, aluminum, barium, boron, chloride, iron, lithium, manganese, strontium, vanadium, zinc, selenium, and ethylene glycol. The Report was disapproved by the Department on April 3, 2017.

**Gustafson 6H Well Pad**, 606 Granville Road, Snyder Township, **Jefferson County**. EnviroTrac, Ltd., 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of EXCO Resources (PA), LLC, 260 Executive Drive, Suite 100, Cranberry Township, PA 16066, submitted a Remedial Investigation/Final Report concerning the remediation of site soil contaminated with aluminum, barium, boron, iron, lithium, manganese, selenium, zinc, vanadium, ammonia as N, chloride, and strontium. The Remedial Investigation/Final Report demonstrated attainment of the Site-Specific and Statewide Health Standards, and was approved by the Department on April 14, 2017.

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

**Philadelphia Gun Club**, 3051 State Road, City of Philadelphia, **Philadelphia County**. William F. Schmidt, P.E., Pennoni Associates Inc., 3001 Market Street, Suite 200, Philadelphia, PA 19105, Darryl D. Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwrd, PA 19004 on behalf of Jordan Irving, Philadelphia Gun Club, 3051 State Road, Bensalem, PA 19020 has submitted a Cleanup Plan/Risk Assessment/Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with lead. The Cleanup Plan/Risk Assessment/Remedial Investigation Report was approved by the Department on April 10, 2017. PF770790.

**Station Lot B**, 330 South Warminster Road, Hatboro Borough, **Montgomery County**. Max Ryan, Alliance HSP Station Park, LP, 40 Morris Avenue, Suite 230, Bryn Mawr, PA 19010, Mark Fortan, DelVa Soil & Environmental Consultants, Inc., Sky Run II, Suite A1, 4050 Skyrton Drive, Doylestown, PA 18902 on behalf of Michael Nice, P.E., Toll Brothers, Inc., 250 Gibraltar Road, Horsham, PA 19044 has submitted a Final Report concerning the remediation of site soil contaminated with pesticides. The Final report demonstrated or did not demonstrate attainment of the Statewide Health Standard and was approved by the Department on April 11, 2017. PF814953.

**Sitewide BP Trainer Refinery, (soil)**, 4101 Post Road, Borough of Trainer and Marcus Hook, **Delaware County**. Matthew Troll, Monroe Energy, LLC, 4101 Post Road, Trainer, PA 19061 on behalf of Sasa Jazic, Remediation Management Service Corporation, 150 West Warrenville Road, Mail Code 200-IE, Naperville, IL 60563 has submitted a Cleanup Plan concerning the remediation of site soil contaminated with petroleum hydrocarbon. The Cleanup Plan was approved by the Department on April 7, 2017. PF747691.

**2201 East Auburn Street**, 201 East Auburn Street, City of Philadelphia, **Philadelphia County**. James Manuel, REPSG, Inc., 6901 Kingsessing Avenue, Suite



201, Philadelphia, PA 19142 on behalf of Nora Lichtash, Women's Community Revitalization Project, 100 West Oxford Street, Suite E-2300, Philadelphia, PA 1912 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with pah, arsenic and heating oil compounds. The Final report did not demonstrate attainment of the Site-Specific Standard and was disapproved by the Department on April 4, 2017. PF784657.

**Rite Aid Warehouse Facility**, 8 Queen Anne Court, Falls Township, **Bucks County**. Michael A. Christie, G., Penn E&R, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Guyton F. Giannotta, Rite Aid Corporation, 30 Hunter Lane, Camp Hill, PA 17011 has submitted a Final Report concerning the remediation of site soil contaminated with heating oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 14, 2017. PF817341.

**Oxford MGP Site**, 402 South Street, Oxford Borough, **Chester County**. Ryan Sladky, P.G., Silar Services, Inc., 1851 French Creek Road, Phoenixville, PA 19460 on behalf of Chris Langman, CHMM, UGI Central Penn Gas, 2525 North 12th Street, Suite 360, Reading, PA 19612-2677 has submitted a Cleanup Plan concerning the remediation of site groundwater and soil contaminated with diesel fuel and inorganics. The Cleanup Plan were approved by the Department on April 18, 2017. PF640375.

**Lower Bucks YMCA**, 601 South Oxford Valley Road, Bristol Township, **Bucks County**. Matthew Mercuri, P.G., Mercuri & Associates, Inc., 2198 Pennsburg Drive, Jamison, PA 18929, Joe Crooks, Super Tank & Energy Co LLC, 302 Jefferson Avenue, Bristol, PA 19007 on behalf of Joe Natale, Lower Bucks YMCA, 6021 South Oxford Valley Road, Fairless Hill, PA 19030 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 14, 2017. PF815666.

**Sunoco Inc, R&M Philadelphia Refinery AO1-9**, 3144 Passyunk Avenue, City of Philadelphia, **Philadelphia County**. Jennifer Menges, Stantec, 1060 Andrew Drive, Suite 140, West Chester, PA 19380, Charles Barksdale Jr., Philadelphia Energy Solutions, Refining and Marketing LLC, 3144 Passyunk Avenue, Philadelphia, PA 19145 on behalf of James Oppenheim, Evergreen Resources Management Operation, 2 Righter Parkway, Suite 200, Wilmington, DE 19803 has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with lead and other organic. The Remedial Investigation Report was disapproved by the Department on April 18, 2017. PF778379.

**Bond release proposal under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to operate a municipal or residual waste facility.**

*Southwest Regional Office: Regional Manager, Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222, Telephone 412-442-4000.*

**Goodwill of SWPA Computer Recycle Center**, 118 52nd Street, Pittsburgh, PA 15201. The Department of Environmental Protection (DEP) is proposing to release \$36,497.63 in bond liability for Goodwill of Southwestern Pennsylvania for clean closure and bond release of its

Electronics Recycling Facility operating under site specific PADEP Residual Waste General Permit WMGR081D011 located at 118 52nd Street, City of Pittsburgh, **Allegheny County**, Pennsylvania. Goodwill of SWPA submitted a request for bond release on March 30, 2017.

Comments will be accepted on this request for up to 30 days from the date of the notice. Comments should be submitted to the DEP office listed above.

## AIR QUALITY

### General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

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

**GP3-23-0025: The H&K Group, Inc.** (P.O. Box 196, 2052 Lucon Road, Skippack, PA 19474) On April 21, 2017 to relocate the portable crusher in Aston, Township, **Delaware County**.

**GP9-23-0013: The H&K Group, Inc.** (P.O. Box 196, 2052 Lucon Road, Skippack, PA 19474) On April 21, 2017 for a Diesel or No. 2 Fuel-Fired Internal Combustion engine in Aston, Township, **Delaware County**.

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

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

**GP1-16-160B: Clarion Altela Environmental Svcs.** (428 Power Lane, Clarion, PA 16214) on April 24, 2017, for the authority to operate an existing natural gas and # 2 fuel oil-fired boiler (BAQ-GPS/GP1) located at their facility in Clarion Township, **Clarion County**.

### Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

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

**23-0047I: Evonik Degussa Corp.** (1200 West Front Street, Chester, PA 19013) On April 20, 2017 for the installation of two new mills, silo, and associated baghouse and reconfiguration of operations at an existing facility in the City of Chester, **Delaware County**.

**46-0027E: Janssen Research & Development LLC** (1400 McKean Road, Springhouse, PA 19477) On April 20, 2017 for the installation and operation of two dual fuel boilers rated at 21 MMBtu/hr each and a 750-kW natural gas-fired emergency electric generator in Lower Gwynedd Township, **Montgomery County**.

**23-0009J: The Boeing Company—Philadelphia** (PO Box 16858, Philadelphia, PA 19142) On April 20, 2017 for the installation of 2 new boilers, each with a heat input capacity of 36 MMBtu/hr, to replace 2 existing boilers



(each rated at 42 MMBtu/hr) at Boeing's Ridley Park PA facility in Ridley Township, **Delaware County**.

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

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

**33-140C: Dominion Transmission-Punxsutawney Compressor Station** (925 White Oak Blvd., Bridgeport, WV 26330), on April 20, 2017 issued a Plan Approval for revising emission limits and conditions in Plan Approval 33-140B, with regards to non-SoLoNO<sub>x</sub> operation for the Solar Compressor Turbine (Source ID: 137) in Perry Township, **Jefferson County**. This is a Title V facility.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

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

**15-0009C: AGC Chemicals America Inc** (255 S. Bailey Road, Downingtown, PA 19335-2003) On April 18, 2017 for the modification of the polytetrafluoroethylene (PTFE) free flow process to retain for ovens fluid bed and dryer and to install a cartridge filter in Caln Township, **Chester County**.

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

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

**67-05005H: Brunner Island, LLC** (PO Box 221, York Haven, PA 17370) on April 19, 2017, for the addition of natural gas as a fuel firing option for the three existing utility boilers (Source IDs 031A, 032 and 033A) and their associated coal mill heaters that will involve the tying in of a natural gas pipeline (Source ID 301), as well as the construction of two natural gas-fired pipeline heaters (Source ID 050) at the Brunner Island Steam Electric Station in East Manchester Township, **York County**. The plan approval was extended.

**36-05107D: Pepperidge Farm, Inc.** (2195 North Reading Road, Denver, PA 17517) on April 19, 2017, for the installation of a new Catalytic Oxidizer 5 to control Cracker Oven 8 and re-routing the exhaust so only Cracker Oven 7 exhausts to Catalytic Oxidizer 4 at the Pepperidge Farm bakery located in East Cocalico Township, **Berks County**. The plan approval was extended.

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

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

**41-00078C: Regency NEPA Gas Gathering, LLC** (101 West Third Street, Williamsport, PA 17701) on April 20, 2017, to extend the authorization for the construction of four natural-gas fired compressor engines (Source IDs P107-P109) each equipped with oxidation catalysts (C107-C109). The plan approval also incorporates two existing natural-gas fired compressor engines (Source IDs P105 and P106), each equipped with oxidation catalysts (C105 and C106), two existing glycol dehydrators (Source IDs

P201 and P202) and three existing natural-gas fired compressor engines (Source IDs P101-P103) each equipped with oxidation catalysts (C101-C103) at the Barto Compressor Station located in Penn Township, **Lycoming County** to October 17, 2017. The plan approval has been extended.

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

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

**10-079E: BNZ Materials** (191 Front Street, Zelienople, PA 16063), on April 18, 2017, effective May 31, 2017, issued a plan approval extension for the modification of emission limits associated with Kiln # 3 from plan approval 10-079D in Zelienople Borough, **Butler County**, to expire November, 2017. This is a Title V facility.

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

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

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

**23-00011: Sunoco Partners Marketing & Terminal, L.P.—Darby Creek Tank Farm** (Hook & Calcon Hook Roads, Sharon Hill, PA 19079) On April 21, 2017 for a renewal of Title V Operating Permit for this facility located in Darby Township, **Delaware County**.

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

*Contact: Norman Frederick, P.E., Environmental Engineer Manager—Telephone: 570-826-2409.*

**48-00098: EPP Renewable Energy, LLC, Glendon Business Center** (1605 N. Cedar Crest Blvd., Suite 509, Allentown, PA 18104). On April 24, 2017, the Department issued an initial Title V Operating Permit for a landfill gas-to-energy (LFGTE) plant in Glendon Borough, **Northampton County**. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code, Chapter 127, Subchapter G.

The main sources at this facility are two (2) engines/generators that are fueled by LFG from the Chrin Brothers Inc. Sanitary Landfill and which produce electricity to a local grid. These sources have the potential to emit major quantities of regulated pollutants above Title V emission thresholds. The Title V Operating Permit includes emission restrictions, work practice standards and testing, monitoring, recordkeeping, and reporting requirements to ensure compliance with all applicable Federal and State air quality regulations.

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

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

**49-00007: Cherokee Pharmaceuticals** (100 Avenue C, P.O. Box 367, Riverside, PA 17868) on April 24, 2017, was issued a significant modification to Title V operating permit 49-00007 for their facility located in Riverside Borough, **Northumberland County**. The purpose of the significant modification was to incorporate the provisions and requirements contained in the company's approved RACT II plan for the facility in accordance with 25

Pa. Code §§ 129.96—129.100. The Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

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

**46-00076: Greene, Tweed & Company, Inc.** (2075 Detwiler Road, Kulpsville, PA 19443) On April 18, 2017, for a renewal of State Only (Natural Minor) Operating Permit for this facility located in Towamencin Township, **Montgomery County**.

**46-00247: Universal Concrete Products Corporation**, (400 Old Reading Pike, Stowe, PA 19464) On April 18, 2017, for the renewal of a non-Title V, State Only Operating Permit, Natural Minor for the facility located in West Pottsgrove Township, **Montgomery County**.

**09-00238: KVK Tech Inc.** (110 Terry Drive, Newtown, PA 18940) for the initial non-Title V (State Only) On April 21, 2017 for the initial issuance of the operating permit for fifteen (15) Ultra Performance Liquid Chromatography (UPLC) units, ten (10) High Performance Liquid Chromatography (HPLC) units, and an isopropyl alcohol (IPA) cleaning process at this Pharmaceutical and Medicine Manufacturing facility. The facility is located in Newtown, **Bucks County**.

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

*Contact: Norman Frederick, P.E., Environmental Engineer Manager—Telephone: 570-826-2409.*

**48-00051: Eastern Industries, Inc./Bath Plant** (3724 Crescent Court West, Whitehall, PA 18052) The Department issued on 4/12/17, a State-Only (Synthetic Minor) Operating Permit renewal for operation of an asphalt paving mixture and block manufacturing facility in East Allen Township, **Northampton County**.

**35-00056: P.A. Hutchison Company, Mayfield Plant** (400 Penn Avenue, Mayfield, PA 18433-1813). On April 24, 2017, the Department issued a renewal State-Only Natural Minor Permit for this facility located in Mayfield, **Lackawanna County**. The main sources at this facility consist of Lithographic Printing Presses. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

*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.*

**28-05022: Signature Companies** (5171 Innovation Way, Chambersburg, PA 17201) on April 12, 2017, for their wood cabinet, stair and railing manufacturing facility located in Greene Township, **Franklin County**. The State-only permit was renewed.

**67-05092: Starbucks Coffee Company** (3000 Espresso Way, York, PA 17402-8035) on April 17, 2017 for the coffee manufacturing facility located in East Manchester Township, **York County**. The State-only permit was renewed.

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

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

**49-00056: Quikrete Co. Inc.** (5517 Snyderstown Rd, Paxinos, PA 17860) on April 24, 2017, for operation of its Harrisburg Plant facility located in Shamokin Township, **Northumberland County**.

**17-00008: Triangle Suspension Systems, Inc.** (P.O. Box 425, Dubois, PA 15801) on April 24, 2017, for operation of its Dubois Plant facility located in Sandy Township, **Clearfield County**.

