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# PENNSYLVANIA BULLETIN

Volume 47

Number 29

Saturday, July 22, 2017 • Harrisburg, PA

Pages 3947—4072

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Department of Community and Economic  
Development

Department of Education

Department of Environmental Protection

Department of Health

Department of Labor and Industry

Department of Transportation

Fish and Boat Commission

Governor's Office

Insurance Department

Milk Marketing Board

Pennsylvania Public Utility Commission

Philadelphia Parking Authority

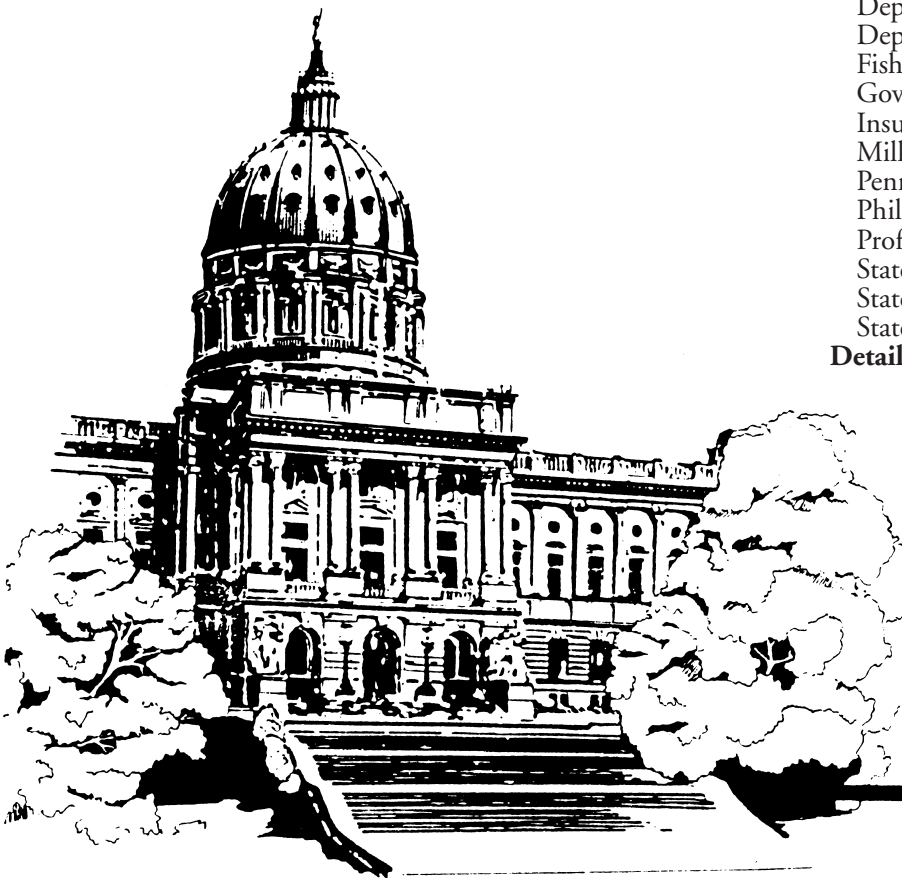
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State Board of Barber Examiners

State Conservation Commission

State Horse Racing Commission

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**No. 512, July 2017**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

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

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# THE GENERAL ASSEMBLY

## Recent Actions during the 2017 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2017 Regular Session:

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2017 General Acts of Regular Session Enacted—Act 001 through 022</b>					
001	Apr 24	SB0250	PN0630	Immediately	Unemployment Compensation Law—unemployment compensation service centers, contributions by employees and Service and Infrastructure Improvement Fund
002	May 16	HB0224	PN0426	60 days	Public School Code of 1949—administration of epinephrine auto-injectors by school bus drivers and school crossing guards
003	May 26	SB0133	PN0873	Immediately	Pennsylvania REAL ID Compliance Act—enactment
004	Jun 12	HB0023	PN0151	60 days	Primary Stroke Center Recognition Act—short title, recognition of centers, emergency medical services and biennial report
005	Jun 12	SB0001	PN0902	Immediately	Education (24 Pa.C.S.), Military and Veterans Code (51 Pa.C.S.) and State Government (71 Pa.C.S.)—omnibus amendments
006	Jun 21	HB0202	PN0161	Immediately	Public School Code of 1949—Keystone Exams
007	Jun 22	HB0151	PN1571	Immediately	Commerce and Trade (12 Pa.C.S.)—reporting and inspection and Entertainment Economic Enhancement Program
008	Jun 22	HB0267	PN0226	60 days	Crimes Code (18 Pa.C.S.)—theft of secondary metal and prescribing penalties
009	Jun 27	HB0168	PN0132	60 days	Crimes Code (18 Pa.C.S.)—wearing of uniforms and insignia
010	Jun 28	HB1238	PN1565	60 days	Agriculture Code (3 Pa.C.S.), Crimes Code (18 Pa.C.S.), Detectives and Private Police (22 Pa.C.S.), Game and Wildlife Code (34 Pa.C.S.) and Judicial Code (42 Pa.C.S.)—omnibus amendments
011	Jun 29	HB0093	PN0603	60 days	Stuart Tank Memorial Highway—designation
012	Jun 29	HB0217	PN1502	60 days	Crimes Code (18 Pa.C.S.)—offense of endangering welfare of children
013	Jun 29	SB0008	PN0719	Immediately*	Amusements (4 Pa.C.S.), Crimes Code (18 Pa.C.S.), Fish and Boat Code (30 Pa.C.S.), Judicial Code (42 Pa.C.S.) and Vehicle Code (75 Pa.C.S.)—omnibus amendments
014	Jul 7	HB0239	PN2005	Immediately	Rare Disease Advisory Council Act—enactment
015	Jul 7	HB0283	PN0269	60 days	Multiple designations in multiple counties—designation
016	Jul 7	HB0423	PN0439	60 days	The Second Class Township Code—vacancies in office and vacancies in general
017	Jul 7	HB0424	PN0440	60 days	Vital Statistics Law of 1953—information for certificates and coroner referrals
018	Jul 7	HB1219	PN1447	60 days	Sgt. Robert Eugene Goodlin Memorial Bridge—designation
019	Jul 7	HB1269	PN1536	60 days	General Local Government Code (53 Pa.C.S.)—municipal authorities purposes and powers

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
020	Jul 7	SB0288	PN0274	60 days	Vehicle Code (75 Pa.C.S.)—duty of driver in emergency response areas
021	Jul 7	SB0365	PN0357	60 days	The Second Class Township Code—personal property
022	Jul 7	SB0560	PN0936	60 days	Crimes Code (18 Pa.C.S.) and Judicial Code (42 Pa.C.S.)—omnibus amendments
<b>2017 Vetoes of Regular Session of Bills—Veto 001</b>					
001	Jun 30	HB1071	PN1270		Municipalities (53 Pa.C.S.)—prohibiting bans, fees, surcharges and taxes on recyclable plastic bags

\*denotes an effective date with exceptions

#### Effective Dates of Statutes

The effective dates specified for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective date of statutes).

#### Advance Copies of Statutes

Section 1106 of 1 Pa.C.S. (relating to prothonotaries to keep files of advance copies of statutes) provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services (Department) shall distribute advance sheets of the *Laws of Pennsylvania* to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$25.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, accompanied by a check or money order in the sum of \$25, payable to the “Commonwealth of Pennsylvania.”

VINCENT C. DeLIBERATO, Jr.,  
Director  
Legislative Reference Bureau

[Pa.B. Doc. No. 17-1199. Filed for public inspection July 21, 2017, 9:00 a.m.]

# THE COURTS

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CH. 2 ]

### Proposed Amendments of Pa.Rs.Crim.P. 229 and 230

The Criminal Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Rules 229 (Control of Investigating Grand Jury Transcript/Evidence) and 230 (Disclosure of Testimony Before Investigating Grand Jury) for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

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

All communications in reference to the proposal should be received by no later than Friday, September 15, 2017. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Criminal Procedural  
Rules Committee*

CHARLES A. EHRLICH,  
*Chair*

#### Annex A

### TITLE 234. RULES OF CRIMINAL PROCEDURE

#### CHAPTER 2. INVESTIGATIONS

#### PART B(1). Investigating Grand Juries

#### Rule 229. Control of Investigating Grand Jury Transcript/Evidence.

Except as otherwise set forth in these rules, the [ court ] supervising judge of the grand jury shall control the original and all copies of the transcript and shall maintain their secrecy. When physical evidence is presented before the investigating grand jury, the [ court ] supervising judge of the grand jury shall establish procedures for supervising custody.

#### Comment

This rule requires that the [ court ] supervising judge of the grand jury retain control over the tran-

script of the investigating grand jury proceedings and all copies thereof, as the record is transcribed, until such time as the transcript is released as provided in these rules.

[ Reference to the court in this rule and in Rule 230 is intended to be to the supervising judge of the grand jury. ]

**Official Note:** Rule 261 adopted June 26, 1978, effective January 9, 1979; Comment revised October 22, 1981, effective January 1, 1982; renumbered Rule 229 and amended March 1, 2000, effective April 1, 2001; amended , 2017, effective , 2017.

#### *Committee Explanatory Reports:*

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1477 (March 18, 2000).

**Report explaining the proposed amendment to clarify the terminology of the supervising authority published for comment at 47 Pa.B. 3959 (July 22, 2017).**

#### Rule 230. Disclosure of Testimony Before Investi- gating Grand Jury.

(A) Attorney for the Commonwealth:

Upon receipt of the certified transcript of the proceedings before the investigating grand jury, the [ court ] supervising judge of the grand jury shall furnish a copy of the transcript to the attorney for the Commonwealth for use in the performance of official duties.

(B) Defendant in a Criminal Case:

(1) When a defendant in a criminal case has testified before an investigating grand jury concerning the subject matter of the charges against him or her, upon application of such defendant the [ court ] supervising judge of the grand jury shall order that the defendant be furnished with a copy of the transcript of such testimony.

(2) When a witness in a criminal case has previously testified before an investigating grand jury concerning the subject matter of the charges against the defendant, upon application of such defendant the [ court ] supervising judge of the grand jury shall order that the defendant be furnished with a copy of the transcript of such testimony; however, such testimony may be made available only after the direct testimony of that witness at trial, **unless the parties agree, with the approval of the supervising judge of the grand jury, that an earlier disclosure is in the interests of justice.**

(3) Upon appropriate motion of a defendant in a criminal case, the [ court ] supervising judge of the grand jury shall order that the transcript of any testimony before an investigating grand jury that is exculpatory to the defendant, or any physical evidence presented to the grand jury that is exculpatory to the defendant, be made available to such defendant.

(C) Other Disclosures:

Upon appropriate motion, and after a hearing into relevancy, the [ court ] supervising judge of the grand jury may order that a transcript of testimony before an investigating grand jury, or physical evidence before the investigating grand jury, may be released to

another investigative agency, under such other conditions as the [ court ] supervising judge of the grand jury may impose.

#### Comment

It is intended that the “official duties” of the attorney for the Commonwealth may include reviewing investigating grand jury testimony with a prospective witness in a criminal case stemming from the investigation, when such testimony relates to the subject matter of the criminal case. It is not intended that a copy of such testimony be released to the prospective witness.

**Paragraph (B)(2) was amended in 2017 to recognize a common practice of the parties coming to an agreement on the disclosure of a trial witness’ prior grand jury testimony at a point earlier than cross-examination. This practice should be encouraged where it is utilized to avoid undue trial delay.**

Subparagraph (B)(3) is intended to reflect the line of cases beginning with *Brady v. Maryland*, 373 U.S. 83 (1963), and the refinements of the *Brady* standards embodied in subsequent judicial decisions.

**Official Note:** Rule 263 adopted June 26, 1978, effective January 9, 1979; renumbered Rule 230 and amended March 1, 2000, effective April 1, 2001; amended September 21, 2012, effective November 1, 2012; **amended** , **2017, effective** , **2017.**

#### *Committee Explanatory Reports:*

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court’s Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the September 21, 2012 correction of a typographical error in paragraph (B)(1) published with the Court’s Order at 42 Pa.B. 6251 (October 6, 2012).

**Report explaining the proposed amendment regarding disclosure of testimony published for comment at 47 Pa.B. 3959 (July 22, 2017).**

#### REPORT

#### *Proposed Amendment of Pa.Rs.Crim.P. 229 and 230 Disclosure of Investigating Grand Jury Testimony*

As part of the Committee’s ongoing supervision of the rules, the Committee recently examined investigating grand juries procedures, particularly with regard to the disclosure of evidence adduced before an investigating grand jury. Of particular concern was Rule 230(B)(2) that provides, when a witness who is testifying in a criminal case and who has previously testified before an investigating grand jury, the testimony of that witness shall be made available upon application by the defendant but only after the direct testimony of the witness.<sup>1</sup> The suggestion was made that the rule should permit an earlier disclosure. The argument in favor of earlier disclosure was that providing the grand jury testimony only after direct testimony at trial often results in a delay in trial to allow for the study of the grand jury testimony before cross-examination can be conducted.

As an initial matter, the Committee discussed the question of who held the authority to make disclosure determinations. The Committee agreed that this power is vested solely in the judge supervising the investigating grand jury. This would be clarified in Rules 229 and 230

<sup>1</sup> Paragraphs (B)(1), providing for the disclosure of grand jury testimony by the defendant, and (B)(3), providing for the disclosure of grand jury testimony that is exculpatory to the defendant, do not contain the time limitation of paragraph (B)(2).

by replacing references in those rules to “the court” with the term “supervising judge.” The proposal also would remove Rule 229 Comment language containing this definition as unnecessary.

Regarding the time limitation on disclosure, the Committee examined some of the limited case law regarding this provision. The Pennsylvania Supreme Court upheld the Rule 230(B)(2) limitation on disclosure in *Commonwealth v. Chamberlain*, 30 A.3d 381, 424 (Pa. 2011). In *Chamberlain*, the Court rejected a claim that the testimony of grand jury witnesses should have been turned over to the defense prior to trial in the interests of justice, holding that Rule 230(B)(2) is clear and that the defendant was not entitled to an earlier disclosure. The Committee also examined *Commonwealth v. Hemmingway*, 13 A.3d 491 (Pa. Super. 2011) in which the Pennsylvania Superior Court held that the Commonwealth could agree to disclose grand jury testimony as part of a pretrial discovery agreement.

The Committee considered a proposal that would have permitted the supervising judge the discretion to order disclosure of the grand jury testimony of a witness who will testify at trial earlier than the conclusion of direct examination. However, there was a concern such a provision would negatively affect investigating grand jury secrecy and the Committee could not agree on how to define what potential witnesses could be subject to such a disclosure. Some members argued that no rule change should be made since the current practice is for the prosecution to turn over the material earlier to avoid delay in trial. As a compromise, it was suggested that the rules should recognize an agreement among the parties for an earlier disclosure. This would be consistent with the holding in *Hemmingway*, *supra*.

The proposed rule changes would add the phrase “unless the parties agree, with approval of the supervising judge of the grand jury, that an earlier disclosure is in the interests of justice” be added to Rule 230(B)(2). Also, language would be added to the Comment to further explain that the practice of agreeing to early disclosure.

[Pa.B. Doc. No. 17-1200. Filed for public inspection July 21, 2017, 9:00 a.m.]

#### [ 234 PA. CODE CH. 4 ]

#### **Proposed Revision of the Comment to Pa.R.Crim.P. 460 and Proposed Amendment of Pa.R.Crim.P. 462**

The Criminal Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Rule 462 (Trial *De Novo*) and the revision of the Comment to Rule 462 (Notice of Appeal) for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

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

All communications in reference to the proposal should be received by no later than Friday, September 15, 2017. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Criminal Procedural  
Rules Committee

CHARLES A. EHRLICH,  
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE  
CHAPTER 4. PROCEDURES IN SUMMARY CASES

PART F. Procedures in Summary Cases for  
Appealing to Court of Common Pleas for Trial *De  
Novo*

Rule 460. Notice of Appeal.

\* \* \* \* \*

Comment

\* \* \* \* \*

Rule 462(D) provides for the dismissal of an appeal when the defendant fails to appear for the trial *de novo*.

See Rule 462(F) regarding the retention of a case at the court of common pleas when a petition to file an appeal *nunc pro tunc* has been denied.

*Certiorari* was abolished by the Criminal Rules in 1973 pursuant to Article V Schedule Section 26 of the Constitution of Pennsylvania, which specifically empowers the Supreme Court of Pennsylvania to do so by rule. This Schedule section is still viable, and the substance of this Schedule section has also been included in the Judicial Code, 42 Pa.C.S. § 934. The abolition of *certiorari* continues with this rule.

**Official Note:** Former Rule 86 adopted July 12, 1985, effective January 1, 1986; revised September 23, 1985, effective January 1, 1986; the January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended March 22, 1993, effective January 1, 1994; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; amended February 27, 1995, effective July 1, 1995; amended October 1, 1997, effective October 1, 1998; amended May 14, 1999, effective July 1, 1999; amended March 3, 2000, effective July 1, 2000; rescinded March 1, 2000, effective April 1, 2001, and paragraphs (A), (D), (E), (F), (H), and (I) replaced by Rule 460. New Rule 460 adopted March 1, 2000, effective April 1, 2001; amended February 6, 2003, effective July 1, 2003; Comment revised February 28, 2003, effective July 1, 2003; **Comment revised** , 2017, effective , 2017.

Committee Explanatory Reports:

\* \* \* \* \*

Final Report explaining the February 28, 2003 Comment revision cross-referencing Rule 461 published with the Court's Order at 33 Pa.B. 1326 (March 15, 2003).

**Report explaining the proposed Comment revision cross-referencing Rule 462(F) published for comment at 47 Pa.B. 3961 (July 22, 2017).**

Rule 462. Trial *De Novo*.

\* \* \* \* \*

(E) If the defendant withdraws the appeal, the trial judge shall enter judgment in the court of common pleas on the judgment of the issuing authority.

**(F) If the defendant has petitioned the trial judge to permit the taking of an appeal *nunc pro tunc* and this petition is denied, the trial judge shall enter judgment in the court of common pleas on the judgment of the issuing authority.**

[ (F) ] (G) The verdict and sentence, if any, shall be announced in open court immediately upon the conclusion of the trial, or, in cases in which the defendant may be sentenced to intermediate punishment, the trial judge may delay the proceedings pending confirmation of the defendant's eligibility for intermediate punishment.

[ (G) ] (H) At the time of sentencing, the trial judge shall:

\* \* \* \* \*

[ (H) ] (I) After sentence is imposed by the trial judge, the case shall remain in the court of common pleas for the execution of sentence, including the collection of any fine and restitution, and for the collection of any costs.

Comment

\* \* \* \* \*

The procedures for conducting the trial *de novo* in the court of common pleas set forth in paragraphs (B), [ (F), and ] (G) and (H) are comparable to the summary case trial procedures in Rule 454 (Trial in Summary Cases).

Pursuant to paragraph (B), the decision whether to appear and assume control of the prosecution of the trial *de novo* is solely within the discretion of the attorney for the Commonwealth. When no attorney appears at the trial *de novo* on behalf of the Commonwealth or a municipality, the trial judge may ask questions of any witness who testifies, and the affiant may request the trial judge to ask specific questions. In the appropriate circumstances, the trial judge also may permit the affiant to question Commonwealth witnesses, cross-examine defense witnesses, and make recommendations about the case to the trial judge.

The provisions of paragraph (C) that permit the court to continue the case if there is good cause for the officer's unavailability were added in response to *Commonwealth v. Hightower*, 652 A.2d 873 (Pa. Super. 1995).

Paragraph (D) makes it clear that the trial judge may dismiss a summary case appeal when the judge determines that the defendant is absent without cause from the trial *de novo*. If the appeal is dismissed, the trial judge should enter judgment and order execution of any sentence imposed by the issuing authority.

**New paragraph (F) was added in 2017 to clarify that a case in which a defendant seeks to file an appeal *nunc pro tunc*, and the common pleas judge denies that petition, the case will remain at the court of common pleas. This is consistent with the long-standing policy under the rules that once a case has moved from the minor judiciary to the court of common pleas, the case remains at common pleas.**

Paragraph [ (F) ] (G) was amended in 2008 to permit a trial judge to delay imposition of sentence in order to investigate a defendant's eligibility for intermediate punishment for certain offenses, including summary violations of 75 Pa.C.S. § 1543(b) (driving while license is under a DUI-related suspension), but only if he or she meets certain eligibility requirements, such as undergoing a drug and alcohol assessment. Potentially this information may not be available to the trial judge following a trial *de novo* at the time of sentencing.

Pursuant to paragraph [ (G) ] (H), if the defendant is convicted, the trial judge must impose sentence, and advise the defendant of the payment schedule, if any, and the defendant's appeal rights. See Rule 704(A)(3) and Rule 720(D). No defendant may be sentenced to imprisonment or probation if the right to counsel was not afforded at trial. See *Alabama v. Shelton*, 535 U.S. 654 (2002), *Scott v. Illinois*, 440 U.S. 367 (1979), and *Argersinger v. Hamlin*, 407 U.S. 25 (1972).

Certain costs are mandatory and must be imposed. See, e.g., Section 1101 of the Crime Victims Act, 18 P.S. § 11.1101.

Once sentence is imposed, paragraph [ (H) ] (I) makes it clear that the case is to remain in the court of common pleas for execution of the sentence and collection of any costs, and the case may not be returned to the magisterial district judge. The execution of sentence includes the collection of any fines and restitution.

For the procedures concerning sentences that include restitution in court cases, see Rule 705.1.

For the procedures for appeals from the Philadelphia Municipal Court Traffic Division, see Rule 1037.

**Official Note:** Former Rule 86 adopted July 12, 1985, effective January 1, 1986; revised September 23, 1985, effective January 1, 1986; the January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended March 22, 1993, effective January 1, 1994; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; amended February 27, 1995, effective July 1, 1995; amended October 1, 1997, effective October 1, 1998; amended May 14, 1999, effective July 1, 1999; rescinded March 1, 2000, effective April 1, 2001, and paragraph (G) replaced by Rule 462. New Rule 462 adopted March 1, 2000, effective April 1, 2001; amended March 3, 2000, effective July 1, 2000; amended February 28, 2003, effective July 1, 2003; Comment revised March 26, 2004, effective July 1, 2004; amended January 18, 2007, effective August 1, 2007; amended December 16, 2008, effective February 1, 2009; Comment revised October 16, 2009, effective February 1, 2010; Comment revised May 7, 2014, effective immediately; amended March 9, 2016, effective July 1, 2016; **amended** , **2017, effective** , **2017.**

*Committee Explanatory Reports:*

\* \* \* \* \*

Final Report explaining the March 9, 2016 amendments to paragraph (G) concerning required elements of the sentence published with the Court's Order at 46 Pa.B. 1540 (March 26, 2016).

**Report explaining the proposed amendments regarding appeals *nunc pro tunc* published for comment at 47 Pa.B. 3961 (July 22, 2017).**

**REPORT**

***Proposed Amendment of Pa.R.Crim.P. 462; Proposed Revision of the Comment to Pa.R.Crim.P. 460***

**Summary Appeal Remand**

The Committee recently examined an issue that has come up occasionally regarding the Court's "no-remand" policy in summary cases. The scenario is that a defendant is convicted of a summary offense before a magisterial district judge (MDJ) and then files a petition to be allowed to file a summary appeal *nunc pro tunc*. The common pleas court denies the petition and orders that the case be "remanded" back to the MDJ office. The common pleas judge in these situations has taken the position that, because the common pleas court has never addressed the actual appeal, the case is not subject to the "no remand" provisions of Rule 462(H).

Under Rule 460(D), when an appeal is filed in a summary case, the case and associated documents are transferred from the MDJ to the clerk of courts and then adjudicated by a common pleas judge. Paragraph (H) of Rule 462 states:

(H) After sentence is imposed by the trial judge, the case shall remain in the court of common pleas for the execution of sentence, including the collection of any fine and restitution, and for the collection of any costs.

This provision is one part of the Court's long-standing "no remands" policy. It has been the Court's position that once a case "goes up" from the minor judiciary to the court of common pleas, it should stay at common pleas. This policy has been articulated in rule changes that were adopted in 2003 (clarifying when an appeal for a trial *de novo* in a summary case or a contempt adjudication is taken, the case remains in the court of common pleas for the execution of any sentence and collection of any fines and restitution, and collection of any costs), in 2006 (clarifying the procedures for handling cases in which a summary offense is joined with misdemeanor, felony, or murder charges both when the case is before the issuing authority and after the case is held for court), and in 2010 (addressing three areas in which remands from the court of common pleas to the issuing authority still are occurring despite the Court's policy that prohibits such remands: (1) the practice of remanding cases for a preliminary hearing where a defendant who was designated as "NEI" is apprehended; (2) use of remands as remedies for a waived preliminary hearing; and (3) the practice of remanding cases without court involvement when the district attorney withdraws felony/misdemeanor prior to the filing of the information).<sup>1</sup>

Additionally, in 2006, then-Chief Justice Cappy sent a letter to all President Judges reiterating the "no remand"

<sup>1</sup> See 33 Pa.B. 1324 (March 15, 2003), 36 Pa.B. 1385 (March 25, 2006), and 40 Pa.B. 1068 (February 27, 2010).



policy and how it applied specifically to summary appeals. In that letter, Chief Justice Cappy noted that Rule 462 contains paragraph (D), which provides that the case is retained at common pleas if a defendant fails to appear for the trial *de novo* and the MDJ sentence is entered at common pleas and paragraph (E), which provides similarly when the defendant withdraws the appeal. As noted above, paragraph (H) provides that when a sentence has been entered by the common pleas judge, it remains at common pleas for execution of sentence. The rationale for this policy is to prevent cases from “bouncing back and forth” between the MDJ and common pleas courts. This could result in confusion and the potential repeated transfer of court records and case-associated money.

None of these pronouncements by the Court addressed the situation of the dismissal of a late filed summary appeal. The Committee examined the above history of the no-remand policy and concluded that the underlying rationale of the policy would be applicable to the situation at issue. Since the common pleas court must make a decision on the petition, the case is transferred from the MDJ to the common pleas court. The same concerns about transferring the case record and money are present here as in other summary appeal situations. Additionally, the Committee noted the instances mentioned above where a case in which a full trial *de novo* has not been held, such as when a defendant fails to appear for the trial, still is retained at the common pleas court.

Therefore, a new paragraph (F) would be added to Rule 462 that would state specifically that a late-filed appeal adjudicated at common pleas court would remain at common pleas court. Additionally, a cross-reference to this new provision would be added to the Comment to Rule 460 since that rule provides the procedures for filing appeals, including time limitations.

[Pa.B. Doc. No. 17-1201. Filed for public inspection July 21, 2017, 9:00 a.m.]

# Title 237—JUVENILE RULES

## PART I. RULES

[ 237 PA. CODE CHS. 11, 12, 13, 14, 15 AND 16 ]

### Proposed Adoption of Pa.R.J.C.P. 1205; Proposed Amendment of Pa.R.J.C.P. 1120, 1210, 1240, 1242, 1330, 1408, 1409, 1512, 1514, 1515, 1608 and 1609

The Juvenile Court Procedural Rules Committee proposes the adoption of Rule 1205, together with the amendment of Rules 1120, 1210, 1240, 1242, 1330, 1408, 1409, 1512, 1514, 1515, 1608, and 1609 to improve the Rules of Juvenile Court Procedure as they relate to the Indian Child Welfare Act and Bureau of Indian Affairs regulations, for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Daniel A. Durst, Chief Counsel  
Juvenile Court Procedural Rules Committee  
Supreme Court of Pennsylvania  
Pennsylvania Judicial Center  
PO Box 62635  
Harrisburg, PA 17106-2635  
FAX: 717-231-9541  
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All communications in reference to the proposal should be received by September 7, 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 Juvenile Court  
Procedural Rules Committee*

KELLY L. McNANEY, Esq.,  
*Chair*

### Annex A

#### TITLE 237. JUVENILE RULES

#### PART I. RULES

#### Subpart B. DEPENDENCY MATTERS

#### CHAPTER 11. GENERAL PROVISIONS

#### PART A. BUSINESS OF COURTS

#### Rule 1120. Definitions.

\* \* \* \* \*

**HEALTH CARE** is care related to any medical need including physical, mental, and dental health. This term is used in the broadest sense to include any type of health need.

**INDIAN CHILD** is any unmarried person who is under the age of eighteen and is either 1) a member of an Indian tribe or 2) is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

**JUDGE** is a judge of the Court of Common Pleas.

\* \* \* \* \*

#### Comment

\* \* \* \* \*

“Health care” includes, but is not limited to, routine physical check-ups and examinations; emergency health care; surgeries; exploratory testing; psychological exams, counseling, therapy and treatment programs; drug and alcohol treatment; support groups; routine eye examinations and procedures; teeth cleanings, fluoride treatments, fillings, preventative dental treatments, root canals, and other dental surgeries; and any other examination or treatment relating to any physical, mental, and dental needs of the child.

The definition for “Indian Child” originates from the Indian Child Welfare Act, 25 U.S.C. § 1901 *et seq.* and the Bureau of Indian Affairs regulations, 25 C.F.R. § 23.2.

A “juvenile probation officer” is an officer of the court. “Properly commissioned” as used in the definition of a

juvenile probation officer includes the swearing in under oath or affirmation and receipt of a document, certificate, or order of the court memorializing the authority conferred upon the juvenile probation officer by the court.

\* \* \* \* \*

**Official Note:** Rule 1120 adopted August 21, 2006, effective February 1, 2007. Amended March 19, 2009, effective June 1, 2009. Amended December 24, 2009, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended May 20, 2011, effective July 1, 2011. Amended June 24, 2013, effective January 1, 2014. Amended October 21, 2013, effective December 1, 2013. Amended July 28, 2014, effective September 29, 2014. Amended July 13, 2015, effective October 1, 2015. Amended December 9, 2015, effective January 1, 2016. **Amended** , 2017, effective , 2017.

*Committee Explanatory Reports:*

\* \* \* \* \*

Final Report explaining the amendments to Rule 1120 published with the Court’s Order at 45 Pa.B. 7289 (December 26, 2015).

**Final Report explaining the amendments of Rule 1120 published with the Court’s Order at Pa.B. ( , 2017).**

**CHAPTER 12. COMMENCEMENT OF PROCEEDINGS, EMERGENCY CUSTODY, AND PRE-ADJUDICATORY PLACEMENT**

**PART A. COMMENCING PROCEEDINGS**

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

**Rule 1205. Indian Child.**

*A. Inquiry and Determination.*

1) At the commencement of the initial proceeding, the court shall inquire as to the efforts made by the county agency to determine whether the child is an Indian child and whether any participant has reason to know the child is an Indian child. All responses shall be placed on the record.