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

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

**03-00093: Murray Keystone Processing, Inc.** (46226 National Road, Saint Clairsville, OH 43950) On April 20, 2017, the Department issued a renewed facility-wide Natural Minor Operating Permit for the operation of a coal preparation plant, known as the Keystone Cleaning Plant, located in Plumcreek Township, **Armstrong County**.

The facility contains air contamination sources consisting of a scalper, dry screens, wet screens, coal cleaning plant, and roadways. Air pollution prevention equipment at the facility includes in-building operation, enclosures, water sprays, water truck, sweeper, and tarping of truck loads. The facility is subject to the applicable requirements of 40 CFR 60, Subpart Y and 25 Pa. Code §§ 121—145. The permit includes emission limitations, and operational, monitoring, testing, reporting and recordkeeping requirements for the facility.

No emission or equipment changes have been approved by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the SOOP have been derived from the applicable requirements of 40 CFR Part 60 and 25 Pa. Code, Article III, Chapters 121—145.

**26-00353: Bute Coal Recovery, LLC** (P.O. Box 275, West Leisenring, PA 15489) On April 20, 2017 the Department issued a renewed facility-wide Natural Minor Operating Permit for the operation of a coal preparation plant, known as the Bute Coal Preparation Plant, located in Dunbar Township, **Fayette County**.

The facility contains air contamination sources consisting of equipment for dry screening, wet screening, heavy medium gravimetric separation, coal stockpiles, conveyers, screens, coal cleaning plant, and roadways. Air pollution prevention equipment at the facility includes enclosures, in-building operation, water truck, sweeper, and tarping of truck loads. The facility is subject to the applicable requirements of 40 CFR 60, Subpart Y and 25 Pa. Code Chapters 121—145. The permit includes emission limitations, and operational, monitoring, testing, reporting and recordkeeping requirements for the facility.

No emission or equipment changes have been approved by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions



of the SOOP have been derived from the applicable requirements of 40 CFR Part 60 and 25 Pa. Code, Article III, Chapters 121—145.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

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

**46-00234: CS Products Inc.** (301 Randolph Ave., Ambler, PA 19002) On April 21, 2017 for an administrative amendment to set a lower range on the pressure limit for the exhaust filters on the three paint booths located in Upper Dublin Township, **Montgomery County**.

**23-00038: Delaware County Regional Water Quality Authority's (DELCORA) Western Regional Treatment Plant,** (100 East 5th Street, Chester, PA 19016-0999) On April 18, 2017 for an administrative amendment to a Title V Operating Permit to incorporate the applicable requirements of plan approvals 23-0038C and 23-0038E, in accordance with 25 Pa. Code § 127.450(a)(5). DELCORA is located in the City of Chester, **Delaware County**.

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

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

**10-00047: Callery LLC** (1424 Mars Evans City Road, Evans City, PA 16033-9360). On April 20, 2017 issued an administrative amendment to the State Only Operating Permit to incorporate the change in ownership and responsible official for the facility located in Forward Township, **Butler County**.

**16-00124: Equitrans L.P.** (625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222-3114). On April 20, 2017 issued an administrative amendment to the State Only Operating Permit to incorporate the change in ownership and permit contact for the facility located in Redbank Township, **Clarion County**.

**25-00053: Urick Foundry, Division of Ridge Tool Manufacturing Company** (1501 Cherry Street, Erie, PA 16502-1732). On April 21, 2017 issued an administrative amendment to the State Only Operating Permit to incorporate the change in owner name and responsible official for the facility located in Erie City, **Erie County**.

**43-00182: Wheatland Tube Council Avenue** (PO Box 608, Wheatland, PA 16161-0608) on April 24, 2017 for the steel pipe and tube manufacturing facility located in Wheatland Borough, **Mercer County**. The Title V permit underwent a minor modification in order to add presumptive RACT 2 requirements for certain sources.

*Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543, Contact: Edward Wiener, Chief, Source Registration at 215-685-9476.*

The City of Philadelphia, Air Management Services (AMS) administratively amended operating permits issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices for the following facilities:

**S05-002: T.D.P.S. Materials** (2nd Street and Erie Avenue, Philadelphia, PA 19120) administratively amended on April 24, 2017 to incorporate a change of mailing address. The Synthetic Minor operating permit was originally issued on February 22, 2013.

**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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

*Contact: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.*

**OP-30-00040: Cumberland Contura, LLC** (158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370). Per 25 Pa. Code § 127.449(i), this Notice is for the following de minimis emission increase at the Cumberland Contura, LLC Cumberland Prep Plant located in Waynesburg, **Greene County**:

A Plate Press Building, a Lime Powder Bin equipped with a bin-vent collector, three conveyors (partially enclosed) and associated transfer points will be added as part of a Coal Refuse recovery project. Air emissions will not exceed 0.104 ton of PM<sub>10</sub>, and 0.79 ton per year of VOC.

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P.S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1002).**

*Coal Permits Issued*

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

**30841307 and NPDES No. PA0213438 A-1. Emerald Contura, LLC,** (158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370). To transfer the permit for the Emerald Mine No. 1 in Franklin, Whiteley, Center, Greene, Jefferson and Cumberland Townships, **Greene County** and related NPDES Permit from Emerald Coal Resources, L.P. No additional discharges. The application was considered administratively complete on November 3, 2016. Application received September 8, 2016. Permit issued April 14, 2017.

**32061302 and NPDES No. PA0235768 A-1. Rosebud Mining Company,** (301 Market Street, Kittanning, PA 16201). To transfer the permit for the Knob Creek Mine in Young and Conemaugh Townships, **Indiana County** and related NPDES Permit from Western Allegheny Energy, LLC. No additional discharges. The application

was considered administratively complete on September 20, 2016. Application received June 27, 2016. Permit issued April 19, 2017.

**30960701 and NPDES No. PA0215201 A-1. Emerald Contura, LLC**, (158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370). To transfer the permit for the Emerald Mine No. 1-Coal Refuse Disposal Area No. 2 in Franklin Township, **Greene County** and related NPDES Permit from Emerald Coal Resources, L.P. No additional discharges. The application was considered administratively complete on December 16, 2016. Application received September 9, 2016. Permit issued April 19, 2017.

**30831303 and NPDES No. PA0013511. Cumberland Contura, LLC**, (158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370). To revise the permit for the Cumberland Mine in Wayne and Center Townships, **Greene County** and related NPDES Permit to revise previously permitted underground and subsidence control plan acres from development mining to longwall mining. The application was considered administratively complete on December 1, 2016. Application received August 12, 2016. Permit issued April 20, 2017.

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

**Permit No. 11150101 and NPDES No. PA0279391. E.P. Bender Coal Co., Inc.**, P.O. Box 594, Carrolltown, PA 15722, commencement, operation and restoration of a bituminous surface and auger mine in Reade Township, **Cambria County** affecting 65.7 acres. Receiving streams: unnamed tributaries to/and Fallentimber Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 17, 2016. Permit Issued: April 18, 2017.

**Permit No. 32010110. Alverda Enterprises, Inc.**, P.O. Box 245, Alverda, PA 15710, permit renewal for reclamation only of a bituminous surface mine in Pine Township, **Indiana County**, affecting 78.1 acres. Receiving streams: unnamed tributary to Leonard Run and unnamed tributary to Little Yellow Creek classified for following use: high quality cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: February 27, 2017. Permit Issued: April 18, 2017.

**Permit Number 05160101. NPDES No. PA0279447 and General Permit GP-12-05160101, J&J Svonavec Excavating, Inc.**, 618 Samuels Road, Somerset, PA 15501, a bituminous coal mining site to obtain coverage for coal processing under air quality general permit GP-12 in Broad Top, Wells and Fulton Townships, **Bedford, Fulton and Huntingdon Counties**, affecting 95.0 acres. Receiving streams: unnamed tributary to/and Great Trough Creek classified for the following use: trout stocked fishes. There are no potable water supply intakes within 10 miles downstream. Application received: February 28, 2017. Permit Issued: April 18, 2017.

**Permit No. 56120114 and NPDES No. PA0269158. Heritage Coal & Natural Resources, LLC**, 550 Beagle Road, Rockwood, PA 15557 transfer of an existing bituminous surface mine from Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201 located in Elk Lick and Summit Townships, **Somerset County**, affecting 353.0 acres. Receiving streams: unnamed tributary to/and Casselman River classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: December 15, 2016. Permit issued: April 20, 2017.

**Permit No. 11060102 and NPDES No. PA0262200, E.P. Bender Coal Co., Inc.**, P.O. Box 594, Carrolltown, PA 15722, renewal for reclamation only of a bituminous surface and auger mine in Reade Township, **Cambria County**. Receiving streams: unnamed tributaries to/and Fallentimber Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: December 1, 2016. Permit issued: April 20, 2017.

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

**Permit No. 22851602R5. Meadowbrook Coal Co., Inc.**, (P.O. Box 1, Wiconisco, PA 17097), renewal of an existing anthracite preparation plant operation in Wiconisco Township, **Dauphin County** affecting 23.4 acres, receiving stream: Wiconisco Creek. Application received: March 3, 2011. Renewal issued: April 19, 2017.

**Permit No. 22851602R6. Meadowbrook Coal Co., Inc.**, (P.O. Box 1, Wiconisco, PA 17097), renewal of an existing anthracite preparation plant operation in Wiconisco Township, **Dauphin County** affecting 23.4 acres, receiving stream: Wiconisco Creek. Application received: July 15, 2016. Renewal issued: April 19, 2017.

**Permit No. 22851602C9. Meadowbrook Coal Co., Inc.**, (P.O. Box 1, Wiconisco, PA 17097), correction to update the post-mining land use of an existing anthracite preparation plant operation in Wiconisco Township, **Dauphin County** affecting 23.4 acres, receiving stream: Wiconisco Creek. Application received: July 15, 2016. Correction issued: April 19, 2017.

**Permit No. PAM111063. Meadowbrook Coal Co., Inc.**, (P.O. Box 1, Wiconisco, PA 17097), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 22851602 in Wiconisco Township, **Dauphin County**, receiving stream: Wiconisco Creek. Application received: August 15, 2011. Permit issued: April 19, 2017.

**Permit No. PAM111063R. Meadowbrook Coal Co., Inc.**, (P.O. Box 1, Wiconisco, PA 17097), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 22851602 in Wiconisco Township, **Dauphin County**, receiving stream: Wiconisco Creek. Application received: July 15, 2016. Renewal issued: April 19, 2017.

**Permit No. 22-305-002GP12. Meadowbrook Coal Co., Inc.**, (P.O. Box 1, Wiconisco, PA 17097), general operating permit to operate a coal preparation plant on Surface Mining Permit No. 22851602 in Wiconisco Township, **Dauphin County**. Application received: July 15, 2016. Permit issued: April 19, 2017.

**Permit No. 49851602R5. D. Molesevich & Sons Construction Co., Inc.**, (P.O. Box 121, Mt. Carmel, PA 17851), renewal of an existing anthracite coal preparation plant, coal refuse reprocessing and disposal operation in Mt. Carmel Township, **Northumberland County** affecting 46.2 acres, receiving stream: Shamokin Creek. Application received: June 9, 2011. Renewal issued: April 19, 2017.

**Permit No. 49-305-001GP12R. D. Molesevich & Sons Construction Co., Inc.**, (P.O. Box 121, Mt. Carmel, PA 17851), renewal of general operating permit to operate a coal preparation plant on Surface Mining Permit No. 49851602 in Mt. Carmel Township, **Northumberland County**. Application received: July 6, 2011. Renewal issued: April 19, 2017.



**Permit No. 49851602R6. D. Molesevich & Sons Construction Co., Inc.**, (P.O. Box 121, Mt. Carmel, PA 17851), renewal of an existing anthracite coal preparation plant, coal refuse reprocessing and disposal operation in Mt. Carmel Township, **Northumberland County** affecting 46.2 acres, receiving stream: Shamokin Creek. Application received: June 13, 2016. Renewal issued: April 19, 2017.

**Permit No. PAM116027. D. Molesevich & Sons Construction Co., Inc.**, (P.O. Box 121, Mt. Carmel, PA 17851), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 49851602 in Mt. Carmel Township, **Northumberland County**, receiving stream: Shamokin Creek. Application received: June 13, 2016. Permit issued: April 19, 2017.

**Permit No. 49-305-001GP12R2. D. Molesevich & Sons Construction Co., Inc.**, (P.O. Box 121, Mt. Carmel, PA 17851), renewal of general operating permit to operate a coal preparation plant on Surface Mining Permit No. 49851602 in Mt. Carmel Township, **Northumberland County**. Application received: June 13, 2016. Renewal issued: April 19, 2017.

**Permit No. 54960202R3. City of Philadelphia, Acting by the Board of Directors of City Trusts for Girard Estate**, (1101 Market Street, Suite 2600, Philadelphia, PA 19107), renewal of an existing anthracite surface mine, coal refuse reprocessing, refuse disposal and preparation plant operation in Union, Butler and West Mahanoy Townships, **Schuylkill County** affecting 755.6 acres, receiving streams: Shenandoah and Mahanoy Creeks. Application received: August 26, 2011. Renewal issued: April 20, 2017.

**Permit No. PAM111068. City of Philadelphia, Acting by the Board of Directors of City Trusts for Girard Estate**, (1101 Market Street, Suite 2600, Philadelphia, PA 19107), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54960202 in Union, Butler and West Mahanoy Townships, **Schuylkill County**, receiving streams: Shenandoah and Mahanoy Creeks. Application received: August 26, 2011. Permit issued: April 20, 2017.

**Permit No. 54960202R4. City of Philadelphia, Acting by the Board of Directors of City Trusts for Girard Estate**, (1101 Market Street, Suite 2600, Philadelphia, PA 19107), renewal of an existing anthracite surface mine, coal refuse reprocessing, refuse disposal and preparation plant operation in Union, Butler and West Mahanoy Townships, **Schuylkill County** affecting 755.6 acres, receiving streams: Shenandoah and Mahanoy Creeks. Application received: December 27, 2016. Renewal issued: April 20, 2017.

**Permit No. PAM111068R. City of Philadelphia, Acting by the Board of Directors of City Trusts for Girard Estate**, (1101 Market Street, Suite 2600, Philadelphia, PA 19107), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54960202 in Union, Butler and West Mahanoy Townships, **Schuylkill County**, receiving streams: Shenandoah and Mahanoy Creeks. Application received: December 27, 2016. Permit issued: April 20, 2017.

**Permit No. 54960202C9. City of Philadelphia, Acting by the Board of Directors of City Trusts for Girard Estate**, (1101 Market Street, Suite 2600, Philadelphia, PA 19107), correction to update the post-mining land use and decrease the permitted acreage from 1,071.0 acres to 755.6 acres of an existing anthracite surface mine, coal refuse reprocessing, refuse disposal and preparation plant operation in Union, Butler and West Mahanoy Townships, **Schuylkill County**, receiving streams: Shenandoah and Mahanoy Creeks. Application received: December 27, 2016. Correction issued: April 20, 2017.