2) Unless the court is convinced there is no reason to know whether the child is an Indian child, the court shall make such inquiry at all subsequent proceedings.

3) The court shall advise the participants of their obligation to report to the court if they subsequently learn information that provides a reason to know the child is an Indian child.

*B. Finding of Court.* The court shall make a finding as to whether the child is an Indian child.

*C. Additional Requirements.*

1) In the event the court has reason to know the child is an Indian child, but lacks sufficient evidence to make such a finding, the court must confirm due diligence has been used to make such determination and the court shall treat the child as an Indian child until it can determine, from the record, that the child does not meet the definition of an Indian child.

2) If the court has sufficient evidence to conclude the child is an Indian child, then the notification and rights under the Indian Child Welfare Act apply.

**Comment**

The Indian Child Welfare Act, 25 U.S.C. § 1901 *et seq.* and the Bureau of Indian Affairs regulations, 25 C.F.R. § 23.107, requires the court to determine if any participant has reason to know whether the child is an Indian child. The Act and federal regulations define an Indian child as one who is 1) unmarried, 2) under eighteen, and 3) a tribal member or eligible for tribal membership. 25 U.S.C. § 1903(4) and 25 C.F.R. § 23.2. The regulations place the burden on the court to ask every participant if there is any reason to know whether the child is an Indian child and to inform each participant of their ongoing obligation to inform the court if they subsequently learn of any reason to believe the child is an Indian child. If the court finds there is reason to believe the child is an Indian child, certain notification and rights become effective. *See* the Indian Child Welfare Act, 25 U.S.C. § 1901 *et seq.* and the Bureau of Indian Affairs regulations, 25 C.F.R. Part 23.

The court must make a finding, on the record, as to whether the child is an Indian child.

In the event the court has reason to believe the child is an Indian child but does not have sufficient evidence to make a finding either way, the protections and notifications of the Act apply until such a time the record supports a determination that the child is not an Indian child. The tribe has exclusive jurisdiction and the authority to determine whether a child is either a member of the tribe or eligible for tribal membership. Specific notification and rights become applicable once a court makes a judicial determination that the child is an Indian child. *See* the Indian Child Welfare Act, 25 U.S.C. § 1901 *et seq.* and the Bureau of Indian Affairs regulations, 25 C.F.R. Part 23.

**Official Note:** Rule 1148 adopted , 2017, effective , 2017.

*Committee Explanatory Reports:*

Final Report explaining the adoption of Rule 1205 published with the Court’s Order at Pa.B. ( , 2017).

**PART B. EMERGENCY CUSTODY**

**Rule 1210. Order for Protective Custody.**

*A. Application of [ order ] Order.* The application for a court order of protective custody may be orally made; however, the request shall be reduced to writing within twenty-four hours. The request shall set forth reasons for the need of protective custody.

*B. Finding of [ court ] Court.*

\* \* \* \* \*

2) At the time the court issues a protective custody order, the court shall inquire as to whether family finding efforts pursuant to Rule 1149 have been initiated by the county agency, **and as to the efforts made by the county agency to determine whether the child is an Indian child and whether any participant has reason to know the child is an Indian child pursuant to Rule 1205. All responses must be placed on the record.**

\* \* \* \* \*

*C. Law [ enforcement ] Enforcement.* The court may authorize a search of the premises by law enforcement or the county agency so that the premises may be entered

into without authorization of the owner for the purpose of taking a child into protective custody.

D. *Contents of [ order ] Order.* The court order shall include:

\* \* \* \* \*

7) a finding whether the reasons for keeping the child in shelter care and that remaining in the home is contrary to the welfare and best interests of the child; [ and ]

8) findings and orders related to the requirements of Rule 1149 regarding family finding[ . ]; and

9) findings as to whether there is reason to know the child is an Indian child pursuant to Rule 1205.

E. *Execution of [ order ] Order.* The court shall specify:

\* \* \* \* \*

Comment

\* \* \* \* \*

See also *In re Petition to Compel Cooperation with Child Abuse Investigation*, 875 A.2d 365 (Pa. Super. [ Ct. ] 2005).

The court is also to determine if any participant has reason to know whether the child is an Indian child. Paragraph (B)(2) and (D)(9) are intended to implement the requirements of the Indian Child Welfare Act, 25 U.S.C. § 1901 et seq. and the Bureau of Indian Affairs regulations, 25 C.F.R. § 23.107. See Rule 1205.

Pursuant to paragraph (D)(8), the county agency should be looking for family and kin as a resource to aid and assist the family to prevent removal of the child from the home. When removal of the child is necessary, placement with family and kin will help reduce the potential trauma of the removal from the home. See Rule 1149 regarding family finding requirements.

Official Note: Rule 1210 adopted August 21, 2006, effective February 1, 2007. Amended July 13, 2015, effective October 1, 2015. Amended , 2017, effective , 2017.

Committee Explanatory Reports:

\* \* \* \* \*

Final Report explaining the amendments to Rule 1210 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

Final Report explaining the amendments to Rule 1210 published with the Court's Order at Pa.B. ( , 2017).

PART C. SHELTER CARE

Rule 1240. Shelter Care Application.

A. *Filings.* A shelter care application may be oral or in writing. If oral, within twenty-four hours of exercising protective custody pursuant to Rule 1210, the county agency shall file a written shelter care application.

B. *Application [ contents ] Contents.* Every shelter care application shall set forth:

\* \* \* \* \*

8) the signature of the applicant and the date of the execution of the application; [ and ]

9) the whereabouts of the child unless the county agency has determined it would pose a risk to the safety of the child or the guardian, or disclosure is prohibited by the court[ . ]; and

10) a statement as to the efforts made by the county agency to determine whether the child is an Indian child and whether any participant has reason to know the child is an Indian child pursuant to Rule 1205.

Comment

\* \* \* \* \*

See Rule 1149 regarding family finding requirements.

Paragraph (B)(10) is intended to aid the court in complying with the requirements of the Indian Child Welfare Act, 25 U.S.C. § 1901 et seq. and the Bureau of Indian Affairs regulations, 25 C.F.R. § 23.107. See Rule 1205.

Official Note: Rule 1240 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011. Amended July 13, 2015, effective October 1, 2015. Amended , 2017, effective , 2017.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1240 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

Final Report explaining the amendments to Rule 1240 published with the Court's Order at Pa.B. ( , 2017).

Rule 1242. Shelter Care Hearing.

A. *Informing of [ rights ] Rights.* Upon commencement of the hearing, the court shall ensure that:

\* \* \* \* \*

B. *Manner of [ hearing ] Hearing.*

\* \* \* \* \*

C. *Findings.* The court shall determine whether:

\* \* \* \* \*

4) a person, other than the county agency, submitting a shelter care application, is a party to the proceedings; [ and ]

5) there are any special needs of the child that have been identified and that the court deems necessary to address while the child is in shelter care[ . ]; and

6) the efforts made by the county agency to determine whether the child is an Indian child and whether any participant has reason to know the child is an Indian child pursuant to Rule 1205.

D. *Prompt [ hearing ] Hearing.* The court shall conduct a hearing within seventy-two hours of taking the child into protective custody. The parties shall not be permitted to waive the shelter care hearing.

E. *Court [ order ] Order.* At the conclusion of the shelter care hearing, the court shall enter a written order setting forth:

\* \* \* \* \*

Comment

\* \* \* \* \*

Pursuant to paragraph (C)(4), the court is to determine whether or not a person is a proper party to the proceedings. Regardless of the court's findings on the party status, the court is to determine if the application is supported by sufficient evidence.

**Pursuant to paragraph (C)(6) the court is also to determine the efforts made by the county agency to determine whether the child is an Indian child and whether any participant has reason to know the child is an Indian child pursuant to Rule 1205. Paragraph (C)(6) is intended to implement the requirements of the Indian Child Welfare Act, 25 U.S.C. § 1901 et seq. and the Bureau of Indian Affairs regulations, 25 C.F.R. § 23.107. See Rule 1205.**

Under paragraph (D), the court is to ensure a timely hearing. Nothing in paragraph (D) is intended to preclude the use of stipulations or agreements among the parties, subject to court review and acceptance at the shelter care hearing.

\* \* \* \* \*

**Official Note:** Rule 1242 adopted August 21, 2006, effective February 1, 2007. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended July 13, 2015, effective October 1, 2015. Amended May 16, 2017, effective July 1, 2017. Amended , 2017, effective , 2017.

*Committee Explanatory Reports:*

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Final Report explaining the amendments to Rule 1242 published with the Court's Order at 47 Pa.B. 3078 (June 3, 2017).

**Final Report explaining the amendments to Rule 1242 published with the Court's Order at Pa.B. ( , 2017).**

**CHAPTER 13. PRE-ADJUDICATORY PROCEDURES**

**PART C. PETITION**

**Rule 1330. Petition: Filing, Contents, Function, Aggravated Circumstances.**

\* \* \* \* \*

B. *Petition [ contents ] Contents.* Every petition shall set forth plainly:

\* \* \* \* \*

4) [ **if a child is Native American, the child's Native American history or affiliation with a tribe; ] whether there is reason to know the child is an Indian child;**

\* \* \* \* \*

C. *Aggravated [ circumstances ] Circumstances.* A motion for finding of aggravated circumstances may be brought in the petition pursuant to Rule 1701(A).

**Comment**

\* \* \* \* \*

For the safety or welfare of a child or a guardian, the court may order that the addresses of the child or a guardian not be disclosed to specified individuals.

**Paragraph (B)(4) is intended to aid the court in complying with the requirements of the Indian**

**Child Welfare Act, 25 U.S.C. § 1901 et seq. and the Bureau of Indian Affairs regulations, 25 C.F.R. § 23.107. See Rule 1205.**

Pursuant to paragraph (B)(6), when the county agency is seeking placement, the petition is to include the reasonable efforts made to prevent placement, including efforts for family finding, and why there are no less restrictive alternatives available. See Rule 1149 for family finding requirements. See also Rule 1242(C)(2) & (3)(b) & (c) and Comments to Rules 1242, 1409, 1515, [ 1608, 1609, 1610, and 1611 ] 1608—1611 for reasonable efforts determinations.

\* \* \* \* \*

**Official Note:** Rule 1330 adopted August 21, 2006, effective February 1, 2007. Amended July 13, 2015, effective October 1, 2015. Amended , 2017, effective , 2017.

*Committee Explanatory Reports:*

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Final Report explaining the amendments to Rule 1330 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

**Final Report explaining the amendments to Rule 1330 published with the Court's Order at Pa.B. ( , 2017).**

**CHAPTER 14. ADJUDICATORY HEARING**

**Rule 1408. Findings on Petition.**

The court shall enter findings, within seven days of hearing the evidence on the petition or accepting stipulated facts by the parties:

1) by specifying which, if any, allegations in the petition were proved by clear and convincing evidence; [ and ]

2) its findings as to whether the county agency has reasonably engaged in family finding as required pursuant to Rule 1149[ . ]; and

3) its findings as to the efforts made by the county agency to determine whether the child is an Indian child and whether any participant has reason to know the child is an Indian child pursuant to Rule 1205.

**Comment**

\* \* \* \* \*

Pursuant to paragraph (2), the court is to make a determination whether the county agency has reasonably engaged in family finding in the case. The county agency will be required to report its diligent family finding efforts at subsequent hearings. See Rule 1149 for requirements of family finding. See also Rules 1210(D)(8), 1242(E)(3), 1512(D)(1)(h), 1514(A)(4), 1608(D)(1)(h), and 1610(D) and their Comments for the court's findings as to the county agency's satisfaction of the family finding requirements and Rules 1242(E)(3), 1409(C), 1609(D), and 1611(C) and Comments to Rules 1242, 1409, 1512, 1514, 1515, [ 1608, 1609, 1610, and 1611 ] 1608—1611 on the court's orders.

**The court is also to determine the efforts made by the county agency to determine whether the child is an Indian child and whether any participant has reason to know the child is an Indian child pursuant to Rule 1205. Paragraph (3) is intended to implement the requirements of the Indian Child**

Welfare Act, 25 U.S.C. § 1901 *et seq.* and the Bureau of Indian Affairs regulations, 25 C.F.R. § 23.107. See Rule 1205.

**Official Note:** Rule 1408 adopted August 21, 2006, effective February 1, 2007. Amended July 13, 2015, effective October 1, 2015. Amended , 2017, effective , 2017.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1408 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

Final Report explaining the amendments to Rule 1408 published with the Court's Order at Pa.B. ( , 2017).

**Rule 1409. Adjudication of Dependency and Court Order.**

A. *Adjudicating the [ child dependent ] Child Dependent.* Once the court has made its findings under Rule 1408, the court shall enter an order whether the child is dependent.

\* \* \* \* \*

C. *Court [ order ] Order.* The court shall include the following in its court order:

\* \* \* \* \*

**Comment**

Before the court can find a child to be dependent, there must be clear and convincing evidence in support of the petition. The burden of proof is on the petitioner. The court's inquiry is to be comprehensive and its findings are to be supported by specific findings of fact and a full discussion of the evidence. *In re LaRue*, [ 244 Pa. Super. 218, ] 366 A.2d 1271 (Pa. Super. 1976). See also *In re Frank W.D., Jr.*, [ 315 Pa. Super. 510, ] 462 A.2d 708 (Pa. Super. 1983); *In re Clouse*, [ 244 Pa. Super. 396, ] 368 A.2d 780 (Pa. Super. 1976). The evidence must support that the child is dependent. *In the Matter of DeSavage*, [ 241 Pa. Super. 174, ] 360 A.2d 237 (Pa. Super. 1976). [ The court is not free to apply the best interest of the child standard as the requirements of the Juvenile Act, 42 Pa.C.S. § 6341(c), require clear and convincing evidence that the child is dependent is the proper standard. ] The court must apply the clear and convincing evidence standard (the best interest of the child standard) that the child is dependent per the requirements of the Juvenile Act, 42 Pa.C.S. § 6341(c). *In re Haynes*, [ 326 Pa. Super. 311, ] 473 A.2d 1365 (Pa. Super. 1983). A child, whose non-custodial parent is ready, willing, and able to provide adequate care for the child, cannot be found dependent on the basis of lacking proper parental care and control. *In re M.L.*, [ 562 Pa. 646, ] 757 A.2d 849 (Pa. 2000). A trial court has the authority to transfer custody or modify custody to the child's non-custodial parent without a finding of dependency if sufficient evidence of dependency would have existed but for the availability of the non-custodial parent. *In re Justin S.*, [ 375 Pa. Super. 88, ] 543 A.2d 1192 (Pa. Super. 1988).

\* \* \* \* \*

If the requirements of Rule 1149 regarding family finding have not been met, the court is to make necessary orders to ensure compliance by enforcing this legislative

mandate. See 62 P.S. § 1301 *et seq.* See also Rules 1242(E)(3) and 1609(D) and Comments to Rules 1242, 1408, 1512, 1514, 1515, [ 1608, 1609, 1610, and 1611 ] 1608—1611.

The court is also to determine the efforts made by the county agency to determine whether the child is an Indian child and whether any participant has reason to know the child is an Indian child pursuant to Rule 1205. See the Indian Child Welfare Act, 25 U.S.C. § 1901 *et seq.* and the Bureau of Indian Affairs regulations, 25 C.F.R. § 23.107. See Rule 1205.

**Official Note:** Rule 1409 adopted August 21, 2006, effective February 1, 2007. Amended July 13, 2015, effective October 1, 2015.

Committee Explanatory Reports:

\* \* \* \* \*

Final Report explaining the amendments to Rule 1409 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

Final Report explaining the amendments to the comment to Rule 1409 published with the Court's Order at Pa.B. ( , 2017).

**CHAPTER 15. DISPOSITIONAL HEARING**

**PART B. DISPOSITIONAL HEARING AND AIDS**

**Rule 1512. Dispositional Hearing.**

A. *Manner of [ hearing ] Hearing.* The court shall conduct the dispositional hearing in an informal but orderly manner.

\* \* \* \* \*

C. *Duties of the [ court ] Court.* The court shall determine on the record whether the parties have been advised of the following:

\* \* \* \* \*

D. *Court's [ findings ] Findings.* The court shall enter its findings and conclusions of law into the record and enter an order pursuant to Rule 1515.

1) On the record in open court, the court shall state:

\* \* \* \* \*

j) any findings necessary to identify, monitor, and address the child's needs concerning health care and disability, if any, and if parental consent cannot be obtained, authorize evaluations and treatment needed; [ and ]

k) a visitation schedule, including any limitations[ . ]; and

l) findings as to the efforts made by the county agency to determine whether the child is an Indian child and whether any participant has reason to know the child is an Indian child pursuant to Rule 1205.

2) The court shall state on the record in open court or enter into the record through the dispositional order, findings pursuant to Rule 1514, if the child is placed.

**Comment**

To the extent practicable, the judge [ or master ] that presided over the adjudicatory hearing for a child should preside over the dispositional hearing for the same child.

\* \* \* \* \*

Pursuant to paragraph (D)(1)(k), the court is to include siblings in its visitation schedule. See 42 U.S.C. § 671(a)(31), which requires reasonable efforts be made to place siblings together unless it is contrary to the safety or well-being of either sibling and that frequent visitation be assured if joint placement cannot be made.

**Pursuant to paragraph (D)(1)(l), the court is also to determine the efforts made by the county agency to determine whether the child is an Indian child and whether any participant has reason to know the child is an Indian child pursuant to Rule 1205. Paragraph (D)(1)(l) is intended to implement the requirements of the Indian Child Welfare Act, 25 U.S.C. § 1901 et seq. and the Bureau of Indian Affairs regulations, 25 C.F.R. § 23.107. See Rule 1205.**

See Rule 1127 for recording and transcribing of proceedings.

See Rule 1136 for ex parte communications.

**Official Note:** Rule 1512 adopted August 21, 2006, effective February 1, 2007. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended July 13, 2015, effective October 1, 2015. Amended , 2017, effective , 2017.

*Committee Explanatory Reports:*

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Final Report explaining the amendments to Rule 1512 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

**Final Report explaining the amendments to Rule 1512 published with the Court's Order at Pa.B. ( , 2017).**

**Rule 1514. Dispositional Finding Before Removal from Home.**

A. *Required [ findings ] Findings.* Prior to entering a dispositional order removing a child from the home, the court shall state on the record in open court the following specific findings:

\* \* \* \* \*

4) The county agency has reasonably satisfied the requirements of Rule 1149 regarding family finding; **[ and ]**

5) One of the following:

\* \* \* \* \*

c) If the court previously determined that reasonable efforts were not made to prevent the initial removal of the child from the home, whether reasonable efforts are under way to make it possible for the child to return home[ . ]; **and**

**6) the efforts made by the county agency to determine whether the child is an Indian child and whether any participant has reason to know the child is an Indian child pursuant to Rule 1205.**

B. *Aggravated [ circumstances ] Circumstances.* If the court has previously found aggravated circumstances to exist and that reasonable efforts to remove the child from the home or to preserve and reunify the family are not required, a finding under paragraphs (A)(5)(a) through (c) is not necessary.

**Comment**

\* \* \* \* \*

Pursuant to paragraph (A)(4), the court is to determine whether the county agency has reasonably satisfied the requirements of Rule 1149 regarding family finding. If the county agency has failed to meet the diligent family finding efforts requirements of Rule 1149, the court is to utilize its powers to enforce this legislative mandate. See 62 P.S. § 1301 et seq. See also Rules 1210(D)(8), 1242(E)(3), 1409(C), 1609(D), and 1611(C) and Comments to Rules 1242, 1408, 1409, 1512, 1515, [ 1608, 1609, 1610, and 1611 ] 1608—1611.

**Pursuant to paragraph (A)(6), the court is to determine the efforts made by the county agency to determine whether the child is an Indian child and whether any participant has reason to know the child is an Indian child pursuant to Rule 1205. Paragraph (A)(6) is intended to implement the requirements of the Indian Child Welfare Act, 25 U.S.C. § 1901 et seq. and the Bureau of Indian Affairs regulations, 25 C.F.R. § 23.107. See Rule 1205.**

**Official Note:** Rule 1514 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011. Amended July 13, 2015, effective October 1, 2015. Amended , 2017, effective , 2017.

*Committee Explanatory Reports:*

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Final Report explaining the amendments to Rule 1514 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

**Final Report explaining the amendments to Rule 1514 published with the Court's Order at Pa.B. ( , 2017).**

**Rule 1515. Dispositional Order.**

\* \* \* \* \*

B. *Transfer of [ custody ] Custody.* If the court decides to transfer custody of the child to a person or agency found to be qualified to provide care, shelter, and supervision of the child, the dispositional order shall include:

\* \* \* \* \*

**Comment**

\* \* \* \* \*

If the requirements of Rule 1149 regarding family finding have not been met, the court is to make necessary orders to ensure compliance by enforcing this legislative mandate. See 62 P.S. § 1301 et seq. See also Rules 1210(D)(8), 1242(E)(3), 1409(C), 1609(D), and 1611(C) and Comments to Rules 1242, 1408, 1409, 1512, 1514, [ 1608, 1609, 1610, and 1611 ] 1608—1611. 45 C.F.R. § 1356.21 provides a specific foster care provider may not be placed in a court order to be in compliance with and receive funding through the Federal Financial Participation.

**The court is also to determine the efforts made by the county agency to determine whether the child is an Indian child and whether any participant has reason to know the child is an Indian child pursu-**

ant to the requirements of the Indian Child Welfare Act, 25 U.S.C. § 1901 et seq. and the Bureau of Indian Affairs regulations, 25 C.F.R. § 23.107. See Rule 1205.

Dispositional orders should comport in substantial form and content to the model orders to receive funding under the federal Adoption and Safe Families Act (ASFA) of 1997 (P.L. 105-89). The model forms are also in compliance with Title IV-B and Title IV-E of the Social Security Act. For model orders, see http://www.pacourts.us/forms/dependency-forms.

See In re Tameka M., [ 525 Pa. 348, ] 580 A.2d 750 (Pa. 1990).

**Official Note:** Rule 1515 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011. Amended July 13, 2015, effective October 1, 2015. Amended , 2017, effective , 2017.

*Committee Explanatory Reports:*

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Final Report explaining the amendments to Rule 1515 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

**Final Report explaining the amendments to Rule 1515 published with the Court's Order at Pa.B. ( , 2017).**

**CHAPTER 16. POST-DISPOSITIONAL PROCEDURES**

**PART B(2). PERMANENCY HEARING**

**Rule 1608. Permanency Hearing.**

A. Purpose and [ timing of hearing ] **Timing of Hearing.** For every case, the court shall conduct a permanency hearing at least every six months for purposes of determining or reviewing:

\* \* \* \* \*

D. Court's [ findings ] **Findings.**

1) Findings at all six-month hearings. At each permanency hearing, the court shall enter its findings and conclusions of law into the record and enter an order pursuant to Rule 1609. On the record in open court, the court shall state:

\* \* \* \* \*

p) whether sufficient steps have been taken by the county agency to ensure the child has been provided regular, ongoing opportunities to engage in age-appropriate or developmentally-appropriate activities, including:

i) consulting the child in an age-appropriate or developmentally-appropriate manner about the opportunities to participate in activities; and

ii) identifying and addressing any barriers to participation; [ and ]

q) whether the visitation schedule for the child with the child's guardian is adequate, unless a finding is made that visitation is contrary to the safety or well-being of the child[ . ]; and

r) the efforts made by the county agency to determine whether the child is an Indian child and whether any participant has reason to know the child is an Indian child pursuant to Rule 1205.

2) Another Planned Permanent Living Arrangement (APPLA) for Children Sixteen Years of Age or Older. APPLA shall not be utilized for any child under the age of sixteen. At each permanency hearing for a child who is sixteen years or older and has a permanency goal of APPLA, the following additional considerations, inquiry, and findings shall be made by the court:

\* \* \* \* \*

**Comment**

\* \* \* \* \*

In addition to the permanency hearing contemplated by this rule, courts may also conduct additional [ and/or ] or more frequent intermittent review hearings or status conferences that address specific issues based on the circumstances of the case and assist the court in ensuring timely permanency.

\* \* \* \* \*

Pursuant to paragraph (D)(1)(o), the county agency is to testify and enter evidence into the record on how it took sufficient steps to ensure the caregiver is exercising the reasonable and prudent parent standard. For the definition of "caregiver" and the "reasonable and prudent parent standard," see Rule 1120. Pursuant to paragraph (D)(1)(p), when documenting its steps taken, the county agency is to include how it consulted with the child in an age-appropriate or developmentally-appropriate manner about the opportunities of the child to participate in activities. For the definition of "age-appropriate or developmentally-appropriate," see Rule 1120. These additions have been made to help dependent children have a sense of normalcy in their lives. These children should be able to participate in extracurricular, enrichment, cultural, and social activities without having to consult caseworkers and ask the court's permission many days prior to the event. See also Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183), 42 U.S.C. §§ 675 and 675a (2014).

**Pursuant to paragraph (D)(1)(r), the court is to determine the efforts made by the county agency to determine whether the child is an Indian child and whether any participant has reason to know the child is an Indian child pursuant to Rule 1205. Paragraph (D)(1)(r) is intended to implement the requirements of the Indian Child Welfare Act, 25 U.S.C. § 1901 et seq. and the Bureau of Indian Affairs regulations, 25 C.F.R. § 23.107. See Rule 1205.**

Pursuant to paragraph (D)(2), there are additional considerations, inquiries, and findings when the court conducts a permanency hearing for a child, who is sixteen years of age or older and has a permanency plan of APPLA. APPLA should only be utilized as a permanency plan when all other alternatives have been exhausted. Even after exhaustive efforts have been made, the county agency should identify at least one supportive adult to be involved in the life of the child. Diligent efforts to search for relatives, guardians, adoptive parents, or kin are to be utilized. See Rule 1149 on family finding. Independent living services should also be addressed. Under paragraph (D)(2)(a)(i)(B), a fit and willing relative may include adult siblings.

\* \* \* \* \*

**Official Note:** Rule 1608 adopted August 21, 2006, effective February 1, 2007. Amended December 18, 2009, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1,

2011. Amended October 21, 2013, effective December 1, 2013. Amended July 13, 2015, effective October 1, 2015. Amended December 9, 2015, effective January 1, 2016. Amended June 14, 2016, effective August 1, 2016. Amended , 2017, effective , 2017.

*Committee Explanatory Reports:*

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Final Report explaining the amendments to Rule 1608 published with the Court's Order at 46 Pa.B. 3416 (July 2, 2016).

**Final Report explaining the amendments to Rule 1608 published with the Court's Order at Pa.B. ( , 2017).**

**Rule 1609. Permanency Hearing Orders.**

\* \* \* \* \*

B. *Determination [ made ] Made.* The court's order shall reflect a determination made pursuant to Rule 1608(D).

C. *Transfer of [ custody ] Custody.* If the court decides to transfer custody of the child to a person found to be qualified to provide care, shelter, and supervision of the child, the permanency order shall include:

- 1) the name and address of such person unless disclosure is prohibited by court order;
- 2) the limitations of the order, including the type of custody granted; and
- 3) any temporary visitation rights of parents.

D. *Orders on [ family finding ] Family Finding.*

- 1) The court order shall indicate whether family finding efforts made by the county agency were reasonable;
- 2) If the family finding efforts were not reasonable, the court shall order the county agency to engage in family finding prior to the next permanency hearing;

E. *Orders [ concerning education ] Concerning Education.*

- 1) The court's order shall address the stability and appropriateness of the child's education; and
- 2) When appropriate, the court shall appoint an educational decision maker pursuant to Rule 1147.

F. *Orders [ concerning health care and disability ] Concerning Health Care and Disability.*

- 1) The court's order shall identify, monitor, and address the child's needs concerning health care and disability; and
- 2) The court's orders shall authorize evaluations and treatment if parental consent cannot be obtained.

G. *Guardians.* The permanency order shall include any conditions, limitations, restrictions, and obligations imposed upon the guardian.

**H. Indian Child.** The permanency order shall include the efforts made by the county agency to determine whether the child is an Indian child and whether any participant has reason to know the child is an Indian child pursuant to Rule 1205.

**Comment**

\* \* \* \* \*

Pursuant to the Juvenile Act, the court has authority to order a physical or mental examination of a child and

medical or surgical treatment of a minor, who is suffering from a serious physical condition or illness which requires prompt treatment in the opinion of a physician. The court may order the treatment even if the guardians have not been given notice of the pending hearing, are not available, or without good cause inform the court that they do not consent to the treatment. 42 Pa.C.S. § 6339(b).

**Pursuant to paragraph (H), the court is to determine the efforts made by the county agency to determine whether the child is an Indian child and whether any participant has reason to know the child is an Indian child pursuant to Rule 1205. Paragraph (H) is intended to implement the requirements of the Indian Child Welfare Act, 25 U.S.C. § 1901 et seq. and the Bureau of Indian Affairs regulations, 25 C.F.R. § 23.107. See Rule 1205.**

See Rule 1611 for permanency hearing orders for children over the age of eighteen.

**Official Note:** Rule 1609 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011. Amended October 21, 2013, effective December 1, 2013. Amended July 13, 2015, effective October 1, 2015. Amended , 2017, effective , 2017.

*Committee Explanatory Reports:*

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Final Report explaining the amendments to Rule 1609 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

**Final Report explaining the amendments to Rule 1609 published with the Court's Order at Pa.B. ( , 2017).**

**REPORT**

**Proposed Adoption of Pa.R.J.C.P. 1205; Proposed Amendment of Pa.R.J.C.P. 1120, 1210, 1240, 1242, 1330, 1408, 1409, 1512, 1514, 1515, 1608, and 1609**

The Juvenile Court Procedural Rules Committee proposes a package to improve the Rules of Juvenile Court Procedure as they relate to the federal Indian Child Welfare Act and Bureau of Indian Affairs regulations. The package contains two components: 1) a new Rule 1205 to implement the Indian Child Welfare Act ("Act"), 25 U.S.C. § 1901 et seq. and the Bureau of Indian Affairs regulations, 25 C.F.R. § 23.107; and 2) amendments of Rules 1120, 1210, 1240, 1242, 1330, 1408, 1409, 1512, 1514, 1515, 1608, and 1609 to incorporate and reference the new Rule 1205. These changes are intended to reflect the requirements of the Act and federal regulations.