**Permit No. 56152801 and NPDES No. PA0279455. Maust Excavating, Inc.**, 451 Stoystown Road, Suite 104, Somerset, PA 15501, commencement, operation and restoration of a small noncoal operation in Jennerstown Borough, **Somerset County** affecting 4.9 acres. Receiving stream: unnamed tributary to Beaverdam Creek. Application received: March 3, 2015. Permit issued: April 20, 2017.

#### *Noncoal Permits Issued*

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

**Permit No. 56152801 and NPDES No. PA0279455. Maust Excavating, Inc.**, 451 Stoystown Road, Suite 104, Somerset, PA 15501, commencement, operation and restoration of a small noncoal operation in Jennerstown Borough, **Somerset County** affecting 4.9 acres. Receiving stream: unnamed tributary to Beaverdam Creek. Application received: March 3, 2015. Permit issued: April 20, 2017.

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

**PAM311004. Mon River Energy Corp.** (P.O. Box 446, Brier Hill, PA 15415). Renewal of General NPDES permit for stormwater discharge associated with mining activities on an existing small noncoal (Industrial Mineral), Permit No. 26110801, located in German Township, **Fayette County** affecting 3.82 acres. Receiving streams: unnamed tributary to Sewickley Creek. Application received: December 30, 2016. GP-104 permit issued: April 18, 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*

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

**14174104. Douglas Explosives, Inc.** (2052 Philipsburg-Bigler Highway, Philipsburg, PA 16866). Blasting for commercial development at 331 Innovation Park New Parking located in College Township, **Centre County** with an expiration date of December 1, 2017. Permit issued: April 17, 2017.

**41174101. Meshoppen Stone, Inc.** (P.O. Box 127, Meshoppen, PA 18630). Blasting for gas pad at SWN Brown Pad located in Jackson Township, **Lycoming County** with an expiration date of April 12, 2018. Permit issued: April 18, 2017.

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

**03174102. Wampum Hardware Co.** (636 Paden Road, New Galilee, PA 16141). Blasting activity permit for the construction of the Kuhns Pad, located in Boggs Township, **Armstrong County** with an expiration date of December 31, 2017. Blasting permit issued: April 19, 2017.

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

**Permit No. 36174110. Abel Construction Co., Inc.**, (P.O. Box 476, Mountville, PA 17554), construction blasting at 300 Oak Ridge Drive in Manor Township, **Lancaster County** with an expiration date of April 7, 2018. Permit issued: April 17, 2017.

**Permit No. 38174109. Schlouch, Inc.**, (P.O. Box 69, Blandon, PA 19510), construction blasting for Springwood in North Cornwall Township, **Lebanon County** with an expiration date of April 10, 2018. Permit issued: April 17, 2017.

**Permit No. 39174101. American Rock Mechanics, Inc.**, (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Lehigh Hills Lot 2 in Upper Macungie Township, **Lehigh County** with an expiration date of April 10, 2018. Permit issued: April 17, 2017.

**Permit No. 40174106. Newville Construction Services, Inc.**, (408 Mohawk Road, Newville, PA 17241), construction blasting for Susquehanna Jenkins Imploding Connectors in Conyngham Township, **Luzerne County** with an expiration date of December 31, 2017. Permit issued: April 17, 2017.

**Permit No. 06174105. J Roy's, Inc.**, (P.O. Box 125, Bowmansville, PA 17507), construction blasting for Advanced Disposal Landfill in Cumru Township, **Berks County** with an expiration date of April 18, 2018. Permit issued: April 19, 2017.

**Permit No. 23174101. Pact Construction, Inc.**, (P.O. Box 74, Ringoes, NJ 08551), construction blasting for Chester Creek Interceptor Phase 2 in Middletown Township, **Delaware County** with an expiration date of April 15, 2019. Permit issued: April 19, 2017.

**Permit No. 36174111. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Lime Springs Square in East Hempfield Township, **Lancaster County** with an expiration date of March 31, 2018. Permit issued: April 19, 2017.

**Permit No. 36174112. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Meadow Springs Farm manure storage in Ephrata Township, **Lancaster County** with an expiration date of August 30, 2017. Permit issued: April 19, 2017.

**Permit No. 46174104. Maine Drilling & Blasting, Inc.**, (P.O. Box 1140, Gardiner, ME 04345), construction blasting for SR 44 Improvements in Limerick, Perkiomen and Skippack Townships, **Montgomery County** with an expiration date of April 13, 2018. Permit issued: April 19, 2017.

**Permit No. 58174111. John H. Brainard**, (PO Box 66, Clifford, PA 18413), construction blasting for Lock Residence on Quarry Road in Springville Township, **Susquehanna County** with an expiration date of December 31, 2017. Permit issued: April 19, 2017.

**Permit No. 35174101. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for Valley View Business Park in Jessup and Archbald Boroughs, **Lackawanna County** with an expiration date of April 12, 2018. Permit issued: April 20, 2017.

**Permit No. 36174114. Maine Drilling & Blasting, Inc.**, (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Crossings at Conestoga Creek in Manheim Township, **Lancaster County** with an expiration date of January 4, 2018. Permit issued: April 21, 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.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E46-1143. Pennsylvania Department of Transportation, District 6**, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, West Pottsgrove Township and the Borough of Pottstown along State Route 0422, in **Montgomery County**, ACOE Philadelphia District.

To construct and maintain the following water obstruction and encroachment activities associated with the Pennsylvania Department of Transportation S.R. 0422, Section M2C, Project:



1) To remove the 140' culvert under the existing road and to replace with a new 72" wide 140' long culvert along Stream 50, an unnamed tributary of the Schuylkill River (WWF, MF) [Road Station 161 + 25, R & L].

2. To restore and maintain 190 lf of streambank along Stream 53, an unnamed tributary of the Schuylkill River (WWF, MF), which is proposed to be impacted by grading activities associated with the removal of adjacent roadway embankment. [Road Station 155 + 30 - 161 + 70, R].

3. To extend and maintain a 36" culvert along Stream 100, an unnamed tributary of the Schuylkill River (WWF, MF), to support roadway improvements. [Road Station 142+00, R (Ramp X—

4. To perform grading activities within the 100-year floodplain of the Schuylkill River (WWF, MF) associated with the Stowe Interchange Reconfiguration. Between [Road Station 120 + 00] and [Road Station 1142 + 00].

5. To replace and maintain an access road and to construct and maintain an associated 14-foot wide by 11-foot high box culvert serving as access between the Pottstown Water Treatment Plant and the water intake on the Schuylkill River. The river end of this culvert and appurtenant roadway is located within the 100-year floodplain of the Schuylkill River. [Road Station 124 + 00].

6. To place fill within five wetlands identified as Wetlands 11, 18, 20, 36 and 37, consisting of PEM and PFO wetland classifications. Permanent impacts to wetlands will occur in the amount of 0.33 acre and temporary impacts in the amount of 0.12 acre. Wetlands 18 and 20 are considered Exceptional Value and associated impacts will result in the creation of 0.15 acre of Eastern Spadefoot breeding habitat. The permittee shall construct 0.57 acre of compensatory wetlands of which shall be 0.09 PEM and 0.48 PFO.

A total of 537 linear feet of stream will be permanently impacted by the project. The project commences at Road Station 96 + 00 and extends to Station 224 + 00 proceeding from West Pottsgrove Township and the Borough of Pottstown along State Route 0422, in Montgomery County.

Central coordinates are located in the area of (USGS POTTSTOWN Quadrangle, Longitude -75.687696, Latitude 40.242229).

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)).

**E09-1007. Warrington Township**, 852 Easton Road, Warrington, PA 18976, Warrington Township, **Bucks County**, ACOE Philadelphia District.

To remove the accumulation of debris along 225 linear feet situated along an unnamed tributary to the Little Neshaminy Creek associated with the Street Road Gravel Bar Removal. The site is located by the stream crossing at Street Road approximately 1.6 mile north of its intersection with Route. 611 (Ambler Latitude. 40° 14' 40"; Longitude. 75° 9' 42").

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)).

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E07-465: Allegheny Township Supervisors**, 3131 Colonial Drive, Duncansville, PA 16635 in Allegheny Township, **Blair County**, U.S. Army Corps of Engineers Baltimore District.

To maintain and construct an addition to the Allegheny Township Municipal Building within the floodplain of Spencer Run (WWF, MF). Impacts within the floodplain involve grading, additional fill, and the building addition with total permanent impacts of 0.16 acre. No wetland impacts are anticipated. The project is located in Duncansville, northwest at the intersection of Municipal Drive and Colonial Drive off of S.R. 0764 (Hollidaysburg, PA Quadrangle, Latitude: 40°26'42", Longitude: -78°25'52"). The purpose of the project is to construct a building addition for necessary site amenities to the existing Allegheny Township Municipal Building. Issued April 20, 2017.

**E50-255: Robert and Joy Snyder**, 1924 Winding Hill Road, Newport, PA 17074 in Tuscarora Township, **Perry County**, U.S. Army Corps of Engineers Baltimore District.

To 1) construct and maintain approximately 55 linear feet of 22'-0" x 6'-11" open bottom aluminum multi-plate arch culvert in and across Sugar Run (CWF, MF); 2) place and maintain fill for the proposed driveway and road crossing in approximately 0.06 acre of the floodway of Sugar Run (CWF, MF); 3) and construct and maintain a residential access drive in and across approximately 0.04 acre of Palustrine Forested (PFO) and Palustrine Scrub Shrub (PSS) wetlands, all for the purpose of constructing an access drive to a new residential house (Latitude: 40° 32' 2"N; Longitude: 77° 9' 40"W). The wetland impacts are considered de minimus and wetland replacement is not required. Issued April, 20 2017.

**E21-455: Plenary Walsh Keystone Partners**, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275 in Lower Mifflin Township, **Cumberland County**, U.S. Army Corps of Engineers Baltimore District.

To remove the existing structure and to 1) construct and maintain a single-span concrete adjacent box beam bridge, having a total span of 77.0 feet, a width of 30.4 feet, and an underclearance of 5.20 feet, all over Doubling Gap Creek (HQ-CWF, MF), 2), relocate 97.0 liner feet of an unnamed tributary to Doubling Gap Creek (HQ-CWF, MF), and 3) temporarily impact 0.02 acre of PEM/PFO wetland and permanently impact 0.01 acre of PEM/PFO wetland, all along Roxbury Road (SR 0997) in Lower Mifflin Township, Cumberland County (Latitude: 40° 14' 17.6"; Longitude: -77° 26' 42.4"), for the purpose of improving the roadway to current safety standards. The amount of wetland impact is considered de minimus and wetland mitigation is not required. Issued April 21, 2017.

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

**EA17-017. Curwensville Municipal Authority Anderson Creek Abandon Sanitary Sewer Obstruction Removal Project**, 900 Susquehanna Avenue, Curwensville, PA 16830. Three Abandon Sanitary Sewer Encasement Obstructions of Anderson Creek, Curwensville Borough, **Clearfield County**, ACOE Baltimore Dis-

trict (Curwensville Quadrangle; Latitude 40° 59' 52" N; Longitude 78° 31' 25" W).

Department authorization giving Curwensville Municipal Authority consent to remove three abandon concrete encased sanitary sewer crossings of Anderson Creek. Complete and successful removal of the three below listed abandon structures shall include, but not be limited to,

(1) demolition and removal the concrete encasements, (2) removal of the inoperable sanitary sewers (3) restoration of scoured downstream bed elevations with appropriately sized native rock choked with excavated streambed materials to transition with unaffected downstream bed elevations, and (4) stabilize disturbed streambanks with R-8 rock.

<i>Activity</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Resource</i>	<i>Temporary Impact</i>
Lezzer Sanitary Sewer Crossing	40° 58' 18.8" N	78° 31' 17.5" W	Anderson Creek	130-Feet
Phoenix Sanitary Sewer Crossing	40° 58' 26.4" N	78° 31' 45.7" W	Anderson Creek	125-Feet
NARCO Sanitary Sewer Crossing	40° 58' 40.8" N	78° 32' 14.8" W	Anderson Creek	135-Feet

Upon Curwensville Municipal Authority successfully completing the activities approved by this authorization, the Department shall deem the completed abandon structure removal as mitigation for the pre-existing permanent impacts which prohibited public navigation use and aquatic species passage in Anderson Creek.

**E49-344. Sheetz, Inc.**, 351 Sheetz Way, Claysburg, PA 16625. Sheetz, Inc, in Ralpho Township, **Northumberland County**, ACOE Baltimore District (Elysburg, PA Quadrangle Latitude 40-51-39; Longitude 76-32-57).

To construct, operate and maintain 419 feet of stream enclosure and remove 244 feet of existing stream enclosure. This permit also authorizes the construction and maintenance of .421 acre of wetland for the purposes of mitigation associated with the stream impacts. This project is located at the intersection of SR 0054 and SR 0487 in Elysburg. This project impacts 419 linear feet of the UNT to Shamokin Creek, which is, designated a Cold Water Fishery and does not impact any wetlands Ralpho Township, Northumberland County.

This permit also includes 401 Water Quality Certification.

**E59-531. Tioga County Commissioners**, 118 Main St, Wellsboro, PA 16901. Marsh Creek Channel Realignment and Stabilization Project in Delmar Township, **Tioga County**, ACOE Baltimore District (Keeneyville, PA Quadrangle Lat: 41° 46' 23"; Long: -77° 18' 17").

To construct, operate and maintain the stream channel embankment of Marsh Creek adjacent to an existing railroad located in Delmar Township—Tioga County which is located over Marsh Creek. The realignment and stabilization will serve to repair the erosion of the railroad embankment. This project will serve two purposes. The first purpose is to protect the existing active railroad line. The second purpose is to provide an area adjacent to the railroad for a proposed multipurpose recreational trail. The proposed project includes realignment of Marsh Creek, installation of rock protection and log vane deflectors, construction of stream barbs and removal of earth for the stream overbank in two locations.

The restoration project will consist of a combination of bank grading, stabilization, armoring, and channel relocation of Marsh Creek. This project proposes to have the following impacts:

<i>Cross #</i>	<i>Activity</i>	<i>Resource</i>	<i>Resource Name*</i>	<i>Chapter 93</i>	<i>Impact Temporary</i>		<i>Impact Permanent</i>		<i>Latitude</i>	<i>Longitude</i>
					<i>Length (Feet)</i>	<i>Acres (AC)</i>	<i>Length (Feet)</i>	<i>Acres (AC)</i>		
1	Stream Realignment	Stream	Marsh Creek	WWF	621	0.029	563	0.368	41° 46' 29"	77° 18' 26"
		Floodway	Marsh Creek	WWF		0.029		1.922	41° 46' 29"	77° 18' 26"
2	Temporary Crossing 1	Stream	Marsh Creek	WWF	30	0.056			41° 46' 26"	77° 18' 27"
		Floodway	Marsh Creek	WWF		0.144			41° 46' 26"	77° 18' 27"
3	Temporary Crossing 2	Stream	Marsh Creek	WWF	30	0.043			41° 46' 31"	77° 18' 29"
		Floodway	Marsh Creek	WWF		0.369			41° 46' 31"	77° 18' 29"
4	Stream Realignment	Stream	Marsh Creek	WWF	552	0.025	578	0.423	41° 46' 11"	77° 18' 20"
		Floodway	Marsh Creek	WWF		0.029		2.200	41° 46' 11"	77° 18' 20"



Cross #	Activity	Resource	Resource Name*	Chapter 93	Impact Temporary		Impact Permanent		Latitude	Longitude
					Length (Feet)	Acres (AC)	Length (Feet)	Acres (AC)		
5	Temporary Crossing 1	Stream	Marsh Creek	WWF	30	0.037			41° 46' 08"	77° 18' 18"
		Floodway	Marsh Creek	WWF		0.133			41° 46' 08"	77° 18' 18"
6	Temporary Crossing 2	Stream	Marsh Creek	WWF	30	0.044			41° 46' 14"	77° 18' 22"
		Stream	Marsh Creek	WWF		0.199			41° 46' 14"	77° 18' 22"
7	Staging Area	Floodway	Marsh Creek	WWF		0.877			41° 46' 18"	77° 18' 24"

There are no wetland being impacted by the project. The proposed restoration will not permanently impact wetlands, cultural or archaeological resources, national/state/local parks, forests recreational areas, landmarks wildlife refuge, or historical sites. Marsh Creek is classified with a designated use of Warm Water Fishery (WWF). It is not listed as an approved trout or wild trout stream.

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

**E25-781, Millcreek Township Sewer Authority**, 3608 West 26th Street, Erie, PA 16506. Route 8 Pump Station and Sewer Line Extension, in Millcreek Township, **Erie County**, ACOE Pittsburgh District (Erie South, PA Quadrangle N: 42°, 05', 36"; W: 80°, 00', 19").

To construct and maintain a 50-foot diameter equalization tank, forward and excess flow pump stations, and approximately 4,800 linear feet of gravity sewer pipe near the intersection of SR 008 and SR 090 in Millcreek Township, Erie County, including the following impacts to aquatic resources:

- 1) Two crossings of tributaries to Mill Creek and associated wetlands installed by directional bore;
- 2) Two crossings of tributaries to Mill Creek and three crossings of two wetlands, including installation of two manholes in wetlands, installed by open cut, resulting in temporary impact to 0.21 acre of wetland and permanent impact to 0.03 acre of wetland;
- 3) Excavation of a bore pit in a wetland resulting in temporary impact to 0.004 acre of wetland.

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 2, 400 Market Street, P.O. Box 8460, Harrisburg, PA 17105-8460.*

**EA30-002CO. Zachary Liotus**, 320 Maxwell Drive, Pittsburgh, PA 15236, Richhill Township, **Greene County**, USACOE Pittsburgh District.

Project proposes to construct two non-jurisdictional dams across a tributary to Dunkard Fork (WWF) impacting approximately 212 linear feet of stream channel (Majorsville, PA Quadrangle; Latitude: 39.9520, Longitude: -80.51352).

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.*

ESCGP-2 # ESX16-059-0016

Applicant Name Rice Midstream Holdings, LLC

Contact Person Kyle Shirey

Address 2200 Rice Drive

City, State, Zip Canonsburg, PA 15317

County Greene County

Township(s) Whiteley Township

Receiving Stream(s) and Classification(s) UNT to Whitley Creek (TSF), Whitley Creek (TSF), UNT to Rudolph Run (WWF) and Rudolph Run (WWF)

ESCGP-2 # ESX11-059-0032 (Major Modification)

Applicant Name EQT Production Company

Contact Person Todd Klaner

Address 2400 Zenith Ridge Road, Suite 200

City, State, Zip Canonsburg, PA 15317

County Greene County  
Township(s) Morgan Township  
Receiving Stream(s) and Classification(s) UNT to Castile Run (WWF)  
Secondary—Castile Run

ESCGP-2 # ESX16-059-0043  
Applicant Name Rice Midstream Holdings, LLC  
Contact Person Kyle Shirey  
Address 2200 Rice Drive  
City, State, Zip Canonsburg, PA 15317

County Greene County  
Township(s) Jackson Township  
Receiving Stream(s) and Classification(s) UNTs to House Run (HQ-WWF), House Run (HQ-WWF), Garner Run (HQ-WWF), UNTs to Falling Timber Run (TSF)  
Secondary—House Run, Garner Run, Falling Timber Run and Dunkard Fork.

ESCGP-2 # ESX11-059-0031  
Applicant Name CNX Gas Company, LLC  
Contact Person Erika Whetstone  
Address 1000 Consol Energy Drive  
City, State, Zip Canonsburg, PA 15317  
County Greene County  
Township(s) Morris Township  
Receiving Stream(s) and Classification(s) UNTs to Boothe Run (WWF), Booth Run (WWF), Enlow Fork (TSF)  
Secondary—Booth Run and Enlow Fork

ESCGP-2 # ESX10-051-0035  
Applicant Name Burnett Oil Company, Inc.  
Contact Person Dan Tomley  
Address 375 Southpointe Blvd, Suite 430  
City, State, Zip Canonsburg, PA 15317  
County Fayette County  
Township(s) Springhill Township  
Receiving Stream(s) and Classification(s) Trib 41094 to Rubles Run (CWF), Rubles Run (CWF)

*Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.*

ESCGP-2 # ESX15-125-0011  
Applicant Name Rice Drilling B LLC  
Contact Person Joseph Mallow  
Address 2200 Rice Dr  
City, State, Zip Canonsburg, PA 15317  
County Washington  
Township(s) Somerset  
Receiving Stream(s) and Classification(s) Pigeon Ck (WWF)

ESCGP-2 # ESX12-059-0038  
Applicant Name Rice Drilling B LLC  
Contact Person Joseph Mallow  
Address 2200 Rice Dr  
City, State, Zip Canonsburg, PA 15317  
County Greene  
Township(s) Springhill  
Receiving Stream(s) and Classification(s) Knob Run (WWF); Pennsylvania Fork Fish Ck (WWF)

ESCGP-2 # ESX16-129-0017  
Applicant Name Huntley & Huntley Energy Exploration LLC  
Contact Person Jennifer Hoffman  
Address 2660 Monroeville Blvd  
City, State, Zip Monroeville, PA 15146  
County Westmoreland  
Township(s) Penn  
Receiving Stream(s) and Classification(s) UNTs to Byers Run (TSF); UNT to Lyons Run (TSF); Lyons Run (TSF)  
Secondary—Byers Run (TSF); Lyons Run (TSF); Turtle Ck (TSF)

ESCGP-2 # ESX11-125-0070  
Applicant Name Noble Energy Inc  
Contact Person Kimberly Walker  
Address 1000 Noble Energy Drive  
City, State, Zip Canonsburg, PA 15317  
County Washington  
Township(s) South Franklin  
Receiving Stream(s) and Classification(s) UNT to Tenmile Ck (TSF, MF)

ESCGP-2 # ESX17-125-0005  
Applicant Name EQM Gathering OPCO LLC  
Contact Person Brinton Goettel  
Address 625 Liberty  
City, State, Zip Pittsburgh, PA 15222  
County Washington  
Township(s) West Bethlehem & Amwell Twps, Marianna Borough  
Receiving Stream(s) and Classification(s) UNTs to Hufford Run (TSF); UNTs to Patterson Run (TSF); UNTs to Tenmile Ck (TSF)  
Secondary—Hufford Run (TSF); Patterson Run (TSF); Tenmile Ck (TSF)

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335.*

ESCGP-2 # ESX16-003-0005—Fetchen to Prentice Well Sites Waterline Project  
Applicant EQT Production Company  
Contact Todd Klaner  
Address 2400 Ansys Drive, Suite 200  
City Canonsburg State PA Zip Code 15317  
County Allegheny Township(s) Forward  
Receiving Stream(s) and Classification(s) Bunola Run, Kelly Run, UNT to Monongahela River WWF, Monongahela River

ESCGP-2 # ESG16-019-0025—PER W32 Well Pad  
Applicant PennEnergy Resources, LLC  
Contact Gregg Stewart  
Address 1000 Commerce Drive; Park Place One, Suite 100  
City Pittsburgh State PA Zip Code 15275  
County Butler Township Winfield  
Receiving Stream(s) and Classification(s) UNT to Little Buffalo Creek/Buffalo Creek Watershed UNT to Rough Run/Buffalo Creek Watershed

ESCGP-2 # ESX17-065-0001—Winslow Impoundment to Winslow TWL  
Applicant XTO Energy Inc.  
Contact Ms. Melissa Breitenbach  
Address 190 Thorn Hill Road  
City Warrendale State PA Zip Code 15086  
County Jefferson Township(s) Oliver & McCalmont  
Receiving Stream(s) and Classification(s) Little Sandy Creek, Middle Branch, Little Sandy Creek, UNT to Little Sandy Creek/Allegheny River

ESCGP-2 # ESG16-019-0023—PER W56 Well Pad  
Applicant PennEnergy Resources LLC  
Contact Gregg Stewart  
Address 1000 Commerce Drive; Park Place One; Suite 100  
City Pittsburgh State PA Zip Code 15275  
County Butler Township Winfield  
Receiving Stream(s) and Classification(s) UNT to Sarver Run/Little Buffalo Creek and UNT to Little Buffalo Creek/Little Buffalo Creek

ESCGP-2 # ESX17-019-0004—Hinch Smith to Bachelder  
Temporary Waterline  
Applicant XTO Energy Inc.  
Contact Melissa Breitenbach  
Address 190 Thorn Hill Road  
City Warrendale State PA Zip Code 15086  
County Butler Townships Butler, Jefferson, and Penn  
Townships  
Receiving Stream(s) and Classification(s) Butcher Run  
(WWF)/Connoquenessing Creek (WWF), UNT to Thorn  
Creek (CWF)/Thorn Creek (CWF), Patterson Run  
(CWF)/Thorn Creek (CWF)

*Eastern Region: Oil & Gas Management Program Man-  
ager, 208 West Third Street, Williamsport, PA 17701.*

ESCGP-2 # ESG29-105-17-0003  
Applicant Name JKLM Energy LLC  
Contact Person Scott Blauvelt  
Address 2200 Georgetown Dr., Suite 500  
City, State, Zip Sewickley, PA 15143  
County Potter  
Township(s) Ulysses  
Receiving Stream(s) and Classification(s) UNTs to Cush-  
ing Hollow (HQ-CWF)  
Secondary—Cushing Hollow (HQ-CWF)

ESCGP-2 # ESX12-115-0001(01)  
Applicant Name SWN Production Co LLC  
Contact Person Justin Moore  
Address 917 SR 92 N  
City, State, Zip Tunkhannock, PA 18657  
County Susquehanna  
Township(s) New Milford  
Receiving Stream(s) and Classification(s) Deacon Brook  
(CWF-MF)

ESCGP-2 # ESX12-115-0075(01)  
Applicant Name SWN Production Co LLC  
Contact Person Justin Moore  
Address 917 SR 92 N  
City, State, Zip Tunkhannock, PA 18657  
County Susquehanna  
Township(s) Jackson  
Receiving Stream(s) and Classification(s) UNT to  
Tunkhannock Ck (CWF-MF); UNT to Butler Ck  
(CWF-MF)

ESCGP-2 # ESX29-115-17-0001  
Applicant Name Cabot Oil & Gas Corp  
Contact Person Kenneth Marcum  
Address 2000 Park Lane, Suite 300  
City, State, Zip Pittsburgh, PA 15275-1121  
County Susquehanna  
Township(s) Brooklyn  
Receiving Stream(s) and Classification(s) Hop Bottom  
(CWF-MF); Horton Ck (CWF-MF)

ESCGP-2 # ESG29-015-17-0010  
Applicant Name Chief Oil & Gas LLC  
Contact Person Jeffrey Deegan  
Address 1720 Sycamore Rd  
City, State, Zip Montoursville, PA 17754  
County Bradford  
Township(s) Leroy and Overton  
Receiving Stream(s) and Classification(s) Schrader Ck  
(EV, MF); Elk Ck (EV, MF)  
Secondary—Towanda Ck; Loyalsock Ck

ESCGP-2 # ESX29-081-17-0018  
Applicant Name Inflection Energy PA LLC  
Contact Person Thomas Gillespie  
Address 101 W Third St, 5th Fl  
City, State, Zip Williamsport, PA 17701

County Lycoming  
Township(s) Eldred  
Receiving Stream(s) and Classification(s) UNT to Mill Ck  
(TSF)  
Secondary—Mill Ck (TSF)

ESCGP-2 # ESX29-115-16-0042  
Applicant Name Williams Field Services Co LLC  
Contact Person Kristy Grigas  
Address Park Place Corporate Ctr 2, 200 Commerce Dr  
City, State, Zip Pittsburgh, PA 15275  
County Susquehanna  
Township(s) Harford  
Receiving Stream(s) and Classification(s) UNTs to Nine  
Partners Ck; Nine Partners Ck (CWF-MF); UNTs to  
Leslie Ck; Leslie Ck (CWF-MF); UNTs to Eat Branch  
Martins Ck (CWF-MF)

ESCGP-2 # ESG13-115-0008(01)  
Applicant Name SWN Production Co LLC  
Contact Person Justin Moore  
Address 917 SR 92 N  
City, State, Zip Tunkhannock, PA 18657  
County Susquehanna  
Township(s) Great Bend  
Receiving Stream(s) and Classification(s) Salt Lick Creek  
(HQ, CWF-MF)

ESCGP-2 # ESX12-115-0010(01)  
Applicant Name SWN Production Co LLC  
Contact Person Justin Moore  
Address 917 SR 92 N  
City, State, Zip Tunkhannock, PA 18657  
County Susquehanna  
Township(s) Jackson  
Receiving Stream(s) and Classification(s) Butler Creek  
(CWF-MF); Salt Lick Ck (CWF-MF)

ESCGP-2 # ESX29-115-16-0051  
Applicant Name SWN Production Co LLC  
Contact Person Justin Moore  
Address 917 SR 92 N  
City, State, Zip Tunkhannock, PA 18657  
County Susquehanna  
Township(s) Lenox  
Receiving Stream(s) and Classification(s) UNT to  
Tunkhannock Ck (CWF-MF)

ESCGP-2 # ESG29-115-16-0050  
Applicant Name SWN Production Co LLC  
Contact Person Justin Moore  
Address 917 SR 92 N  
City, State, Zip Tunkhannock, PA 18657  
County Susquehanna  
Township(s) New Milford  
Receiving Stream(s) and Classification(s) Wellmans Ck  
(HQ, CWF-MF)

ESCGP-2 # ESX29-115-17-0016  
Applicant Name Williams Field Services Co LLC  
Contact Person Kristy Grigas  
Address Park Place Corporate Ctr 2, 200 Commerce Dr.  
City, State, Zip Pittsburgh, PA 15275  
County Susquehanna  
Township(s) Gibson  
Receiving Stream(s) and Classification(s) Butler Ck  
(CWF-MF) and unnamed tributaries thereto

*Southwest Region: Oil and Gas Management Program  
Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.*

**E63-07-011: Range Resources—Appalachia, LLC,**  
3000 Town Center Boulevard, Canonsburg, PA 15317,  
ACOE Pittsburgh District.