*Indian Child Welfare Act*

Briefly, the Act creates a policy for the United States "to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families by the establishment of minimal Federal standards for the removal of Indian children from their families and the placement of such children in foster or adoptive homes which will reflect the unique values of Indian culture, and by providing for assistance to Indian tribes in the operation of child and family service programs." 25 U.S.C. § 1902. The Act provides "[a]n Indian tribe shall have jurisdiction exclusive as to any State over any child custody proceeding involving an Indian child. . . ." *Id.* § 1911.



In 2016, the Bureau of Indian Affairs promulgated regulations relating to the Act. The regulations require state courts to determine on the record, at the initial proceeding, whether a child subject to a “child custody proceeding” is an Indian child. *See also* 25 U.S.C. § 1903; 25 C.F.R. § 23.2 (defining “child custody proceeding”); 25 C.F.R. § 23.103 (identifying proceedings in which the Act applies). The courts must also advise the participants of an ongoing obligation to inform the court if any of them subsequently learns the child is an Indian child. 25 C.F.R. § 23.107. If there is reason to believe the child is an Indian child, several protections outlined in the Act and regulations must be afforded to the child.

The Committee believes it is important to update the Rules to reflect these procedural requirements. Accordingly, the Committee proposes a new Rule 1205 and amendments to Rules 1120, 1210, 1240, 1242, 1330, 1408, 1409, 1512, 1514, 1515, 1608, and 1609 to require juvenile courts at the initial proceeding and thereafter to inquire as to the efforts made by the county agency to determine whether the child is an Indian child and whether any participant has reason to know the child is an Indian child. The court would be required to advise the participants of an ongoing obligation to inform the court if any of them subsequently learn the child is an Indian child.

Reader may observe that federal requirements include only “determination” and “advisement” components; whereas, the proposed state procedures include “inquiry,” “determination,” and “advisement” components. The addition of the “inquiry” aspect in the Juvenile Court Procedural Rules for Indian children was intended to be consistent with the court’s responsibility to inquire as to the efforts made by the county agency to comply with family finding requirements. *See* Pa.R.J.C.P. 1149(A).

The Committee invites all comments, concerns, and suggestions regarding this rulemaking proposal.

[Pa.B. Doc. No. 17-1202. Filed for public inspection July 21, 2017, 9:00 a.m.]

## PART I. RULES

### [ 237 PA. CODE CH. 16 ]

#### **Proposed Amendment of Pa.R.J.C.P. 1601 and 1608**

The Juvenile Court Procedural Rules Committee is republishing the proposed amendment of Rule 1601 to require notice of the intention to seek a goal change discontinuing reunification and Rule 1608 to prohibit such a goal change if notice was not provided, for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Daniel A. Durst, Chief Counsel  
 Juvenile Court Procedural Rules Committee  
 Supreme Court of Pennsylvania  
 Pennsylvania Judicial Center  
 PO Box 62635  
 Harrisburg, PA 17106-2635  
 FAX: 717-231-9541  
 juvenilerules@pacourts.us

All communications in reference to the proposal should be received by September 7, 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 Juvenile Court  
 Procedural Rules Committee*

KELLY L. McNANEY, Esq.,  
*Chair*

## Annex A

### TITLE 237. JUVENILE RULES

#### PART I. RULES

#### Subpart B. DEPENDENCY MATTERS

#### CHAPTER 16. POST-DISPOSITIONAL PROCEDURES

#### PART A. SUMMONS, NOTICE, AND REPORTS

#### Rule 1601. Permanency Hearing Notice.

**A.** At least fifteen days prior to the hearing, the court or its designee shall give notice of the permanency hearing to:

- 1) all parties;
- 2) the attorney for the county agency;
- 3) the child’s attorney
- 4) the guardian’s attorney;
- 5) the parents, child’s foster parent, preadoptive parent, or relative providing care for the child;
- 6) the court appointed special advocate, if assigned;
- 7) the educational decision maker, if applicable; and
- 8) any other persons as directed by the court.

**B. If a party intends to request a goal change from reunification, then either the notice shall state this purpose or the party shall give separate notice of the intended goal change in accordance with paragraph (A).**

#### Comment

**Given the significance of discontinuing the goal of reunification, the requirement of paragraph (B) is to ensure that parties, counsel, and interested persons have notice of the purpose of the hearing and are able to prepare for and attend the hearing.**

**Official Note:** Rule 1601 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011. **Amended** , 2017, effective , 2017.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1601 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1601 published with the Court's Order at 41 Pa.B. 2413 (May 14, 2011).

**Final Report explaining the amendments to Rule 1601 published with the Court's Order at Pa.B. ( , 2017).**

**PART B(2). PERMANENCY HEARING**

**Rule 1608. Permanency Hearing.**

\* \* \* \* \*

**D. Court's [ findings ] Finding.**

1) *Findings at all [ six-month hearings ] Six-Month Hearings.* At each permanency hearing, the court shall enter its findings and conclusions of law into the record and enter an order pursuant to Rule 1609. On the record in open court, the court shall state:

\* \* \* \* \*

c) the appropriateness and feasibility of the current placement goal for the child **provided that at no time may a goal be changed from reunification unless notice has been provided in accordance with Rule 1601(B);**

\* \* \* \* \*

**Comment**

\* \* \* \* \*

Every child should have a concurrent plan, which is a secondary plan to be pursued if the primary permanency plan for the child cannot be achieved. See Comment to Rule 1512. For example, the primary plan may be reunification with the guardian. If the guardian does not substantially comply with the requirements of the court-ordered services, subsidized legal guardianship may be utilized as the concurrent plan. Because of time requirements, the concurrent plan is to be in place so that permanency may be achieved in a timely manner.

**Paragraph (D)(1)(c) is intended to provide adequate notice and the opportunity to be heard when a goal is being changed from reunification. If the court intends to change the child's goal from reunification without a prior notice provided by a party pursuant to Rule 1601(B), then the court shall direct the county agency to provide such notice in accordance with Rule 1601(B).**

Pursuant to paragraph (D)(1)(h), the court is to determine whether the county agency has reasonably satisfied the requirements of Rule 1149 regarding family finding, including the location and engagement of relatives and kin at least every six months, prior to each permanency hearing. If the county agency has failed to meet the diligent family finding efforts requirements of Rule 1149, the court is to utilize its powers to enforce this legislative mandate. See 62 P.S. § 1301 *et seq.*; see also Rules 1210(D)(8), 1242(E)(3), 1409(C), 1609(D), and 1611(C) and Comments to Rules 1242, 1408, 1409, 1512, 1514, 1515, 1609, and 1611.

\* \* \* \* \*

**Official Note:** Rule 1608 adopted August 21, 2006, effective February 1, 2007. Amended December 18, 2009, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended October 21, 2013, effective December 1, 2013. Amended July 13, 2015, effective October 1, 2015. Amended December 9, 2015, effective January 1, 2016. Amended June 14, 2016, effective August 1, 2016. **Amended , 2017, effective , 2017.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1608 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1608 published with the Court's Order at 40 Pa.B. 21 (January 2, 2010).

Final Report explaining the amendments to Rule 1608 published with the Court's Order at 41 Pa.B. 2319 (May 7, 2011).

Final Report explaining the amendments to Rule 1608 published with the Court's Order at 41 Pa.B. 2430 (May 14, 2011).

Final Report explaining the amendments to Rule 1608 published with the Court's Order at 43 Pa.B. 6658 (November 9, 2013).

Final Report explaining the amendments to Rule 1608 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

Final Report explaining the amendments to Rule 1608 published with the Court's Order at 45 Pa.B. 7289 (December 26, 2015).

Final Report explaining the amendments to Rule 1608 published with the Court's Order at 46 Pa.B. 3416 (July 2, 2016).

**Final Report explaining the amendments to Rule 1608 published with the Court's Order at Pa.B. ( , 2017).**

**REPORT**

**Proposed Amendment of Pa.R.J.C.P. 1601 and 1608**

The Juvenile Court Procedural Rules Committee proposes the amendment of Rule 1601 to require notice of the intention to seek a goal change discontinuing reunification and Rule 1608 to require notice before a goal can be changed from reunification.

The Committee was informed of circumstances wherein permanency review hearings were resulting in goal changes discontinuing reunification without prior notice that such a goal change was to be decided at the hearing. The Committee notes that "goal change hearings" may be emotional for both the child and the parents. Further, it is best practice to provide notice of an upcoming goal change hearing. See Pennsylvania Children's Roundtable Initiative. *Pennsylvania Dependency Benchbook* at p. 119. Harrisburg, PA: Office of Children and Families in the Courts, 2010.

Previously, the Committee proposed amendments to Rule 1601 and 1609 to require the county agency to give notice that a goal change is being sought in a permanency review hearing. See 47 Pa.B. 947 (February 18, 2017). To provide timely notice and the opportunity to prepare for and attend the hearing, the Committee proposed to

amend Rule 1601 to add paragraph (B) to require either the permanency hearing notice to indicate whether the county agency seeks to discontinue a goal of reunification or for the county agency to provide separate notice consistent with paragraph (A) in terms of recipients and timeliness.

The Committee also proposed to amend Rule 1609 to provide for a discretionary rehearing if notice was not given in accordance with Rule 1601(B). The language of the amendment was based, in part, upon Rule 1243(B) providing for a discretionary rehearing for shelter care hearings. The proposal was not intended to encourage noncompliance with Rule 1601(B); rather, it rejected a categorical mandate for a rehearing in every instance and invested the judge with the discretion to determine whether a rehearing is warranted.

After reviewing comments and deliberating further on the proposal, the Committee has made several revisions. First, proposed Rule 1601(B) is expanded to include all parties rather than solely the county agency. Second, the provision for a discretionary rehearing was eliminated. The Committee was persuaded that the effect of a goal change from reunification was so significant that notions of due process require timely notice of the possibility of a goal change from reunifications in all instances. The Committee disagreed with the suggestion that an intention to seek a goal change from reunification does not change the dynamic of the permanency review hearing in terms of preparation, witnesses, and significance. A commenter suggested that parties should be prepared for goal change from reunification at every hearing, negating the need for notice. However, the Committee recognized that this was not practical in the environment in which these cases are heard. Hearings to determine if a goal should be changed from reunification are often populated by witnesses beyond those required at a typical permanency review hearing. To expect parties to be prepared for a goal change from reunification at every permanency review hearing would obligate the party to bring every witness that could be required if the county agency seeks to change the goal from reunification with notice or the court does so unilaterally. Further, the Committee considered the common practice in many counties of the Judge to inform the party at their permanency review hearing that if progress does not improve or circumstances do not change, the goal may very well be changed at the next permanency review hearing. This may qualify as adequate notice under Rule 1601(B) provided it is done in writing and within the time frame established by the Rule.

Given the gravity of a permanency review hearing that may result in a goal change from reunification, the Committee proposes to amend Rule 1608(d)(1)(c) to require that notice in accordance with proposed Rule 1601(B) be given before a court can order a goal change from reunification. As indicated in the revised Comment to Rule 1608, the court should direct the county agency to give notice to all other parties when the court seeks to change the goal in the absence of such notice.

In light of these changes, the Committee is republishing this proposal and all comments, concerns, and suggestions.

[Pa.B. Doc. No. 17-1203. Filed for public inspection July 21, 2017, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### WESTMORELAND COUNTY

#### Civil Rule—Electronic Filing; No. 3 of 2017

##### Administrative Order of Court

*And Now*, this 5th day of July, 2017, *It Is Hereby Ordered* that Westmoreland County Rules W205.4 is hereby adopted. This change is effective 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

RICHARD E. McCORMICK, Jr.,  
*President Judge*

##### Rule W205.4. Electronic Filing of Legal Papers in Westmoreland County.

(a)(1) Except as noted below, use of the Westmoreland County electronic filing system is permissive for the filing of all legal papers in the Civil Division and Family Division, in all actions and proceedings brought in or appealed to the Court.

A. Use of the Westmoreland County electronic filing system is not permitted for the following Civil Division filings:

1. Notice of Appeal to the Superior, Commonwealth or Supreme Courts, or Petition for Review to the Commonwealth Court
2. Notice of Appeal from arbitration award and related papers and record
3. Notice of Appeal from magisterial district justice award and related papers and record
4. Emergency motion
5. Exemplification of Records
6. Praecepto to Reissue Writ of Summons
7. Praecepto to Reinstate Complaint
8. Petitions for Name Change
9. Filings under seal
10. Oversized documents or documents that cannot be reduced into an 8 1/2 × 11 inch format.
11. License Suspension Appeals

B. Use of the Westmoreland County electronic filing system is not permitted for the following Family Division filings:

1. Legal papers related to actions under the Protection from Abuse Act
2. Legal papers relating to custody: legal custody; physical custody; supervised physical custody; petition for modification of a custody order; petition for contempt; petition to intervene as well as a complaint in divorce that contains a count for custody
3. Emergency motions
4. Filings under seal

(b)(1) All legal papers shall be presented for electronic filing in PDF format.

(c)(1) Reserved.

(c)(2) All legal papers that are filed electronically shall be filed through the Prothonotary's electronic filing system. Attorneys and unrepresented parties may access the electronic filing system through the Westmoreland County Prothonotary's website, <http://www.co.westmoreland.pa.us/323/Prothonotary>. To obtain access to the electronic filing system, counsel and any unrepresented party must apply to the Prothonotary's Office for a user name and password. By logging into the electronic filing system and creating a user name and password, the user consents to receive all notices generated by the Prothonotary and the Courts electronically, via the email address provided in the user's profile. By providing an email address in a profile, the user is deemed to have provided an email address on a legal paper filed consistent with Pa.R.Civ.P. 236(d).

(d)(1) The Prothonotary will accept for payment of all filing fees electronic checks and the following credit and debit cards: Discover, Visa and Master Card.

(e)(1) A filing party shall be responsible for any filing fee, delay, disruption, interruption of the electronic signals and legibility of the document electronically filed, except when caused by the failure of the electronic filing system's website.

(e)(2)(A) The court upon motion shall resolve any dispute arising under paragraph (e)(1).

(e)(2)(B) If a party makes a good faith effort to electronically file a legal paper but it is not received, accepted or filed by the electronic filing system, the Court may order that the paper be accepted and filed nunc pro tunc upon a showing that the filing party or counsel made reasonable efforts to present and file the paper in a timely manner.

(f)(1) Upon receipt of the legal paper, the Prothonotary shall provide the filing party with an acknowledgment, which includes the date and time the legal paper was received by the electronic filing system. The Prothonotary also shall provide the filing party with notice that the legal paper was accepted for filing. If a legal paper is not accepted upon presentation for filing or is refused for filing by the electronic filing system, the Prothonotary shall immediately notify the party presenting the legal paper for filing of the date of presentation, the fact that the document was not accepted or was refused for filing by the system, and the reason.

(f)(2) The Prothonotary shall continue to maintain a hard copy of any legal paper, notice or order filed or maintained electronically under this rule.

(f)(3) The electronic filing of a legal paper does not satisfy the filing party's obligation under the Pennsylvania Rules of Civil Procedure or the Westmoreland County Rules of Civil Procedure to serve the legal paper on all parties to the litigation or on the Court.

(f)(4) The procedures for payment of the fees and costs related to electronic filing shall be set forth on the Westmoreland County Prothonotary's website, <http://www.co.westmoreland.pa.us/323/Prothonotary>.

*Note:* Attorneys and litigants who file documents are required to comply with the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts.