Range Resources—Appalachia LLC is proposing to construct and maintain an access driveway and well pad for Marcellus Shale gas exploration. The Well Pad will be located on a hilltop off of State Road 0519 in North Strabane Township, **Washington County**, PA.

The existing land use of the site consists of field/meadow and woodlands. The well site requires the instal-

lation of a ConSpan O-series concrete pipe arch to cross a UNT to Little Chartiers Creek (designated use: High Quality Warm Water Fisheries). The crossing is necessary for the construction of an access driveway to the proposed well site. The limits of disturbance will be approximately 21 acres.

<i>Stream Crossings</i>	<i>Latitude/Longitude</i>	<i>Area of Impact</i>	
UNT to Little Chartiers Creek (HQ-WWF)	Lat: N 40.217667	Temporary:	1,200 ft <sup>2</sup>
	Long: W 80.144281	Permanent:	1,344 ft <sup>2</sup>

This permit contains the following special permit conditions:

1. The permittee and his agents will be watchful for archaeological artifacts and will assure that ground disturbance activities will cease immediately upon discovery of archaeological artifacts, and immediately notify the DEP Regional Office and the Pennsylvania Historical and Museum Commission at P.O. Box 1026, Harrisburg, PA 17120-1026, telephone (717) 783-8947.

[Pa.B. Doc. No. 17-772. Filed for public inspection May 5, 2017, 9:00 a.m.]

**Bid Opportunity**

**DEP HSCP-3-223-102.1, Hazardous Site Cleanup Project, Intercourse TCE Water Supply Distribution System, Leacock Township, Lancaster County.** The principal items of work and approximate quantities include mobilization and demobilization: water treatment plant—carpentry work, concrete work, electrical work, exterior improvements, finishes, heating ventilating and air conditioning, laboratory furnishings, masonry work, metal fabrications, openings, plumbing work, process control, gates, piping and valves, site work, specialties, thermal and moisture protection, utilities, treatment equipment; supply well No. 1—electrical power and level transducer, discharge piping with blow-off valve assembly, submersible pump and well accessories, including all other incidental work; supply well No. 2—site preparation, driveway and paved turnaround area, fencing, electrical power and level transducer, discharge piping with blow-off valve assembly, submersible pump and well accessories including all other incidental work; supply well No. 3—site preparation, primary electrical service, transformer and remote pump controls, driveway and paved turnaround area, fencing, electrical power and level transducer, discharge piping with blow-off valve assembly, submersible pump and well accessories including all other incidental work; elevated water tower—site preparation, paved driveway and fencing, yard piping, electrical and Internet service, erection of elevated water tower, including painting, testing and sterilization including all other incidental work; and water services—advanced metering infrastructure system, 3/4" 295 each, 1" 80 each, 1 1/2" 5 each, 2" each, 3" 2 each, 4" 4 each, 6" 2 each, meter pit assembly for 3/4" and 1" water services 115 each, meter pit assembly for 1 1/2" and 2" 5 each and meter pit assembly for 3", 4" and 6" water services 4 each.

This bid issues on June 9, 2017, and bids will be opened on July 20, 2017, at 2 p.m. A mandatory prebid conference will be held on June 28, 2017, at 10 a.m. at the Leacock Township Office, 3545 West Newport Road, Intercourse, PA 17534. Failure to attend the prebid conference will be cause for rejection of the bid. 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 at [www.BidExpress.com](http://www.BidExpress.com). This project is financed by the Hazardous Sites Cleanup Fund. Contact the Construction Contracts Section at (717) 787-7820 or [RA-ConstructionContr@pa.gov](mailto:RA-ConstructionContr@pa.gov) for more information on this bid.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 17-773. Filed for public inspection May 5, 2017, 9:00 a.m.]

**Citizens Advisory Council Meeting Cancellation**

The May 17, 2017, meeting of Citizens Advisory Council (Council) is cancelled. The next regular Council meeting is scheduled for Tuesday, June 20, 2017, at 10 a.m. at the Rachel Carson State Office Building, Room 105, 400 Market Street, Harrisburg, PA 17101.

The agenda and meeting materials for the June 20, 2017, meeting will be available on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov). Questions concerning the Council's next scheduled meeting may be directed to Leeann Murray at (717) 787-8171 or [lemurray@pa.gov](mailto:lemurray@pa.gov).

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Leeann Murray at (717) 787-8171 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Acting Secretary*

[Pa.B. Doc. No. 17-774. Filed for public inspection May 5, 2017, 9:00 a.m.]



### Proposed Annual Monitoring Network Plan for Philadelphia

Part 58 of 40 CFR (relating to ambient air quality surveillance) requires state and local air pollution control agencies to adopt and submit to the United States Environmental Protection Agency (EPA) Regional Administrator an Annual Monitoring Network Plan (AMNP) by July 1, 2017. The AMNP provides for the establishment and maintenance of an air quality surveillance system that consists of a network of monitoring stations. A proposed AMNP must be made available for public inspection and comment for at least 30 days prior to submission to the EPA.

Air Management Services is the local air pollution control agency for the City of Philadelphia (City) under the Department of Public Health. Philadelphia has an air monitoring network of 11 air monitoring stations that house instruments that measure ambient levels of air pollutants.

The proposed AMNP is available for public inspection on the City's web site at <http://www.phila.gov/health/airmanagement/PublicMeetings.html> and at Air Management Services, 321 University Avenue, 2nd Floor, Philadelphia, PA 19104, during normal business hours. For further information, contact Henry Kim, Chief of Program Services at (215) 685-9439.

Written comments on the proposed AMNP should be sent to Henry Kim, Chief of Program Services, Air Management Services, 321 University Avenue, 2nd Floor, Philadelphia, PA 19104 or [henry.kim@phila.gov](mailto:henry.kim@phila.gov). Use "2017 Air Monitoring Network Plan" as the subject line in written communication. Only written comments will be accepted. Comments received by facsimile will not be accepted. Persons wishing to file comments on the proposed AMNP must submit comments by June 6, 2017.

PATRICK McDONNELL,  
*Acting Secretary*

[Pa.B. Doc. No. 17-775. Filed for public inspection May 5, 2017, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P.S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P.S. § 165-11(e)), no contracts for public work shall be awarded to these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
DAS Industrial Services Company, LLC Vincent Manganiello, individually FEIN No. 45-2632095	5 Cedar Road Towaco, NJ 07082	4/14/2017
	P.O. Box 201 Pinebrook, NJ 07058	
	21 Pine Street Rockaway, NJ 07866	

KATHY M. MANDERINO,  
*Secretary*

[Pa.B. Doc. No. 17-776. Filed for public inspection May 5, 2017, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Amended 2017 Tax Amnesty Program Guidelines

The act of July 13, 2016 (P.L. 526, No. 84) established the Pennsylvania Tax Amnesty Program. The Acting Secretary of Revenue hereby provides public notice of an amendment to the 2017 Tax Amnesty Program Guidelines that were published at 46 Pa.B. 5856 (September 10, 2016).

This amendment applies only to the Vehicle Rental Tax (VRT) and changes VRT's "Most recent periods eligible for Amnesty" from "Jan. 1—Dec. 31, 2014; due 2/2/15" to "Third Quarter 2015; due 10/20/15." The correct version of this document is as follows, with ellipses referring to the existing text as it appeared at 46 Pa.B. 5856—5860:

\* \* \* \* \*

#### 3. *Taxes Eligible for Amnesty*

Individuals, businesses and other entities with Pennsylvania tax delinquencies as of December 31, 2015, are generally eligible to participate in the Amnesty Program. Non-filed tax returns or reports, as well as unpaid, under-reported or un-established taxes, whether known or unknown to the Department, constitute eligible delinquencies. Types of taxes and the most recent tax periods eligible for the 2017 Amnesty Program include:

<i>Types of Taxes</i>	<i>Most recent periods eligible for Amnesty</i>
	* * * * *
Vehicle Rental Tax (VRT)	Third Quarter 2015; due 10/20/15
	* * * * *

C. DANIEL HASSELL,  
*Acting Secretary*

[Pa.B. Doc. No. 17-777. Filed for public inspection May 5, 2017, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Opening of the Grant Application Period for the Pennsylvania Vanpool Incentive Program

The Department of Transportation (Department) announces an opportunity to apply for \$1 million that has been made available through the Pennsylvania Vanpool Incentive Program (Program). This funding is available for government entities, nonprofit entities and transportation companies that plan to establish new vanpools in this Commonwealth.

To be eligible for the Program, applicants must demonstrate that they will be starting a new vanpool and must meet minimum ridership requirements to receive funds throughout the grant period. For more information, such as maximum monthly funding amounts and details regarding ADA-accessible vans, visit the Department’s web site at PennDOT.gov or contact the Department by e-mail at RA-PDBPTVANPOOL@pa.gov.

The Department will not reimburse grant recipients for project costs incurred prior to the grant period set forth in the applicable grant agreement.

Applications for the State Fiscal Year 2017-2018 will open on the Department’s Share Point web site on June 1, 2017. To set up a Share Point account, contact the Department at the previously listed e-mail address.

LESLIE S. RICHARDS,  
*Secretary*

[Pa.B. Doc. No. 17-778. Filed for public inspection May 5, 2017, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Additions to List of Class A Wild Trout Waters

The Fish and Boat Commission (Commission) approved the addition of 41 stream sections to its list of Class A Wild Trout Streams as set forth at 47 Pa.B. 1104 (February 18, 2017). Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission’s policy to manage self-sustaining Class A wild trout populations as a renewable natural resource and to conserve that resource and the angling that it provides. Class A wild trout populations represent the best of this Commonwealth’s naturally reproducing trout fisheries.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 17-779. Filed for public inspection May 5, 2017, 9:00 a.m.]

### Classification of Wild Trout Streams; Additions, Revisions and Removal

The Fish and Boat Commission (Commission) approved the addition of 99 new waters to its list of wild trout streams, the revision of the section limits of 6 waters already on the list and the removal of 1 water on the list as published at 47 Pa.B. 1099 (February 18, 2017). Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Commission to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams. The Commission’s Fisheries Management Division maintains the complete list of wild trout streams and it is available on the Commission’s web site at <http://www.fishandboat.com/Fish/PennsylvaniaFishes/Trout/Pages/TroutWaterClassifications.aspx>.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 17-780. Filed for public inspection May 5, 2017, 9:00 a.m.]

### Classification of Wild Trout Streams; Proposed Additions and Revisions; July 2017

Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Fish and Boat Commission (Commission) to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The Commission's Fisheries Management Division maintains the list of wild trout streams. The Executive Director, with the approval of the Commission, will from time-to-time publish the list of wild trout streams in the *Pennsylvania Bulletin*. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams.

At the next Commission meeting on July 10 and 11, 2017, the Commission will consider changes to its list of wild trout streams. Specifically, the Commission will consider the addition of the following streams or portions of streams to the list:

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat. / Lon.</i>
Armstrong	Huling Run	Headwaters to UNT to Huling Run (RM 2.70)	Allegheny River	40.983889 79.575556
Berks	UNT (RM 0.92) to UNT to Pine Creek (Eckville)	Headwaters to Mouth	UNT to Pine Creek (Eckville)	40.635810 75.940490
Berks	UNT to Pine Creek (RM 4.09)	Headwaters to Mouth	Pine Creek	40.630740 75.923700
Berks	UNT to Wyomissing Creek (RM 4.05)	Headwaters to Mouth	Wyomissing Creek	40.295424 75.979932
Cambria	Little Conemaugh River	Headwaters to Hughes No. 2 Borehole	Conemaugh River	40.330833 78.924722
Cambria	Swartz Run	Headwaters to Mouth	Clearfield Creek	40.564064 78.543610
Cambria	UNT to South Fork Little Conemaugh River (RM 6.25)	Headwaters to Mouth	South Fork Little Conemaugh River	40.319200 78.722278
Carbon	Mill Creek	Headwaters to Mouth	Aquashicola Creek	40.809722 75.591944
Carbon	Porter Run	Headwaters to Mouth	Lehigh River	41.115833 75.656670
Carbon	UNT to Mill Creek (RM 0.49)	Headwaters to Mouth	Mill Creek	40.815157 75.595067
Carbon	UNT to Sand Spring Run (RM 0.67)	Headwaters to Mouth	Sand Spring Run	41.024031 75.701196
Chester	Pickering Creek	Headwaters to Pikeland Road (T-488) Bridge	Schuylkill River	40.125278 75.492222
Clearfield	UNT to Big Run (Fairview) (RM 1.46)	Headwaters to Mouth	Big Run (Fairview)	41.049194 78.220358
Clearfield	UNT to Cush Creek (RM 0.27)	Headwaters to Mouth	Cush Creek	40.830087 78.793097
Clearfield	UNT to Kratzer Run (RM 2.99)	Headwaters to Mouth	Kratzer Run	40.966317 78.592549
Clinton	Colvey Gap Run	Headwaters to Sink at RM 0.48	Fishing Creek	40.982028 77.478716
Clinton	UNT to Bull Run (RM 2.62)	Headwaters to Mouth	Fishing Creek	40.998276 77.324265
Columbia	Peterman Run	Headwaters to Mouth	West Branch Fishing Creek	41.303909 76.393246
Columbia	Rough Run	Headwaters to Mouth	West Branch Fishing Creek	41.303941 76.392115
Columbia	Schultz Hollow Run	Headwaters to Mouth	York Hollow	41.244943 76.412006
Crawford	UNT to West Branch Sugar Creek (RM 1.25)	Headwaters to Mouth	West Branch Sugar Creek	41.587634 79.871698

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat. / Lon.</i>
Elk	Bunts Run	Headwaters to Mouth	Big Mill Creek	41.505402 78.795820
Elk	Johnson Run	Headwaters to Mouth	Clarion River	41.488672 78.679439
Elk	UNT to Belvidere Run (RM 0.96)	Headwaters to Mouth	Belvidere Run	41.409824 78.963615
Elk	UNT to Coon Run (RM 1.53)	Headwaters to Mouth	Coon Run	41.582119 78.902260
Elk	UNT to Martin Run (RM 0.66)	Headwaters to Mouth	Martin Run	41.601181 78.905769
Elk	UNT to UNT to East Branch Spring Creek (RM 5.36)	Headwaters to Mouth	UNT to East Branch Spring Creek (RM 5.36)	41.573109 78.931679
Erie	Elk Creek Park Run	Headwaters to Mouth	Elk Creek	42.010470 80.361563
Erie	UNT to Little Conneauttee Creek (RM 7.81)	Headwaters to Mouth	Little Conneauttee Creek	41.864830 80.057003
Fayette	Tates Run	Headwaters to Mouth	Indian Creek	39.976752 79.509092
Huntingdon	UNT (RM 0.12) to UNT (RM 0.45) to UNT to Globe Run (RM 3.78)	Headwaters to Mouth	UNT (RM 0.45) to UNT to Globe Run (RM 3.78)	40.655520 78.004412
Huntingdon	UNT (RM 0.45) to UNT to Globe Run (RM 3.78)	Headwaters to Mouth	UNT to Globe Run (RM 3.78)	40.653694 78.004105
Huntingdon	UNT (RM 0.78) to UNT to Globe Run (RM 3.78)	Headwaters to Mouth	UNT to Globe Run (RM 3.78)	40.656559 77.999710
Huntingdon	UNT to Globe Run (RM 3.78)	Headwaters to Mouth	Globe Run	40.648914 78.008438
Indiana	Brady Run	Headwaters to Mouth	Cush Creek	40.817193 78.818369
Indiana	Horton Run	Headwaters to Mouth	Cush Creek	40.813506 78.835831
Indiana	UNT to Cush Creek (RM 4.21)	Headwaters to Mouth	Cush Creek	40.809923 78.846911
Indiana	West Branch Cush Creek	Headwaters to Mouth	Cush Creek	40.807389 78.848735
Jefferson	Cold Spring Run	Headwaters to Mouth	Elk Run	40.951640 78.964730
Jefferson	Graffius Run	Headwaters to Mouth	Mahoning Creek	40.953370 78.929090
Jefferson	Laurel Run	Headwaters to Mouth	Big Run	41.029352 78.908356
Jefferson	Little Elk Run	Headwaters to Mouth	Elk Run	40.969635 78.970572
Jefferson	Rock Run	Headwaters to Mouth	Mahoning Creek	40.966100 78.908700
Jefferson	Rose Run	Headwaters to Mouth	Mahoning Creek	40.932540 79.031248
Lancaster	Little Muddy Creek	Headwaters to SR 222	Muddy Creek	40.176944 76.085000
Luzerne	Brish Run	Headwaters to Mouth	Pine Creek	41.253607 76.293783
Luzerne	Little Bear Creek	Headwaters to Mouth	Bear Creek	41.212223 75.748055



<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat. / Lon.</i>
Luzerne	UNT to Shades Creek (RM 2.66)	Headwaters to Mouth	Shades Creek	41.180194 75.695390
Luzerne	UNT to Shades Creek (RM 3.26)	Headwaters to Mouth	Shades Creek	41.183818 75.687208
Lycoming	McClure Run	Headwaters to Mouth	Pine Creek	41.364166 77.421944
Lycoming	Rattling Camp Run	Headwaters to Mouth	Antes Creek	41.147511 77.138092
Lycoming	UNT to Trout Run (RM 4.62)	Headwaters to Mouth	Trout Run	41.505795 77.354317
McKean	Baker Hollow Brook	Headwaters to Mouth	North Branch Cole Creek	41.883368 78.491745
McKean	Brooder Hollow Brook	Headwaters to Mouth	North Branch Cole Creek	41.871227 78.481257
McKean	Cloverlot Hollow Brook	Headwaters to Mouth	Pierce Brook	41.850160 78.413150
McKean	Lillibridge Creek	Headwaters to Hardes Hollow Run	Allegheny River	41.807499 78.282501
McKean	Tyler Brook	Headwaters to Mouth	Cole Creek	41.857100 78.466860
McKean	UNT to Newell Creek (RM 2.51)	Headwaters to Mouth	Newell Run	41.899940 78.345430
McKean	UNT to South Branch Kinzua Creek (RM 4.69)	Headwaters to Mouth	South Branch Kinzua Creek	41.721814 78.837720
Montgomery	Trout Run	Headwaters to Mouth	Mill Creek	40.022057 75.284201
Montgomery	UNT to Hosensack Creek (RM 1.00)	Headwaters to Mouth	Hosensack Creek	40.434354 75.515557
Montgomery	UNT to Schuylkill River (RM 17.50)	Headwaters to Mouth	Schuylkill River	40.059610 75.270918
Northampton	UNT to Little Bushkill Creek (RM 5.69)	Headwaters to Mouth	Little Bushkill Creek	40.811050 75.265690
Potter	Heath Hollow Run	Headwaters to Mouth	Homestead Hollow Run	41.848106 77.792297
Potter	UNT (RM 1.22) to UNT to Pine Creek (Brookland)	Headwaters to Mouth	UNT to Pine Creek (Brookland)	41.827084 77.816910
Potter	Welch Hollow Run	Headwaters to Mouth	UNT to Francis Branch (RM 3.44)	41.558782 77.616672
Schuylkill	UNT to Lizard Creek (RM 13.64)	Headwaters to Mouth	Lizard Creek	40.721860 75.852300
Somerset	Gilbert Hollow Run	Headwaters to Road Crossing on Gilbert Hollow Road	South Fork Bens Creek	40.220221 79.012933
Somerset	Horner Run	Headwaters to Mouth	North Branch Quemahoning Creek	40.105921 79.140594
Somerset	Swamp Creek	Headwaters to Mouth	Casselman River	39.854907 79.049866
Somerset	UNT to Buffalo Creek (RM 3.81)	Headwaters to Mouth	Buffalo Creek	39.894155 79.022714
Somerset	UNT to Casselman River (RM 31.56)	Headwaters to Mouth	Casselman River	39.846475 79.056674
Somerset	UNT to Laurel Hill Creek (RM 7.68)	Headwaters to Mouth	Laurel Hill Creek	39.875414 79.329406
Somerset	UNT to Laurel Hill Creek (RM 14.13)	Headwaters to Mouth	Laurel Hill Creek	39.920821 79.279747

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat. / Lon.</i>
Somerset	UNT to North Branch Quemahoning Creek (RM 5.27)	Headwaters to Mouth	North Branch Quemahoning Creek	40.115757 79.122450
Somerset	UNT to Quemahoning Creek (RM 0.14)	Headwaters to Mouth	Quemahoning Creek	40.195971 78.935337
Sullivan	Deep Hollow Run	Headwaters to Mouth	West Branch Fishing Creek	41.309444 76.482500
Sullivan	UNT to West Branch Fishing Creek (RM 6.39)	Headwaters to Mouth	West Branch Fishing Creek	41.299760 76.453879
Sullivan	UNT to West Branch Fishing Creek (RM 7.11)	Headwaters to Mouth	West Branch Fishing Creek	41.298858 76.467595
Sullivan	UNT to West Branch Fishing Creek (RM 7.48)	Headwaters to Mouth	West Branch Fishing Creek	41.300375 76.474113
Tioga	Kohler Hollow Run	Headwaters to Mouth	Chaffee Run	41.675804 77.557228
Tioga	UNT to Francis Branch (RM 2.40)	Headwaters to Mouth	Francis Branch	41.550030 77.595367
Tioga	UNT to Wattles Run (RM 0.63)	Headwaters to Mouth	Wattles Run	41.823204 77.584213
Venango	Pine Hill Run	Headwaters to Mouth	Allegheny River	41.287320 79.824760
Venango	Pryor Run	Headwaters to Mouth	Bear Run	41.284030 79.674820
Venango	Snyder Run	Headwaters to Mouth	Allegheny River	41.326660 79.836400
Venango	South Fork Little Scrubgrass Creek	Headwaters to Mouth	Little Scrubgrass Creek	41.189167 79.785556
Venango	UNT (RM 0.75) to UNT to Allegheny River (RM 93.44)	Headwaters to Mouth	UNT to Allegheny River (RM 93.44)	41.215200 79.717030
Venango	UNT to Allegheny River (RM 91.55)	Headwaters to Mouth	Allegheny River	41.188810 79.713990
Venango	UNT to Allegheny River (RM 93.44)	Headwaters to UNT (RM 0.75) to UNT to Allegheny River (RM 93.44)	Allegheny River	41.209503 79.725443
Venango	UNT to Allegheny River (RM 107.57)	Headwaters to Mouth	Allegheny River	41.261270 79.829710
Venango	UNT to Sugar Creek (RM 10.72)	Headwaters to Mouth	Sugar Creek	41.535421 79.860212
Venango	UNT to Sugar Creek (RM 12.38)	Headwaters to Mouth	Sugar Creek	41.555763 79.864661
Warren	Gilson Run	Headwaters to Mouth	Pine Creek	41.643320 79.535397
Warren	UNT to Caldwell Creek (RM 5.36)	Headwaters to Mouth	Caldwell Creek	41.683692 79.578684
Wayne	West Fork Lehigh River	Headwaters to Mouth	Lehigh River	41.258073 75.440401
Westmoreland	Beaver Run	Outflow of Beaver Run Reservoir to Mouth	Kiskiminetas River	40.576572 79.567879
Westmoreland	UNT (RM 0.49) to UNT to Indian Creek (RM 24.52)	Headwaters to Mouth	UNT to Indian Creek (RM 24.52)	40.109169 79.328892
Westmoreland	UNT to Indian Creek (RM 25.55)	Headwaters to Mouth	Indian Creek	40.110266 79.312286

The Commission also will consider the following revisions to the section limits of streams on the list:

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Current Limits</i>	<i>Revised Limits</i>	<i>Tributary to</i>	<i>Mouth Lat./Lon.</i>
Berks	Pachwechen Run	Headwaters to First tributary downstream T-926	Headwaters to Mouth	Perkiomen Creek	40.425728 75.553520
Berks	Spring Creek	Headwaters to Robesonia—Wernersville STP 490 Meters Upstream SR 3010	Headwaters to Mouth	Blue Marsh Lake	40.375556 76.078333
Cambria	Bens Creek	Headwaters to 0.90 Kilometer Downstream LR 11071 Bridge	Headwaters to Mouth	Little Conemaugh River	40.402778 79.642222
Elk	Gallagher Run	Headwaters to Private Reservoir	Headwaters to Mouth	Elk Creek	41.422660 78.732850
Fayette	Indian Creek	Headwaters to SR 31 Jones Mills	Headwaters to Indian Head Road Bridge	Youghiogheny River	39.968056 79.513333
Somerset	Mill Creek	Headwaters to Mill Creek Reservoir	Headwaters to Mouth	Bens Creek	40.283056 78.935278
York	South Branch Codorus Creek	Headwaters to 1.0 Kilometer Downstream SR 616 in Centerville	Headwaters to Granary Road (T-527) Bridge near Seitzville	Codorus Creek	39.923056 76.751667

Persons with comments, objections or suggestions concerning the classification of the streams listed may submit them in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 17-781. Filed for public inspection May 5, 2017, 9:00 a.m.]

### Proposed Changes to List of Class A Wild Trout Waters; July 2017

The Fish and Boat Commission (Commission) is considering changes to its list of Class A Wild Trout Streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. With rare exceptions, the Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

Criteria developed for Class A Wild Trout fisheries are species specific. Wild Trout Biomass Class Criteria include provisions for:

(i) *Wild Brook Trout Fisheries*

(A) Total brook trout biomass of at least 30 kg/ha (26.7 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brook trout biomass must comprise at least 75% of the total trout biomass.

(ii) *Wild Brown Trout Fisheries*

(A) Total brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brown trout biomass must comprise at least 75% of the total trout biomass.

(iii) *Mixed Wild Brook and Brown Trout Fisheries*

(A) Combined brook and brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass must comprise less than 75% of the total trout biomass.

(E) Brown trout biomass must comprise less than 75% of the total trout biomass.

(iv) *Wild Rainbow Trout Fisheries*

Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).

(v) *Mixed Wild Brook and Rainbow Trout Fisheries*

(A) Combined brook and rainbow trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass shall comprise less than 75% of the total trout biomass.

(E) Rainbow trout biomass shall comprise less than 75% of the total trout biomass.

(vi) *Mixed Wild Brown and Rainbow Trout Fisheries*

(A) Combined brown and rainbow trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brown trout biomass shall comprise less than 75% of the total trout biomass.

(E) Rainbow trout biomass shall comprise less than 75% of the total trout biomass.

During recent surveys, Commission staff documented the following stream sections to have Class A wild trout populations. The Commission intends to consider adding these waters to its list of Class A Wild Trout Streams at its meeting on July 10 and 11, 2017.