[Pa.B. Doc. No. 17-1204. Filed for public inspection July 21, 2017, 9:00 a.m.]

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## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that Toan Quy Thai (# 63937), having been disbarred from the practice of law in the District of Columbia Court of Appeals, the Supreme Court of Pennsylvania issued an Order on July 11, 2017, disbaring Toan Quy Thai from the Bar of this Commonwealth, effective August 10, 2017. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,

*Prothonotary*

*The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 17-1205. Filed for public inspection July 21, 2017, 9:00 a.m.]

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# PROPOSED RULEMAKING

## FISH AND BOAT COMMISSION

[ 58 PA. CODE CH. 105 ]

### Boating; Operational Conditions

The Fish and Boat Commission (Commission) proposes to amend Chapter 105 (relating to operational conditions). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

#### A. *Effective Date*

This proposed rulemaking, if approved on final-form rulemaking, will go into effect upon final-form publication in the *Pennsylvania Bulletin*.

#### B. *Contact Person*

For further information on this proposed rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at [www.fishandboat.com](http://www.fishandboat.com).

#### C. *Statutory Authority*

This proposed amendment to § 105.3 (relating to unacceptable boating practices) is published under the statutory authority of section 5123 of the code (relating to general boating regulations).

#### D. *Purpose and Background*

This proposed rulemaking is designed to improve, enhance and update the Commission's boating regulations. The specific purpose of the proposed amendment is described in more detail under the summary of proposal. On February 23, 2017, the Boating Advisory Board considered this proposal and recommended that the Commission approve the publication of a proposed rulemaking.

#### E. *Summary of Proposal*

In late 2015, Volvo Penta (Volvo) approached the Commission about amending § 105.3(12) to permit boaters within this Commonwealth to utilize Volvo's new forward facing drive for wake surfing. The Commonwealth is one of three states that has regulations in place that forbid wake surfing behind inboard/outboard motors. This topic was discussed at the annual conference of the National Association of State Boating Law Administrators, at which time the safety protocols that manufacturers were held to by the United States Coast Guard (USCG) were reviewed. The consensus was that if the manufacturer was under strict guidelines from the USCG for development, states should do what they could to allow those approved developments to be used on state waters.

Before the boating season in 2016, this issue was reviewed by the Commission's Bureau of Law Enforcement (BLE). This review included a review of other states' laws and regulations pertaining to the subject, as well as any accident statistics. It was found that most states do not have motor restrictions for wake surfing beyond using common sense. Several states that are considering regulations are not looking to limit motors

such as the forward facing drive. At that time, an enforcement guidance memo was issued by BLE headquarters allowing discretionary usage of this type of motor if found on Commonwealth waters.

With this in mind, the Commission proposes to amend § 105.3 to allow for advancements within the boating industry to be used upon Commonwealth waters. The Commission proposes to amend § 105.3 to read as set forth in Annex A.

#### F. *Paperwork*

This proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

#### G. *Fiscal Impact*

This proposed rulemaking will not have adverse fiscal impacts on the Commonwealth or its political subdivisions. This proposed rulemaking will not impose new costs on the private sector or general public.

#### H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about this proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication of this proposed rulemaking 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/reg](http://www.fishandboat.com/reg) comments. 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*

**Fiscal Note:** 48A-275. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 58. RECREATION

#### PART II. FISH AND BOAT COMMISSION

#### Subpart C. BOATING

#### CHAPTER 105. OPERATIONAL CONDITIONS

#### § 105.3. Unacceptable boating practices.

It is unlawful to:

\* \* \* \* \*

(12) Operate a motorboat propelled by an outboard motor, inboard/outboard motor or water jet while a person is wake surfing in or on the wake of the motorboat, **unless the propulsion system is specifically designed by the manufacturer for that activity.**

[Pa.B. Doc. No. 17-1206. Filed for public inspection July 21, 2017, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### GOVERNOR’S OFFICE

[ 4 PA. CODE CH. 1 ]

#### Executive Orders, Management Directives and Other Issuances of the Directives Management System Indexed for Reference Purposes

The Index of Issuances is being updated to reflect changes since 46 Pa.B. 4189 (July 30, 2016). This amendment adds new issuances, amends and rescinds others. Recipients of publications listed in this index should be kept informed of the status of these publications.

SHARON P. MINNICH,  
*Secretary of Administration*

*(Editor’s Note:* This Index of Issuances is published under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*). This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of *Pennsylvania Code*) as a document general and permanent in nature which shall be codified in the *Pennsylvania Code*.)

This manual provides a complete listing of issuances, specified in Title 4 of the *Pennsylvania Code* § 1.2, from the Governor’s Office and from agencies under the Governor’s jurisdiction, except proclamations and press releases, that are intended for distribution to two or more agencies following the procedures for publication of issuances in Management Directive 210.1, Directives Management System.

The manual will be amended to reflect the latest issuances, and published annually in Title 4 of the *Pennsylvania Code* § 1.4 at the end of each fiscal year.

This amendment updates the index for all executive orders, management directives, and manuals issued, amended, and rescinded between July 1, 2016 and June 30, 2017.

Individuals should subscribe to receive e-Alerts to receive notification of published issuances at <http://www.oa.pa.gov/Policies/Pages/default.aspx>. For questions regarding the Directives Management System, contact OA, EB-DMS at [ra-eb-dms@state.pa.us](mailto:ra-eb-dms@state.pa.us).

Office of Administration  
Office of Continuity and Records Information  
Management  
613 North Street  
Room 221, Finance Building  
Harrisburg, PA 17120-0400  
[www.oa.pa.gov](http://www.oa.pa.gov)

This manual replaces, in its entirety, Manual 210.3, dated July 7, 2016. This manual includes all new and amended issuances through June 30, 2017.

#### How to Use Index:

- Executive orders are by year of issuance.
- Management directives and manuals are numbered in sequence by category (e.g., Financial Management) and subcategory (e.g., Payroll).
- All documents preceded by the letter “M” are manuals.
- Documents that have been rescinded are indicated as rescinded.
- Amendments are presented as complete documents that incorporate all changes since the last issuance.
- Revisions which generally affect older issuances are pen and ink changes or replacement pages and affect only those parts of an issuance being changed. Therefore the issuance changed by a revision will be in more than one document because there will be original issuance and any revision.

**Fiscal Note:** GOV-17-210.3. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 4. ADMINISTRATION

#### PART I. GOVERNOR’S OFFICE

#### CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

#### Subchapter A. DIRECTIVES MANAGEMENT SYSTEM

#### § 1.4. Index of Issuances.

		<i>Date of Original or Latest Amendment</i>	<i>Current Revisions</i>
<i>Executive Orders</i>			
1973-9	Environmental Protection By State Agencies . . . . .	7/13/1973	
1974-11	Governor’s Interdepartmental Council on Seasonal Farmworkers . . . . .	11/2/1978	
1975-5	Commitment Toward Equal Rights . . . . .	9/19/1978	
1975-6	Preservation of Historic Resources . . . . .	5/6/1975	
1977-4	Compliance with Section 504 of the Rehabilitation Act of 1973 (P.L. 93-112) . . . . .	Rescinded by EO2016-08-12/5/2016	
1977-5	Implementation of Act No. 1976-101 . . . . .	9/27/1977	
1978-4	Flood Plain Management . . . . .	3/1/1978	

<i>Executive Orders</i>		<i>Date of Original or Latest Amendment</i>	<i>Current Revisions</i>
1978-9	Public Information Policies and Practices . . . . .	5/23/1978	
1978-19	Access by Handicapped Individuals to Meeting Locations . . . . .	Rescinded by EO2016-08—12/5/2016	
1979-10	Commonwealth Child Development Committee. . . . .	Rescinded by EO2016-08—12/5/2016	
1979-13	Governor's Office of Policy and Planning. . . . .	9/18/1979	
1980-3	Life Cycle Costing . . . . .	2/8/1980	
1980-4	Golden Keystone Discount Card Program . . . . .	Rescinded by EO2016-08—12/5/2016	
1980-5	Task Force on Employment Services to Displaced Homemakers . . . . .	Rescinded by EO2016-08—12/5/2016	
1980-7	Small Business Service Center. . . . .	Rescinded by EO2016-08—12/5/2016	
1980-18	Code of Conduct . . . . .	5/16/1984. . . . .	1—3 (4 Rescinded)
1980-20	Pennsylvania Coastal Zone Management Program. . . . .	9/22/1980	
1981-3	Scheduling of Bond and Note Issue Sales . . . . .	1/30/1981	
1981-4	Federal Program Coordination . . . . .	Rescinded by EO2016-08—12/5/2016	
1981-6	Pennsylvania Department of Health Advisory Board of Arthritis. . . . .	Rescinded by EO2016-08—12/5/2016	
1981-13	Governor's Committee on Employment of the Handicapped . . . . .	Rescinded by EO2016-08—12/5/2016	
1984-3	Accounting and Financial Reporting. . . . .	10/11/1984	
1986-1	Commonwealth Single Audit Coordinator . . . . .	2/24/1986	
1986-5	Standby Allocations of the Volume Cap Under the Tax Reform Act of 1986. . . . .	Rescinded by EO2016-08—12/5/2016	
1986-7	Liquor Control Board Sunset: Privatization of State Liquor Monopoly; Transfer of Liquor Control Board Functions. . . . .	12/1/1986	
1987-1	1987 Allocations of the Unified Volume Cap Under the Tax Reform Act of 1986 . . . . .	Rescinded by EO2016-08—12/5/2016	
1987-3	Transfer of Waynesburg Youth Development Center to the Department of Corrections . . . . .	Rescinded by EO2013-02—3/18/2013	
1987-7	State Inspector General . . . . .	4/6/1987	
1987-8	Pennsylvania Emergency Response Commission. . . . .	Rescinded by EO2016-08—12/5/2016	
1987-9	Allocation of State Low-Income Housing Credit Authority Under the Internal Revenue Code of 1986. . . . .	4/22/1987	
1987-10	Highway Safety . . . . .	11/25/1992	
1987-12	Cultural Advisor to the Governor. . . . .	Rescinded by EO2016-08—12/5/2016	
1987-19	Delegation to Department of Environmental Resources in Compliance with Federal Low-Level Radioactive Waste Policy Amendments Act. . . . .	Rescinded by EO2016-08—12/5/2016	
1988-4	Coordination of Food and Nutrition Programs; Appointment of the Advisor to the Governor on Food and Nutrition Programs and the Inter-Agency Council on Food and Nutrition. . . . .	Rescinded by EO2015-12—9/29/2015	
1988-8	Pennsylvania State Data Center . . . . .	7/12/1988	

<i>Executive Orders</i>		<i>Date of Original or Latest Amendment</i>	<i>Current Revisions</i>
1989-3	Master Leasing Program .....	3/2/1989	
1989-8	Municipal Waste Reduction and Planning Program .....	Rescinded by EO2016-08—12/5/2016	
1990-1	Municipal Waste Transportation Enforcement Program .....	Rescinded by EO2016-08—12/5/2016	
1990-3	Contractor Responsibility Program .....	6/29/1990	
1990-4	UNITED STATES BRIG NIAGARA—"Flagship of Pennsylvania" .....	Rescinded by EO2016-08—12/5/2016	
1990-7	Interagency River Island Task Force .....	10/17/1990 .....	1
1991-5	Environmental Training Partnership .....	Rescinded by EO2016-08—12/5/2016	
1992-1	Records Management .....	1/8/1992	
1993-2	Civil Disorder and Emergency .....	4/9/1993	
1993-3	State Land Use Planning—Goals and Objectives for Commonwealth Agencies .....	8/31/1993	
1993-4	State Center for Health Statistics and Research .....	10/13/1993	
1994-1	State Commission on National and Community Service .....	1/28/1994	
1994-2	Governor's Office of PennPORTS .....	Rescinded by EO2016-08—12/5/2016	
1994-4	Governor's Committee on Education Standards and Assessment .....	Rescinded by EO2016-08—12/5/2016	
1994-5	Nursing Home Loan Agency's Authorization to Sell Loans .....	Rescinded by EO2016-08—12/5/2016	
1995-1	Judicial Appointments .....	2/27/1995	
1995-2	Drug Policy Planning Coordination .....	Rescinded by EO2016-08—12/5/2016	
1995-4	Monitoring Supplies of Petroleum Products .....	7/10/1995	
1995-6	Governor's Community Partnership for Safe Children .....	Rescinded by EO2016-08—12/5/2016	
1995-7	Governor's Executive Council on Recycling Development and Waste Reduction .....	Rescinded by EO2016-08—12/5/2016	
1995-8	Governor's Advisory Commission on Public School Finance .....	Rescinded by EO2016-08—12/5/2016	
1995-10	Governor's Sports and Exposition Facilities Task Force .....	Rescinded by EO2016-08—12/5/2016	
1996-1	Regulatory Review and Promulgation .....	2/6/1996	
1996-2	Implementation of the IMPACCT Commission Recommendations .....	Rescinded by EO2016-08—12/5/2016	
1996-5	Municipal Waste Facilities Review Program .....	Rescinded by EO2016-08—12/5/2016	
1996-6	Governor's Advisory Commission on Academic Standards .....	Rescinded by EO2016-08—12/5/2016	
1996-7	Pennsylvania Center for Environmental Education .....	Rescinded by EO2016-08—12/5/2016	
1996-10	State Employee Assistance Program .....	12/20/1996	
1996-13	Commonwealth of Pennsylvania's Policy on Substance Abuse in the Workplace .....	12/20/1996	
1997-1	Governor's Travel and Tourism Council .....	Rescinded by EO2016-08—12/5/2016	
1997-2	Developmental Disabilities Council .....	5/30/1997	
1997-5	Governor's Advisory Council on Physical Fitness and Sports .....	9/24/1997	



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<i>Executive Orders</i>			
1998-1	Governor's Green Government Council .....	3/25/1998	
1998-3	The Pennsylvania Greenways Partnership Commission .....	8/16/2001	
1999-1	Land Use Planning .....	1/7/1999	
1999-4	Pennsylvania Justice Network (JNET) Governance Structure .....	Rescinded by EO2014-02—3/18/2014	
2000-2	Pennsylvania Workforce Investment Board .....	Rescinded by EO2016-08—12/5/2016	
2001-1	Directives Management System .....	2/13/2001	
2001-2	State Employee Combined Appeal .....	2/14/2001	
2002-2	Governor's Task Force on Early Childhood Care and Education .....	Rescinded by EO2016-08—12/5/2016	
2002-4	Prohibition of Sexual Harassment in the Commonwealth .....	5/3/2002	
2002-5	Disability-Related Policy .....	5/3/2002	
2002-6	PA Open for Business .....	6/6/2002	
2002-7	Integrating Mediation Into State Government .....	6/14/2002	
2002-8	Governor's Interagency Task Force on Energy .....	Rescinded by EO2016-08—12/5/2016	
2002-13	Proposed Keystone Opportunity Improvement Sub-zones .....	12/31/2002	
2003-1	Commonwealth's Health Care Reform Agenda .....	Rescinded by EO2014-05—7/31/2014	
2003-2	Agricultural Land Preservation Policy .....	3/20/2003	
2003-4	Workplace Policy for HIV/AIDS .....	5/5/2003	
2003-5	Upper Delaware Federal Scenic River .....	6/22/2003	
2003-10	Equal Employment Opportunity .....	Rescinded by EO2016-04—4/7/2016	
2003-12	Governor's Cabinet on Children and Families .....	Rescinded by EO2016-08—12/5/2016	
2004-1	Governor's Invasive Species Council .....	9/18/2006	
2004-2	Utilization of Commonwealth-Owned and Leased Space .....	2/18/2004	
2004-3	Pennsylvania Business Tax Reform Commission .....	Rescinded by EO2016-08—12/5/2016	
2004-4	Anti-Sweatshop Procurement Policy .....	3/18/2004	
2004-5	Pennsylvania Energy Development Authority .....	4/8/2004	
2004-6	Minority and Women-Owned Business Opportunities .....	1/17/2011	
2004-7	Financial Education and Literacy .....	Rescinded by EO2016-08—12/5/2016	
2004-11	Pennsylvania Election Reform Task Force .....	Rescinded by EO2016-08—12/5/2016	
2004-12	Energy Management and Conservation in Commonwealth Facilities .....	12/15/2004	
2005-4	Proposed Economic Development District .....	7/14/2005	
2005-8	Governor's Renewable Agricultural Energy Council .....	9/20/2005	
2006-2	Contract Compliance .....	Rescinded by EO2016-05—4/7/2016	
2006-7	Governor's Pandemic Advisory Council .....	Rescinded by EO2016-08—12/5/2016	
2006-8	Contractor Social Responsibility and Offshore Services .....	9/14/2006	
2006-9	Governor's Cabinet for People with Disabilities—Governor's Advisory Committee for People with Disabilities .....	11/21/2006	
2006-10	Strategic Development Areas .....	12/22/2006	