<i>County</i>	<i>Stream</i>	<i>Section</i>	<i>Limits</i>	<i>Tributary to</i>	<i>Mouth Lat./Lon.</i>	<i>Brook Trout (kg/ha)</i>	<i>Brown Trout (kg/ha)</i>	<i>Rainbow Trout (kg/ha)</i>	<i>Length (miles)</i>	<i>Survey Year</i>
Berks	Spring Creek	1	Headwaters to Robesonia-Wernersville Sewer Treatment Plant 490 Meters Upstream SR 3010	Blue Marsh Lake	40.375556 76.078333	0.51	66.97	—	2.15	2016
Cambria	Killbuck Run	1	Headwaters to Little Killbuck Run	Glendale Lake	40.660000 78.579444	51.68	—	—	3.12	2016
Carbon	Long Run	2	Outlet of Long Run Reservoir Number One Dam at RM 2.47 to Mouth	Lehigh River	40.850000 75.708333	6.59	69.45	—	2.47	2016
Carbon	Mill Creek	1	Headwaters to Mouth	Aquashicola Creek	40.809722 75.591944	—	48.28	—	3.80	2016
Carbon	UNT to Mill Creek (RM 0.49)	1	Headwaters to Mouth	Mill Creek	40.815157 75.595067	—	41.77	—	2.61	2016
Centre	White Deer Creek	1	Headwaters to Power Line Crossing 125 Meters Upstream of Black Gap Road	West Branch Susquehanna River	41.079722 76.865833	36.83	10.44	—	4.35	2016
Clearfield	Beaver Run	2	SR 3004 to Mouth	West Branch Susquehanna River	40.780749 78.780070	0.68	76.32	—	3.80	2016
Clearfield	Sawmill Run	1	Headwaters to Mouth	West Branch Susquehanna River	40.798611 78.782500	42.07	—	—	4.39	2016
Clearfield	UNT to Curry Run (RM 4.78)	1	Headwaters to Mouth	Curry Run	40.962500 78.701389	75.48	—	—	0.99	2016
Clinton	Colvey Gap Run	1	Headwaters to Sink at RM 0.48	Fishing Creek	40.982028 77.478176	90.85	—	—	0.82	2016
Clinton	Pong Hollow Run	1	Headwaters to Mouth	Drury Run	41.392820 77.834283	39.46	6.75	—	1.34	2016
Clinton	Right Branch Hyner Run	2	Spring Run to Mouth	Hyner Run	41.377778 77.608333	43.50	—	—	1.44	2016
Clinton	Shingle Branch	2	2,400 Meters Upstream of the Mouth to Mouth	Left Branch Young Womans Creek	41.400278 77.706111	22.86	35.51	—	1.50	2016

<i>County</i>	<i>Stream</i>	<i>Section</i>	<i>Limits</i>	<i>Tributary to</i>	<i>Mouth Lat. / Lon.</i>	<i>Brook Trout (kg / ha)</i>	<i>Brown Trout (kg / ha)</i>	<i>Rainbow Trout (kg / ha)</i>	<i>Length (miles)</i>	<i>Survey Year</i>
Clinton/Union	Fishing Creek	1	Headwaters to Sink at SR 2002 Bridge in Eastville	Bald Eagle Creek	41.122222 77.483056	2.24	53.63	—	5.22	2016
Erie	Elk Creek Park Run	1	Headwaters to Mouth	Elk Creek	42.010470 80.361563	—	49.78	—	3.59	2016
Jefferson	Big Run	1	Headwaters to T-506 Bridge	Mahoning Creek	40.967875 78.889371	—	67.93	—	3.00	2016
Jefferson	Cold Spring Run	1	Headwaters to Mouth	Elk Run	40.951640 78.964730	—	49.44	—	2.00	2016
McKean	Brooder Hollow Brook	1	Headwaters to Mouth	North Branch Cole Creek	41.871227 78.481257	76.40	—	—	1.79	2016
Mifflin	Musser Run	2	Third Bridge Crossing the Creek Southwest of McVeytown on US 22 to Mouth	Juniata River	40.491330 77.734899	—	68.35	—	3.30	2016
Monroe	Sugar Hollow Creek	1	Headwaters to Mouth	Pohopoco Creek	40.947119 75.441758	—	130.40	—	4.42	2016
Pike	Sloat Brook	1	Headwaters to Mouth	Sawkill Creek	41.323273 74.816322	1.44	46.52	—	3.10	2016
Potter	Elm Flat Run	1	Headwaters to Mouth	Allegheny River	41.740726 78.088608	23.40	34.65	—	2.77	2016
Potter	Fisk Hollow Run	1	Headwaters to Mouth	Fishing Creek	41.836254 78.127937	35.24	23.51	—	3.91	2016
Schuylkill	UNT to Lizard Creek (RM 13.64)	1	Headwaters to Mouth	Lizard Creek	40.721860 75.852300	43.73	4.49	—	1.99	2016
Somerset	Soap Hollow Run	2	Waterfall to Mouth	Stonycreek River	40.278279 78.924157	—	46.36	—	2.24	2016
Tioga	Bellman Run	1	Headwaters to Mouth	Johnson Creek	41.661111 77.086111	50.65	—	—	2.36	2016
Venango	Snyder Run	1	Headwaters to Mouth	Allegheny River	41.326660 79.836400	37.01	1.97	—	1.62	2016
Venango	UNT to Allegheny River (RM 107.57)	1	Headwaters to Mouth	Allegheny River	41.261270 79.829710	36.72	0.31	—	1.61	2016
Westmoreland	Indian Creek	1	Headwaters to T-916 Bridge	Youghiogheny River	39.968056 79.513333	0.80	50.20	0.02	6.18	2016

Persons with comments, objections or suggestions concerning the additions are invited to submit comments in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 17-782. Filed for public inspection May 5, 2017, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, April 20, 2017, and announced the following:

*Action Taken—Regulations Approved:*

Pennsylvania Public Utility Commission # 57-312: Reduce Barriers to Entry for Passenger Motor Carriers (amends 52 Pa. Code Chapters 1, 3, 23 and 29)

State Board of Education # 6-336: Nonimmunized Children (amends 22 Pa. Code § 11.20)

### Approval Order

Public Meeting Held  
April 20, 2017

*Commissioners Voting:* George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; W. Russell Faber; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Pennsylvania Public Utility Commission  
Reduce Barriers to Entry for Passenger Motor Carriers  
Regulation No. 57-312 (# 3135)*

On February 10, 2016, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking amends 52 Pa. Code Chapters 1, 3, 23 and 29. The proposed regulation was published in the February 27, 2016 *Pennsylvania Bulletin* with a public comment period ending March 28, 2016. The final-form regulation was submitted to the Commission on February 23, 2017.

This regulation deletes provisions that require a new passenger carrier applicant to establish need and streamlines provisions for changing tariffed rates.

We have determined this regulation is consistent with the statutory authority of the PUC (66 Pa.C.S. § 501) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

### Approval Order

Public Meeting Held  
April 20, 2017

*Commissioners Voting:* George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; W. Russell Faber; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*State Board of Education  
Nonimmunized Children  
Regulation No. 6-336 (# 3146)*

On March 29, 2016, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Education (Board). This rulemaking amends 22 Pa. Code § 11.20. The proposed regulation was published in the April 9, 2016 *Pennsylvania Bulletin* with a public comment period which closed on May 9, 2016. The final-form regulation was submitted to the Commission on March 13, 2017.

The regulation deletes an unnecessary provision that duplicates immunization requirements established by the Department of Health and adds a clarification regarding a temporary waiver.

We have determined this regulation is consistent with the statutory authority of the Board (24 P.S. §§ 26-2603-B and 26-2604-B(a)-(b); 24 P.S. §§ 13-1303a, 13-1327, and 13-1330) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 17-783. Filed for public inspection May 5, 2017, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Aetna Health Inc.; Small Group Transitional; Rate Filing

Aetna Health Inc. submitted a rate filing to increase the base rates for its Small Group Transitional policies renewing on and after September 1, 2017. The filing proposes a rate increase of 9.9% and will affect approximately 24,500 members. The proposed rate increase will generate approximately \$1.03 million of additional annual revenue.

Unless formal administrative action is taken prior to July 19, 2017, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Other Health Rate Filings").

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, csandersjo@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 17-784. Filed for public inspection May 5, 2017, 9:00 a.m.]

### **Aetna Life Insurance Company; Small Group Transitional; Rate Filing**

Aetna Life Insurance Company submitted a rate filing to increase the base rates for its Small Group Transitional policies renewing on and after September 1, 2017. The filing proposes a rate increase of 9.9% and will affect approximately 1,149 members. The proposed rate increase will generate approximately \$52,000 of additional annual revenue.

Unless formal administrative action is taken prior to July 19, 2017, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Other Health Rate Filings").

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, csandersjo@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 17-785. Filed for public inspection May 5, 2017, 9:00 a.m.]

### **Robert O. Collins; Order to Show Cause; Doc. No. SC17-02-017**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to Special Rules of Administrative Practice and Procedure).

A prehearing telephone conference initiated by this office is scheduled for June 8, 2017, at 10 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before June 6, 2017. A date for a hearing shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before May 18, 2017, with the

Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to preliminary motions, protests, petitions to intervene or notices of intervention, if any, shall be filed on or before June 2, 2017.

Persons with a disability who wish to attend the previously-referenced administrative proceedings, and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Penny Callihan, Human Resources Director at (717) 705-4194.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 17-786. Filed for public inspection May 5, 2017, 9:00 a.m.]

## **MILK MARKETING BOARD**

### **Hearing and Presubmission Schedule; Milk Marketing Area No. 1**

Under the provisions of the Milk Marketing Law (31 P.S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 1 on June 7, 2017, at 9 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 1. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the first halves of calendar years 2015 and 2016; skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; monthly adjustments to in-store handling costs; and a reasonable rate of return to milk dealers and stores. Evidence and testimony will be considered regarding the heating fuel adjuster in Milk Marketing Area No. 1. Evidence and testimony will be considered regarding the diesel fuel cost adjuster in Milk Marketing Area No. 1.

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 3 p.m. on May 12, 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 3 p.m. on May 12, 2017, notification of their desire to be included as a party. Parties should 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@pa.gov](mailto:deberly@pa.gov).

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 2 p.m. on May 19, 2017, Board staff shall file with the Board, in person or by mail, one original and four single-sided copies and ensure receipt by all other parties of one copy of:



a. A list of witnesses who will testify for the party, 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 statement of 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 2 p.m. on May 26, 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 2 p.m. on June 2, 2017, each party 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 who 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, copies shall be provided to each Board member and to all other parties; in addition, at least twenty copies shall be available for distribution to nonparties attending the hearing.

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 1 p.m. on May 30, 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. 17-787. Filed for public inspection May 5, 2017, 9:00 a.m.]

## Hearing and Presubmission Schedule; Milk Marketing Area No. 2

Under the provisions of the Milk Marketing Law (31 P.S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 2 on June 7, 2017, at 9:30 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 2. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the first halves of calendar years 2015 and 2016; skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; monthly adjustments to in-store handling costs; and a reasonable rate of return to milk dealers and stores. Evidence and testimony will be considered regarding the heating fuel adjuster in Milk

Marketing Area No. 2. Evidence and testimony will be considered regarding the diesel fuel cost adjuster in Milk Marketing Area No. 2.

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 3 p.m. on May 12, 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 3 p.m. on May 12, 2017, notification of their desire to be included as a party. Parties should 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@pa.gov](mailto:deberly@pa.gov).

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 2 p.m. on May 19, 2017, Board staff shall file with the Board, in person or by mail, one original and four single-sided copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, 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 statement of 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 2 p.m. on May 26, 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 2 p.m. on June 2, 2017, each party 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 who 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. Regardless whether these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties.

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 1 p.m. on May 30, 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. 17-788. Filed for public inspection May 5, 2017, 9:00 a.m.]

### Hearing and Presubmission Schedule; Milk Marketing Area No. 3

Under the provisions of the Milk Marketing Law (31 P.S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 3 on June 7, 2017, at 10 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 3. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the first halves of calendar years 2015 and 2016; skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; monthly adjustments to in-store handling costs; and a reasonable rate of return to milk dealers and stores. Evidence and testimony will be considered regarding the heating fuel adjuster in Milk Marketing Area No. 3. Evidence and testimony will be considered regarding the diesel fuel cost adjuster in Milk Marketing Area No. 3.

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 3 p.m. on May 12, 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 3 p.m. on May 12, 2017, notification of their desire to be included as a party. Parties should 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@pa.gov](mailto:deberly@pa.gov).

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 2 p.m. on May 19, 2017, Board staff shall file with the Board, in person or by mail, one original and four single-sided copies and ensure receipt by all other parties of one copy of:

- a. A list of witnesses who will testify for the party, 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 statement of 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 2 p.m. on May 26, 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 2 p.m. on June 2, 2017, each party 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 who 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. Regardless whether these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties.

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 1 p.m. on May 30, 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. 17-789. Filed for public inspection May 5, 2017, 9:00 a.m.]

### Hearing and Presubmission Schedule; Milk Marketing Area No. 5

Under the provisions of the Milk Marketing Law (31 P.S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 5 on June 7, 2017, at 10:30 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 5. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the first halves of calendar years 2015 and 2016; skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; monthly adjustments to in-store handling costs; and a reasonable rate of return to milk dealers and stores. Evidence and testimony will be considered regarding the heating fuel adjuster in Milk Marketing Area No. 5. Evidence and testimony will be considered regarding the diesel fuel cost adjuster in Milk Marketing Area No. 5.

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 3 p.m. on May 12, 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 3 p.m. on May 12, 2017, notification of their desire to be included as a party. Parties should 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@pa.gov](mailto:deberly@pa.gov).

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 2 p.m. on May 19, 2017, Board staff shall file with the Board, in person or by mail, one original and four single-sided copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, 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 statement of 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 2 p.m. on May 26, 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 2 p.m. on June 2, 2017, each party 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 who 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, copies shall be provided to each Board member and to all other parties; in addition, at least twenty copies shall be available for distribution to nonparties attending the hearing.

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 1 p.m. on May 30, 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. 17-790. Filed for public inspection May 5, 2017, 9:00 a.m.]

### Hearing and Presubmission Schedule; Milk Marketing Area No. 6

Under the provisions of the Milk Marketing Law (31 P.S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 6 on June 7, 2017, at 11 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 6. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the first halves of calendar years 2015 and 2016; skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; monthly adjustments to in-store handling costs; and a reasonable rate of return to milk

dealers and stores. Evidence and testimony will be considered regarding the heating fuel adjuster in Milk Marketing Area No. 6. Evidence and testimony will be considered regarding the diesel fuel cost adjuster in Milk Marketing Area No. 6.

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 3 p.m. on May 12, 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 3 p.m. on May 12, 2017, notification of their desire to be included as a party. Parties should 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@pa.gov](mailto:deberly@pa.gov).

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 2 p.m. on May 19, 2017, Board staff shall file with the Board, in person or by mail, one original and four single-sided copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, 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 statement of 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 2 p.m. on May 26, 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 2 p.m. on June 2, 2017, each party 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 who 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, copies shall be provided to each Board member and to all other parties; in addition, at least twenty copies shall be available for distribution to nonparties attending the hearing.

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 1 p.m. on May 30, 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. 17-791. Filed for public inspection May 5, 2017, 9:00 a.m.]



# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Electric Generation Supplier License Cancellations of Companies with an Expired Financial Security or Insufficient Financial Security Amount

Public Meeting held  
April 20, 2017

*Commissioners Present:* Gladys M. Brown, Chairperson;  
Andrew G. Place, Vice Chairperson; John F. Coleman,  
Jr.; Robert F. Powelson; David W. Sweet

*Electric Generation Supplier License Cancellations of  
Companies with an Expired Financial Security or  
Insufficient Financial Security Amount; M-2017-2584781*

### Tentative Order

*By the Commission:*

The Commission's regulations at 52 Pa. Code § 54.40(a) state that an Electric Generation Supplier (EGS) license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. In addition, 52 Pa. Code § 54.40(d) states that the maintenance of an EGS license is contingent on the licensee providing proof to the Commission that a

bond or other approved security in the amount directed by the Commission has been obtained.

Each EGS must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120 prior to the EGS's current security expiration date. Each financial instrument must be an original document that displays a "wet" signature or digital signature, preferable in blue ink, and displays a "raised seal" or original notary stamp. The name of the principal on the original financial instrument must match exactly with the name that appears on the EGS's license issued by the Commission.