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2006-11	Governor’s Dog Law Advice Group . . . . .	Rescinded by EO2016-08—12/5/2016	
2007-01	Strategic Development Area, Butler County . . . . .	4/24/2007	
2007-02	Strategic Development Area, Westmoreland County . . . . .	4/30/2007	
2007-03	Commonwealth Automotive Fleet Efficiency Initiative . . . . .	5/9/2007	
2007-04	Office of Health Equity . . . . .	5/21/2007	
2007-05	Chronic Care Management, Reimbursement and Cost Reduction Commission . . . . .	Rescinded by EO2016-08—12/5/2016	
2007-06	Registered Family Child Care Providers . . . . .	6/14/2007	
2007-07	Subsidized Child Care Providers Exempt From Certification or Regulation . . . . .	6/14/2007	
2007-08	Strategic Development Area, Lehigh County . . . . .	9/6/2007	
2007-09	Governor’s Advisory Council On Rural Affairs . . . . .	10/2/2007	
2008-02	Sustainable Water Infrastructure Task Force . . . . .	Rescinded by EO2016-08—12/5/2016	
2008-04	Pennsylvania All-Hazard Incident Management (PA-IMT3) . . . . .	Rescinded by EO2016-08—12/5/2016	
2008-06	Office of Diversity Management . . . . .	4/15/2010	
2008-07	Early Learning Council . . . . .	9/11/2008	
2008-08	Early Learning Investment Commission . . . . .	7/27/2010	
2010-02	Creation of the Commonwealth Health Care Reform Implementation Committee and the Commonwealth Health Care Reform Implementation Advisory Committee . . . . .	Rescinded by EO2014-05—7/31/2014	
2010-03	Pennsylvania-Produced Agricultural Products Program . . . . .	9/14/2010	
2010-05	Leasing of State Forest and State Park Land for Oil and Gas Development . . . . .	Rescinded by EO2014-03—5/23/2014	
2011-03	Public Private Partnership . . . . .	5/3/2011	
2011-04	Pennsylvania eHealth Collaborative . . . . .	Rescinded by EO2014-05—7/31/2014	
2011-05	Enterprise Information Technology Governance . . . . .	Rescinded by EO2016-06—4/18/2016	
2011-06	Commonwealth Licensee Tax Responsibility Program . . . . .	9/15/2011	
2011-07	Pennsylvania Dairy Leadership Council . . . . .	Rescinded by EO2016-08—12/5/2016	
2011-08	Interagency Coordination Advisory Group for Economic Development . . . . .	Rescinded by EO2016-08—12/5/2016	
2011-09	Small Business Procurement Initiative . . . . .	11/21/2011	
2011-10	Veteran-Owned Small Business Procurement Initiative . . . . .	12/7/2011	
2011-11	Office of City Receiver—Harrisburg . . . . .	Terminated 3/1/2014	
2012-02	Governor’s Advisory Council for Hunting, Fishing and Conservation . . . . .	Rescinded by EO2015-13—11/24/2015	
2012-03	Pennsylvania Homeland Security . . . . .	2/22/2012	
2012-04	Governor’s Innovation Office . . . . .	Rescinded by EO2015-04—2/5/2015	
2012-05	Commonwealth Continuity of Government . . . . .	4/30/2012	
2012-06	Pennsylvania Commission for Women . . . . .	Rescinded by EO2015-09—8/4/2015	
2012-07	Governor’s Advisory Commission on Asian American Affairs . . . . .	Rescinded by EO2015-10—8/4/2015	

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2012-08	Governor's Advisory Commission on African American Affairs . . . . .	Rescinded by EO2015-07—8/4/2015	
2012-09	Sunset Task Force . . . . .	Terminated 5/11/2013	
2012-10	Governor's Advisory Commission on Latino Affairs . . . . .	Rescinded by EO2015-08—8/4/2015	
2012-11	Permit Decision Guarantee for the Department of Environmental Protection .	7/24/2012	
2012-12	Pennsylvania Military Community Protection Commission . . . . .	9/17/2012	
2013-01	As Amended—The Pennsylvania Alzheimer's Disease Planning Committee . .	Terminated 2/7/2014	
2013-02	Rescission of Executive Order 1987-3 Transfer of Waynesburg Youth Development Center to the Department of Corrections. . . . .	3/18/2013	
2013-03	Governor's Advisory Council on Veterans Services . . . . .	11/11/2013	
2014-01	Pennsylvania Long-Term Care Commission . . . . .	Terminated 12/31/2014	
2014-02	Pennsylvania Justice Network (JNET) Governance Structure . . . . .	3/18/2014	
2014-03	Leasing of State Forest and State Park Land for Oil and Gas Development . .	Rescinded by EO2015-03—1/29/2015	
2014-04	Transition Period for the Pennsylvania Health Care Cost Containment Council . . . . .	7/1/2014	
2014-05	Rescission of: Executive Order 2003-1, Executive Order 2010-02 As Amended, and Executive Order 2011-04 . . . . .	7/31/2014	
2014-06	Interoperable Public Safety and Emergency Communications Governance . . . .	Rescinded by EO2016-08—12/5/2016	
2015-01	Executive Branch Employee Gift Ban . . . . .	1/20/2015	
2015-02	Competitive Process for Procurement of Legal Services . . . . .	1/20/2015	
2015-03	Leasing of State Forest and State Park Land for Oil and Gas Development . .	1/29/2015	
2015-04	Governor's Office of Transformation, Innovation, Management and Efficiency ("GO TIME") . . . . .	2/5/2015	
2015-05	Participant-Directed Home Care Services . . . . .	2/27/2015	
2015-06	State Emergency Operations Plan. . . . .	4/16/2015	
2015-07	Governor's Advisory Commission on African American Affairs . . . . .	8/4/2015	
2015-08	Governor's Advisory Commission on Latino Affairs . . . . .	8/4/2015	
2015-09	Pennsylvania Commission for Women . . . . .	8/4/2015	
2015-10	Governor's Advisory Commission on Asian Pacific American Affairs . . . . .	8/4/2015	
2015-11	Diversity, Inclusion and Small Business Opportunities in Commonwealth Procurement and in Pennsylvania's Economy . . . . .	9/23/2015	
2015-12	Coordination of Food and Nutrition Programs; Appointment of the Advisor to the Governor on Food and Nutrition Programs and the Governor's Food Security Partnership . . . . .	9/29/2015	
2015-13	Governor's Advisory Councils for Hunting, Fishing and Conservation . . . . .	11/24/2015	
2016-01	Extension of Deadline for Nomination Certificates and Nomination Papers for Special Elections on March 15, 2016. . . . .	Expired—1/29/2016	
2016-02	Minimum Wage for Employees of the Commonwealth and of Organizations Receiving State Contracts . . . . .	3/7/2016	
2016-03	Establishing "Employment First" Policy and Increasing Competitive Integrated Employment for Pennsylvanians with a Disability . . . . .	3/10/2016	
2016-04	Equal Employment Opportunity . . . . .	4/7/2016	
2016-05	Contract Compliance . . . . .	4/7/2016	
2016-06	Enterprise Information Technology Governance . . . . .	4/18/2016	
2016-07	Open Data, Data Development, and Data Governance . . . . .	4/18/2016	
2016-08	Rescission of Executive Orders . . . . .	12/5/2016	
2017-01	Extension of Deadline for Objections to Nomination Petitions . . . . .	Expired—3/17/2017	

<i>Management Directives and Manuals</i>		<i>Date of Original or Latest Amendment</i>	<i>Current Revisions</i>
<b>BUDGET</b>			
<b>General</b>			
105.1	Allocation and Allotment of Funds for ICS Transactions .....	10/22/1984	
105.2	Contingent Commitments .....	7/2/1985	
105.4	Allocation and Allotment of Funds for Non-ICS Transactions .....	10/22/1984	
105.5	Use of the Determination of Tax-Exempt Category for Capital Projects Form .....	9/12/1991	
<b>Budget Preparation</b>			
110.2	Request for Approval of Federal Funds .....	1/14/1985	
110.3	Budgeting and Accounting for Federal Appropriations .....	5/29/1985	
<b>Manual.</b>			
M110.1	2017-18 Budget Instructions .....	8/15/2016	
<b>MANAGEMENT/ADMINISTRATIVE SUPPORT</b>			
<b>General</b>			
205.4	Delegation of Authority to Sign and Delegation to Authorize SAP Payments ..	5/11/2009	
205.6	Defense of Suits Against Commonwealth Employees .....	9/30/1986	
205.9	Code of Conduct Statement of Financial Interest—Filing .....	12/11/2013	
205.10	Financial Disclosures Required by the Public Official and Employee Ethics Act, 65 Pa.C.S. §§ 1101—1113 .....	12/11/2013	
205.12	Financial Disclosures Required of Former Employees by the Public Official and Employee Ethics Act, 65 Pa.C.S. §§ 1101—1113 .....	3/27/2014	
205.14	Prohibition of Activities Not Specifically or Directly Connected With the Official Business of the Commonwealth on Commonwealth Property .....	11/21/2011	
205.15	Memberships in Associations, Organizations, or Societies .....	2/9/2006	
205.16	Compliance With the Whistleblower Law, Act 1986-169, As Amended .....	9/17/2014	
205.18	Ballot Question Advocacy by Executive Branch Employees, Appointees, and Officials .....	4/11/1988	
205.20	Documents and Evidence Relating to Asbestos in Commonwealth Buildings ..	Rescinded/Obsolete 3/20/2013	
205.21	Commonwealth Child Care Program .....	4/8/2013	
205.22	Recycling, Waste Reduction and Procurement of Environmentally Preferable Products .....	9/19/2014	
205.23	Submission of Commonwealth Publications to the State Library for Distribution to Other Designated Libraries .....	7/13/2012	
205.24	Display of Flags on Commonwealth Buildings and Grounds .....	10/12/2011	
205.25	Disability-Related Employment Policy .....	2/13/2009	
205.26	The Americans With Disabilities Act of 1990, Title II, Subtitle A, Nondiscrimination in State and Local Government Services .....	7/22/1992	
205.27	Implementation of Act 194-1990, Asbestos Occupations Accreditation and Certification Act .....	8/27/2015	
205.31	Pro Bono Publico Legal Services .....	2/11/1999	
205.32	Hiring/Contracting Sign Language Interpreters/Transliterators .....	9/12/2014	
205.33	Workplace Violence .....	6/16/2014	
205.34	Commonwealth of Pennsylvania Information Technology Acceptable Use Policy .....	1/22/2016	
205.35	Information Reporting From the Commonwealth's Enterprise SAP Business Information Warehouse System .....	5/2/2011	
205.36	Right-to-Know Law Compliance .....	3/18/2010	
205.37	Role Assignment, Security, and Internal Control Maintenance .....	3/25/2013	
205.38	Emergency Evacuation and Safe Assembly .....	1/31/2014	
205.39	Use of Complete Physical Street Addresses For Department of General Services Owned or Administered Buildings .....	Rescinded/Obsolete 5/30/2014	

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<i>Management Directives and Manuals</i>			
205.40	Commonwealth Branding . . . . .	5/15/2012	
205.41	Commonwealth of Pennsylvania Continuity of Operations (COOP) Program . .	2/16/2011	
205.42	Social Media . . . . .	2/6/2012	
205.43	Quality Assurance for Business Productivity Tools . . . . .	6/25/2014	
<b>Management Programs</b>			
210.1	Directives Management System . . . . .	5/2/2011	
210.4	Central Microfilm Management . . . . .	11/18/2002	
210.5	The Commonwealth of Pennsylvania State Records Management Program . . .	7/29/2010	
210.6	Selection, Acquisition and Use of Filing Equipment . . . . .	9/16/2002	
210.8	Micrographics Procedures to be Used in Conjunction With Central Microfilm Management . . . . .	11/18/2002	
210.11	Acceptance of Imaged Documents . . . . .	6/16/1997	
210.12	Electronic Commerce Initiatives and Security . . . . .	12/23/2010	
<b>Manuals.</b>			
M210.1	The Commonwealth of Pennsylvania Employee Records Management Manual . . . . .	5/20/2010	
M210.3	Index of Issuances . . . . .	7/7/2016	
M210.4	Forms Management . . . . .	8/16/1983 . . . . .	1—2
M210.5	Standard (STD) Forms Management . . . . .	9/15/1998	
M210.6	Publications Management . . . . .	8/1/1984 . . . . .	1
M210.7	State Records Management Manual . . . . .	6/8/2004	
M210.8	Vital Records Disaster Planning . . . . .	5/9/1995	
M210.9	The Commonwealth of Pennsylvania General Records Retention and Disposition Schedule . . . . .	4/4/2016	
<b>Contracts Management</b>			
215.8	Contractor Integrity Provisions for Commonwealth Contracts . . . . .	1/14/2015	
215.9	Contractor Responsibility Program . . . . .	10/25/2010	
215.12	Provisions Concerning The Americans With Disabilities Act . . . . .	10/14/2011	
215.13	Contract Provision for Donation of Excess Prepared Food . . . . .	10/12/2011	
215.16	Contract Compliance Program . . . . .	5/11/2017	
<b>Manual.</b>			
M215.3	Procurement Handbook . . . . . (Current publication available at: <a href="http://www.dgs.pa.gov">http://www.dgs.pa.gov</a> )	6/30/2017	
<b>Central Services</b>			
220.1	Commonwealth Media Services . . . . .	1/14/2008	
220.9	Publication Services . . . . .	11/25/2013	
220.11	Preservation of Commonwealth Deeds . . . . .	3/7/2013	
<b>Travel and Expenses</b>			
230.6	Travel Expenses of Job Applicants . . . . .	11/1/2011	
230.7	Remittance of Witness Fees . . . . .	8/6/2010	
230.10	Commonwealth Travel Policy . . . . .	11/1/2011—Effective 1/1/2012	
<b>Manual.</b>			
M230.1	Commonwealth Travel Procedures Manual . . . . .	11/1/2011—Effective 1/1/2012	
<b>Information Technology Management</b>			
240.7	Submission of Changes to the Commonwealth Telephone Directory . . . . .	8/18/2008	
240.11	Commonwealth Wireless Communication Device Policy . . . . .	4/11/2012	
240.12	Commonwealth of Pennsylvania Mobile Devices Security Policy . . . . .	12/29/2008	