Failure to file before the financial security's expiration date may cause Commission staff to initiate a formal proceeding that may lead to the following: cancellation of each company's electric supplier license, removal of each company's information from the Commission's website and notification to all electric distribution companies, in which each company is licensed to do business, of the cancellation of the license.

As of April 11, 2017, each EGS listed in the Supplier Table below has not provided proof to the Commission that it has a bond or other approved security in the amount directed by the Commission, to replace its expired bond as noted in the table below.

*Supplier Table—List of Electric Generation Suppliers*

<i>Docket Number</i>	<i>Company Name</i>	<i>Expired Financial Security Date</i>	<i>Commission Approved Amount</i>
A-2016-2557226*	AGGRESSIVE ENERGY, LLC	4/1/17	YES
A-2014-2422519	BROKER ONLINE EXCHANGE, LLC	3/31/17	-
A-2013-2393598	CROSSLINK ADVISORS, LLC	4/4/17	-
A-2014-2425963	ENERGY CHOICE SOLUTIONS, LLC	3/10/17	-
A-2016-2558553	FAIR VIEW ENERGY, INC.	3/9/17	-
A-2013-2360865	FRONT LINE POWER SOLUTIONS, LLC	4/10/17	-
A-2016-2538668*	LIFEENERGY, LLC	4/4/17	YES
A-2014-2435427	PREMIERE MARKETING, LLC	3/11/17	-
A-2016-2552583	REGIONAL RESOURCES ENERGY GROUP, LLC	3/9/17	-
A-2012-2320270	SAVE WAVE ENERGY, LLC	3/15/17	-
A-2011-2255323	ULTIMATE ENERGY ADVISORS, LLC	4/1/17	-

\*Taking title to electricity

As part of its EGS license validation procedures, the Commission's Bureau of Technical Utility Services sent a 60-day Security Renewal Notice Letter to each entity in the Supplier Table above stating that original documentation of a bond, or other approved security, must be filed within 30 days prior to each entity's security expiration date. None of the companies listed in the Supplier Table provided the required documentation.

Based on the above facts, we tentatively conclude that the EGSs listed in the Supplier Table are not in compliance with 52 Pa. Code § 54.40(a) and (d) and therefore it is appropriate to initiate the cancellation process for each EGS license of each company listed in the Supplier Table, without the necessity of a formal complaint, as being in the public interest; *Therefore,*

*It Is Ordered That:*

1. Cancellation of the Electric Generation Supplier Licenses of each company listed in the Supplier Table is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Bureau of Investigation & Enforcement, Department of Revenue—Bureau of Corporation Taxes, all electric distribution companies, all of the Electric Generation Suppliers in the Supplier Table and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.



3. Absent the filing of adverse public comment or the filing of an approved security within 30 days after publication in the *Pennsylvania Bulletin*, the Bureau of Technical Utility Services shall prepare a Final Order for entry by the Secretary.

4. Upon entry of the Final Order described in Ordering Paragraph No. 3 above, each company listed in the Supplier Table will be stricken from all active utility lists maintained by the Commission's Bureau of Technical Utility Services and the Assessment Section of the Bureau of Administration, removed from the Commission's website, and notifications be sent to all electric distribution companies in which the Electric Generation Suppliers are licensed to do business.

5. Upon entry of the Final Order described in Ordering Paragraph No. 3, each electric distribution company in which the Electric Generation Suppliers are licensed to do business, shall return the customers of the Electric Generation Suppliers to default service.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-792. Filed for public inspection May 5, 2017, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by May 22, 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-2017-2599346. Raymond Corbin** (2949 Aster Lane, Lititz, Lancaster County, PA 17543) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service from points in the County of Lancaster to correctional facilities in Pennsylvania, and return; and also to transport people whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Lancaster to points in Pennsylvania, and return.

**A-2017-2599372. Ride With Ellis, LLC** (302 Owl Hill Road, Lititz, Lancaster County, PA 17543) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

**A-2017-2600296. All American Amish Van & Transport Service, LLC** (2373 Middlegreen Court, Lancaster, Lancaster County, PA 17601) for the right to begin to

transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Lancaster to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-793. Filed for public inspection May 5, 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 May 22, 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. Randy S. Keller; Docket No. C-2017-2586051

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That Randy S. Keller, Respondent maintains a principal place of residence at 1015 Jackman Avenue, Apt. 104, Pittsburgh, Pennsylvania, 15202.

2. That on Thursday, January 26, 2017, at 9:30 PM, PUC Enforcement Officers Ryan Balestra and Andrew Rosenberger observed the Respondent's 2008 Lincoln Town Car, bearing PA registration number HTH6600, operating on the 1400 block of East Carson Street, Pittsburgh, Allegheny County. The vehicle had a taxi dome light mounted on the roof that displayed the word "TAXI". The officers were able to take a picture of the vehicle moments later on Station Square Drive, Pittsburgh.

3. That Respondent, by affixing a taxi dome light to the roof of the vehicle, violated 67 Pa. Code § 175.66(h) as adopted by the Commission at 52 Pa. Code § 29.402(1). The penalty for this violation is \$1,000.00 and suspension of PA registration HTH6600, by the Pennsylvania Department of Transportation.

Wherefore, the Bureau of Investigation and Enforcement Prosecutory Staff hereby request that the Commission fine Randy S. Keller, the sum of one thousand dollars (\$1,000.00) for the illegal activity described in this Complaint. In addition, Respondent's vehicle registration at license number HTH6600 will be suspended by the Pennsylvania Department of Transportation.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 3/22/17

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or may be sent by overnight delivery to:

400 North Street, 2nd Floor  
Harrisburg, PA 17120

Additionally, please serve a copy on:

Michael L. Swindler, Deputy Chief Prosecutor  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, e-mailed to Mr. Swindler at: RA-PCCmpltResp@pa.gov

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

C. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Luke Bridge, t/a Bridge Transport; Docket No. C-2017-2590802**

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 Luke Bridge, t/a Bridge Transport, (respondent) is under suspension effective January 26, 2017 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 5470 Old Philadelphia Pike, Gap, PA 17527.

3. That respondent was issued a Certificate of Public Convenience by this Commission on August 27, 2014, at A-8916612.

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-8916612 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may

include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 3/7/2017

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

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

### **Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. C L Feather, Inc.;** **Docket No. C-2017-2594535**

#### 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 C L Feather, Inc., (respondent) is under suspension effective February 23, 2017 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at P.O. Box 1190, Altoona, PA 16603.
3. That respondent was issued a Certificate of Public Convenience by this Commission on June 13, 1978, at A-00100747.
4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The



Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00100747 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 3/22/17

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

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. William R. Lutz, Sr., t/a Lutz Enterprises; Docket No. C-2017-2594780**

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has del-



egated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to William R. Lutz, Sr., t/a Lutz Enterprises, (respondent) is under suspension effective March 06, 2017 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 281 Fennelstown Road, New Alexandria, PA 15670-9634.

3. That respondent was issued a Certificate of Public Convenience by this Commission on January 04, 2000, at A-00116312/704034.

4. That respondent has failed to maintain evidence of Cargo and Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

*Wherefore*, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00116312/704034 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 3/29/17

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

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.

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**Pennsylvania Public Utility Commission; Bureau of  
Investigation and Enforcement v. Joshua L.  
Breeden, t/a Renegade Transportation;  
Docket No. C-2017-2595847**

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 Joshua L. Breeden, t/a Renegade Transportation, (respondent) is under suspension effective March 17, 2017 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 3378 Stoneybreak Road, Warfordsburg, PA 17267.
3. That respondent was issued a Certificate of Public Convenience by this Commission on August 31, 2016, at A-8919078.
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-8919078 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: 4/11/2017

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

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.

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**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Randy Plumley Trucking, LLC; Docket No. C-2017-2596436**

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 Randy Plumley Trucking, LLC, (respondent) is under suspension effective February 17, 2017 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 3710 Pershing Avenue, Parma, OH 44134-2302.

3. That respondent was issued a Certificate of Public Convenience by this Commission on March 27, 2015, at A-8917348.

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-8917348 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: 4/11/2017

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.



Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility  
 Services  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-794. Filed for public inspection May 5, 2017, 9:00 a.m.]

## PHILADELPHIA PARKING AUTHORITY

### Request for Bids

The Philadelphia Parking Authority will be releasing Bid No. 17-12, Regulation Signs and Decals 2017, on Friday, May 5, 2017. Information and important dates for this solicitation can be obtained from the web site [www.philapark.org](http://www.philapark.org) or by calling Mary Wheeler, Manager of Contract Administration, at (215) 683-9665.

CLARENA TOLSON,  
*Executive Director*

[Pa.B. Doc. No. 17-795. Filed for public inspection May 5, 2017, 9:00 a.m.]

### Request for Information

The Philadelphia Parking Authority will be releasing RFI No. 17-16, Time and Attendance System, on Friday, May 5, 2017. Information and important dates for this solicitation can be obtained from the web site [www.philapark.org](http://www.philapark.org) or by calling Mary Wheeler, Manager of Contract Administration, at (215) 683-9665.

CLARENA TOLSON,  
*Executive Director*

[Pa.B. Doc. No. 17-796. Filed for public inspection May 5, 2017, 9:00 a.m.]

## STATE BOARD OF NURSING

### Bureau of Professional and Occupational Affairs v. Lindsey Marie LeBorgne, RN; File No. 13-51- 12734; Doc. No. 0513-51-15

On March 22, 2017, Lindsey Marie LeBorgne, RN, Pennsylvania license No. RN609475, last known of Chapman, KS, had her registered nursing license indefinitely suspended until at least the time as respondent proves that she is fit to practice professional nursing in this Commonwealth with reasonable skill and safety based on receiving disciplinary action by the proper licensing authority of another state.

Individuals may obtain a copy of the adjudication by writing to Judith Pachter Schuller, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

LINDA L. KMETZ, PhD, RN,  
*Chairperson*

[Pa.B. Doc. No. 17-797. Filed for public inspection May 5, 2017, 9:00 a.m.]



**Bureau of Professional and Occupational Affairs v. Mary L. Leonelli, LPN; File No. 14-51-14264; Doc. No. 1235-51-15**

On March 10, 2017, Mary L. Leonelli, LPN, Pennsylvania license No. PN282009, last known of Ruskin, FL, had her practical nurse license revoked based on her felony convictions, disciplinary action being taken by another state and failing to report same to the State Board of Nursing (Board).

Individuals may obtain a copy of the adjudication by writing to Judith Pachter Schulder, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

LINDA L. KMETZ, PhD, RN,  
*Chairperson*

[Pa.B. Doc. No. 17-798. Filed for public inspection May 5, 2017, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v. Ellen Lorraine MacMullan, LPN; File No. 14-51-02465; Doc. No. 0507-51-15**

On March 22, 2017, Ellen Lorraine MacMullan, LPN, Pennsylvania license No. PN267919, last known of San Antonio, TX, was reprimanded and ordered to take and successfully complete 3 hours of remedial education in ethics based on receiving disciplinary action by the proper licensing authority of Texas.

Individuals may obtain a copy of the adjudication by writing to Judith Pachter Schulder, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

LINDA L. KMETZ, PhD, RN,  
*Chairperson*

[Pa.B. Doc. No. 17-800. Filed for public inspection May 5, 2017, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v. Patti Moreland Lucas, RN; File No. 13-51-07438; Doc. No. 2358-51-15**

On March 10, 2017, Patti Moreland Lucas, RN, Pennsylvania license No. RN345784L, last known of Valley Mills, TX, had her registered nursing license indefinitely suspended until respondent can prove to the State Board of Nursing (Board) that she is fit to safely practice professional nursing with reasonable skill and safety and was assessed a \$500 civil penalty based on receiving disciplinary action by the proper licensing authority of another state and failure to report same to the Board.

Individuals may obtain a copy of the adjudication by writing to Judith Pachter Schulder, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

LINDA L. KMETZ, PhD, RN,  
*Chairperson*

[Pa.B. Doc. No. 17-799. Filed for public inspection May 5, 2017, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v. Philip C. Morris, RN; File No. 13-51-11877; Doc. No. 0755-51-14**

On March 22, 2017, Philip C. Morris, RN, Pennsylvania license No. RN599151, last known of Peru, IN, had his registered nursing license indefinitely suspended until respondent can prove to the State Board of Nursing (Board) that he is fit to safely practice professional nursing with reasonable skill and safety and was assessed a \$500 civil penalty based on receiving disciplinary action by the proper licensing authority of another state and failure to report same to the Board.

Individuals may obtain a copy of the adjudication by writing to Judith Pachter Schulder, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

LINDA L. KMETZ, PhD, RN,  
*Chairperson*

[Pa.B. Doc. No. 17-801. Filed for public inspection May 5, 2017, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v. Carolyn Ann Richardson, LPN; File No. 13-51-09189; Doc. No. 2054-51-15**

On February 1, 2017, Carolyn Ann Richardson, LPN, Pennsylvania license No. PN272681, last known of Universal City, TX, had her practical nurse license reprimanded and she was assessed a civil penalty of \$500 based on receiving disciplinary action by the proper licensing authority of Texas and failing to report the disciplinary action to the State Board of Nursing (Board).

Individuals may obtain a copy of the adjudication by writing to Judith Pachter Schulder, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

LINDA L. KMETZ, PhD, RN,  
*Chairperson*

[Pa.B. Doc. No. 17-802. Filed for public inspection May 5, 2017, 9:00 a.m.]

**STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS**

**Denial of the Application for Licensure by Examination to Practice Professional Counseling of Jason Jon Benney; Doc. No. 0375-69-17; File No. 17-69-01561**

On March 7, 2017, Jason Jon Benney, unlicensed, last known of Pittsburgh, Allegheny County, was denied licensure based on being unable to practice with reason-

able skill and safety by reason of drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material.

Individuals may obtain a copy of the adjudication by writing to Dana M. Wucinski, Board Counsel, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, P.O. Box 69523, Harrisburg, PA 17106-9523.

This adjudication and order represents the final State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

JAMES K. MATTA, Sr., EdD, NCC, LPC,  
*Chairperson*

[Pa.B. Doc. No. 17-803. Filed for public inspection May 5, 2017, 9:00 a.m.]

**THADDEUS STEVENS COLLEGE OF TECHNOLOGY**

**Request for Bids**

Thaddeus Stevens College of Technology is soliciting bids for Project 16-4058, two rooftop HVAC units for its Multipurpose Activity Center. Bid documents can be obtained from Carrie Harmon, Thaddeus Stevens College, 750 East King Street, Lancaster, PA 17602, (717) 299-7787, harmon@stevenscollege.edu.

DR. WILLIAM E. GRISCOM,  
*President*

[Pa.B. Doc. No. 17-804. Filed for public inspection May 5, 2017, 9:00 a.m.]