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<i>Management Directives and Manuals</i>			
245.13	Strategic Direction for Information Technology Investments . . . . .	2/8/2006	
245.15	Pennsylvania Statewide Radio Network . . . . .	12/5/2016	
245.16	Pennsylvania Justice Network (JNET) Governance Structure . . . . .	3/18/2014	
245.18	IT Administrator Acceptable Use, Auditing and Monitoring, Incident Notification, and Response Policies and Procedures . . . . .	2/7/2006	
245.19	Enterprise Technology Security Council . . . . .	8/17/2016	
<b>Public Information Programs</b>			
250.1	Notice of Public Meetings . . . . .	4/25/2016	
<b>Organization and Space Management</b>			
260.1	Reorganization Requests . . . . .	3/2/2017	
<b>Manual.</b>			
M260.1	Manual For Space Utilization . . . . .	3/11/2004	
<b>FINANCIAL MANAGEMENT</b>			
<b>General</b>			
305.2	Standard Check Endorsement Procedure . . . . .	5/22/2009	
305.3	Responsibilities of Comptroller Operations . . . . .	12/15/2010	
305.4	Payments to Counties . . . . .	10/3/2012	
305.5	Cash Management . . . . .	5/22/2009	
305.6	Withholding Payments to Municipalities (Act No. 166 of 1978) . . . . .	5/1/1997	
305.7	Interest Penalties for Late Payments . . . . .	3/10/2014	
305.8	Commonwealth Bank Accounts and Special Banking Services . . . . .	6/11/1997	
305.10	Receipt of Federal Funds by Wire Transfer . . . . .	1/23/1989	
305.11	Depositing Checks, Money Orders and Cash . . . . .	4/23/2012	
305.12	Accounting, Reporting, and Cash Management of Federal Grants and Contracts . . . . .	1/25/1999	
305.15	Processing and Distributing Returned Checks . . . . .	8/30/1989	
305.16	Lobbying Certification and Disclosure . . . . .	7/3/2003	
305.19	Identification of Boards, Commissions, Councils, Advisory Committees, and Authorities . . . . .	2/18/2014	
305.20	Grant Administration . . . . .	5/26/2000	
305.21	Payments to Local Governments and Other Subrecipients . . . . .	9/23/2005	
305.22	Commonwealth Licensee Tax Responsibility Program . . . . .	11/14/2011	
<b>Accounting</b>			
310.1	Fiscal Guidelines for Federal Reimbursement of Disaster Related Expenditures . . . . .	1/5/1983	
310.3	Encumbering and Lapsing of Appropriations . . . . .	5/4/1998 . . . . .	1
310.9	Purpose and Use of Restricted Receipt and Restricted Revenue Accounts . . . . .	4/8/2013	
310.10	Collection, Referral, and Compromise, or Write-Off of Delinquent Claims . . . . .	11/18/2011	
310.11	Payment and Financial Reporting Requirements for Non-Preferred Appropriations . . . . .	1/19/1982 . . . . .	1
310.12	Refunding Erroneously Collected Fees and Charges . . . . .	4/30/1982	
310.13	Responsibilities for Comprehensive Annual Financial Reporting . . . . .	10/5/2016	
310.14	General Capital Asset and Other Fixed Asset Accounting and Reporting in SAP . . . . .	2/3/2003	
310.15	Agency Federal ID Numbers . . . . .	2/22/2016	
310.19	Accounting for Disbursement of Funds for Interagency Agreements, Memorandums of Understanding, and Notifications of Subgrant . . . . .	10/27/2010	
310.20	Charging Equipment Expenditures to Federal Programs . . . . .	8/31/1994	

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310.23	Commonwealth Purchasing Card Program . . . . .	4/5/2013
310.24	Accepting Debit and Credit Cards for Commonwealth Revenues . . . . .	10/18/2016
310.25	Transfers of Revenue or Expenses in SAP . . . . .	1/10/2011
310.26	Vendor Data Management Unit (VDMU) for Agencies Using SAP . . . . .	9/18/2009
310.27	Month-End Closing Processes . . . . .	12/14/2005
310.28	Use of One-Time Vendor Records in SAP . . . . .	3/6/2017
310.29	Using Value (Service) Date in SAP . . . . .	6/10/2009
310.30	Pennsylvania Electronic Payment Program (PEPP) . . . . .	5/22/2009
310.31	Purchase Order Receiving, Invoice Processing and Invoice Reconciliation Processes . . . . .	5/11/2009
310.32	Voyager Fleet Card Invoice Processing for Agencies Using SAP . . . . .	7/20/2009
310.33	Processing Electronic Invoices in SAP . . . . .	8/21/2009
310.34	Use of Agency-Level Dun & Bradstreet Data Universal Numbering System (DUNS) Numbers in Applications for Federal Grants and Cooperative Agreements . . . . .	9/18/2009
310.36	Identifying, Recording, and Reporting Computer Software as a Capital Asset .	12/10/2009
310.37	Approving, Monitoring, and Accounting for New Information Technology Application Projects . . . . .	7/20/2012
310.38	Commonwealth Loan Accounting, Financial Management, and Reporting . . . .	10/14/2016
<b>Manuals.</b>		
M310.1	Agency Operated Advancement Accounts . . . . .	8/11/1999
M310.2	Definitions of Major and Minor Objects of Expenditures . . . . .	8/26/1998 . . . . . 1
M310.3	Manual of Accounting . . . . .	Rescinded/Obsolete 9/9/2016
<b>Payroll</b>		
315.1	Calculation and Payment of Statutory Salaries . . . . .	1/3/2011
315.6	Employees' Requests for State or Federal Income Tax Withholding . . . . .	5/24/2011
315.8	Restitution of Overpayments and Collection of Employee Debts . . . . .	6/16/2014
315.9	Withholding of Delinquent Local Taxes from Employees' Paychecks . . . . .	8/30/2011
315.13	Payment of Wages, Salary, Employee Benefits, and Travel Expense Reimbursements Due Deceased Employees . . . . .	2/6/2014
315.14	Maintenance Charges for Employees Residing or Subsisting in Commonwealth Facilities . . . . .	10/16/2013
315.15	Withholding of Pennsylvania Higher Education Assistance Agency Loans from Employee Pay . . . . .	8/30/2011
315.16	Payment of Annuitant Medical and Hospital Benefits . . . . .	6/21/2013
315.17	Direct Deposit of Pay and Travel Reimbursement . . . . .	2/11/2013
315.20	Taxability of the Use of State-Provided Vehicles . . . . .	5/1/2013
315.22	Preparation and Filing of Federal Forms 1099 and 1096 . . . . .	1/3/1995
315.25	Pennsylvania Personal Income Tax . . . . .	11/22/2011
315.26	Backup Withholding on Missing and/or Incorrect Taxpayer Identification Numbers . . . . .	1/24/1994 . . . . . 1
315.27	Recoupment of Conversion Pay Amounts . . . . .	5/4/1992
315.28	Taxability of State-Provided Parking . . . . .	2/1/2011
315.30	Local Services Tax . . . . .	8/29/2016
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325.2	Audit Inquiry Relative to Agency Litigation, Claims, and Assessments . . . . .	12/17/2014
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325.7	Implementation of the Commonwealth's State-Level Single Audit . . . . .	12/17/2014	
325.8	Remedies for Recipient Noncompliance with Audit Requirements . . . . .	12/17/2014	
325.9	Processing Audits of Federal Pass-Through Funds . . . . .	12/23/2014	
325.10	Review of Auditor General, Treasury, Legislative Budget and Finance Committee, and Other Audit Reports . . . . .	8/27/2009	
325.11	Evaluating Agency Internal Controls and Financial Risk through Self Assessment . . . . .	5/17/2012	
325.12	Standards for Internal Controls in Commonwealth Agencies (Effective July 1, 2015) . . . . .	12/17/2014	
<b>EQUAL EMPLOYMENT OPPORTUNITY (EEO) Equal Employment Opportunity Programs</b>			
410.10	Guidelines for Investigating and Resolving Internal Discrimination Complaints . . . . .	12/5/2012	
410.11	Commonwealth's Equal Employment, Outreach, and Employment Counseling Program . . . . .	5/8/1997	
<b>Manual.</b>			
M410.3	Guidelines for Equal Employment Opportunity Plans and Programs . . . . .	12/18/2007	
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505.4	Salaried Complement Control . . . . .	Rescinded by MD505.2—8/7/2014	
505.7	Personnel Rules . . . . .	11/9/2010	
505.8	Transmittal of Personnel Action Notifications . . . . .	Rescinded/Obsolete—1/14/2015	
505.9	Standard Abbreviations for Use With the Compensation Plan and SAP R/3 System . . . . .	3/11/2004	
505.11	Emergency Assignments of Employees During Emergencies . . . . .	6/17/1998	
505.15	Employee Mobility Information Program . . . . .	4/12/2012	
505.18	Maintenance, Access, and Release of Employee Information . . . . .	9/23/2014	
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505.21	Office Hours . . . . .	12/21/2015	
505.22	State Employee Assistance Program . . . . .	3/13/2017	
505.23	Employee Recognition Program . . . . .	7/31/2012	
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505.28	Family Care Account Program . . . . .	8/22/2013	
505.30	Prohibition of Sexual Harassment in Commonwealth Work Settings . . . . .	6/19/2002 . . . . . 1	
505.31	Domestic Violence and the Workplace . . . . .	Rescinded by MD205.33—6/16/2014	
505.32	Governor's Awards for Excellence . . . . .	9/27/2016	
505.33	Working From Home During Emergencies Including a Pandemic Influenza Event . . . . .	8/20/2007	
505.34	Commercial Driver License Drug and Alcohol Testing Requirements . . . . .	7/25/2013	
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M505.2	Personnel Management Review . . . . .	7/9/1997	
M505.3	State Employee Assistance Program . . . . .	3/13/2017	



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M505.6	An Agency Guide to Workplace Violence Prevention and Response .....	6/16/2014	
<b>Employment</b>			
515.2	Transfer of Employees From One Agency to Another .....	1/20/2016	
515.3	Classified Service Emergency Appointments .....	9/3/2008	
515.4	Seniority Rights of Commonwealth Employees .....	7/12/2006	
515.10	Selection and Appointment to Non-Civil Service Positions .....	2/16/2006	
515.12	Confidential Employees .....	9/28/2004	
515.15	Identification, Employment, and Education Verification Checks .....	6/13/1997	
515.16	Appointment to Senior Level Positions .....	2/14/2006	
515.18	Supplementary Employment .....	3/7/2013	
515.20	Reemployment of Commonwealth Annuitants .....	2/22/2016	
515.21	Commonwealth School-to-Work Program .....	2/14/2006	
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520.4	Position Classification Post-Audits .....	11/21/2011	
520.5	Centralized Job Control System .....	3/25/2013	
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520.8	Pay Action Effective Dates for Changes to Position Classifications and the Commonwealth's Classification and Compensation Plan .....	11/2/2012	
520.9	Appointments Above the Minimum .....	10/21/2014	
520.10	Position Descriptions .....	10/23/2014	
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525.11	Dual Employment .....	2/10/1997	
525.12	Payment of Back Pay Due to Reinstatement of a Separated Employee or Reduction of Disciplinary Suspension .....	8/9/2012	
525.15	Overtime .....	2/10/1997	
525.16	Physicians and Related Occupations Quality Assurance Program .....	2/14/2006	
525.17	Internal Revenue Service Levies on Wages, Salary, and Other Income or Payments .....	6/28/1991	
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530.17	Partial and Full Day Closings of State Offices.....	5/25/2010	
530.18	Benefit Rights of Furloughed Employees.....	5/10/2016	
530.21	Paid Absence for Blood Donation .....	4/8/2010	
530.22	Unemployment Compensation, Noncovered Employment—“Major Nontenured Policymaking or Advisory Positions”.....	11/20/1996	
530.23	State Employee Combined Appeal.....	6/12/2017	
530.24	Retired Employees Health Program .....	9/13/2016	
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530.27	Leave Related Policies for Employees Excluded From Earning Leave and Leave Service Credit .....	2/7/1997	
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530.30	Sick, Parental and Family Care Absence, Military Exigency Absence and Military Caregiver Absence Policy.....	12/11/2013	
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M530.7	Absence Program .....	4/23/2009	
M530.9	Unemployment Compensation Insurance .....	12/7/1998	
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535.5	Use of Trainee Classes in the Classified Service.....	10/8/2004	
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570.13	State Employees' Retirement System, Regional Counseling Centers.....	4/7/2014	
570.14	Deferred Compensation Program.....	4/7/2014	
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580.6	Tabulation of Classified Service Employees .....	6/16/2006	
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580.10	Conducting Interviews for Classified Service Positions .....	8/15/2013	
580.11	Documentation of Classified Service Personnel Actions .....	6/27/2006	
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580.32	Substitute Employment in the Classified Service .....	10/24/2006	
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<b>Commodity Standards</b>			
620.1	Coal Sampling and Reporting .....	10/4/2005	
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625.4	Enforcement of Fire and Panic Regulations .....	3/27/1991	
625.5	Reporting Surplus Real Property .....	5/6/1996	
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625.7	Use of Form STD-291, Request for Lease Action and Budget Approval .....	11/6/1997	
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630.2	Reporting of Employee Liability Claims .....	5/15/2013	
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720.4	Safety and Loss Prevention Program .....	Rescinded/Obsolete 2/7/2013	
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[Pa.B. Doc. No. 17-1207. Filed for public inspection July 21, 2017, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P.L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P.L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P.L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending July 11, 2017.

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

### BANKING INSTITUTIONS

#### Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
7-7-2017	Hamilton Bancorp, Inc. Ephrata Lancaster County  Application for approval to acquire up to 100% of the common stock of Stonebridge Bank, West Chester, PA.	Withdrawn
7-7-2017	Norman and Anthony Hahn East Earl Lancaster County  Application for approval to acquire more than 5% of the common stock of Hamilton Bancorp, Inc., Ephrata, PA.	Withdrawn
7-7-2017	Shady Maple Foundation East Earl Lancaster County  Application for approval to acquire more than 5% of the common stock of Hamilton Bancorp, Inc., Ephrata, PA.	Withdrawn
7-7-2017	Jacob and Joseph King Lancaster County  Application for approval to acquire more than 5% of the common stock of Hamilton Bancorp, Inc., Ephrata, PA.	Withdrawn

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
7-7-2017	Hamilton Bancorp, Inc. Ephrata Lancaster County  Application for approval to acquire 100% of Stonebridge Bank, West Chester, PA.	Withdrawn

### Branch Applications

#### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-24-2017	Republic First Bank Philadelphia Philadelphia County	475 Haddonfield Road Cherry Hill Camden County, NJ	Opened
7-6-2017	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	4885 McKnight Road Pittsburgh Allegheny County	Withdrawn
7-6-2017	Republic First Bank Philadelphia Philadelphia County	1544 Route 38 Lumberton Burlington County, NJ	Filed

**Branch Consolidations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-30-2017	FNCB Bank Dunmore Lackawanna County	<i>Into:</i> 1001 Main Street Honesdale Wayne County  <i>From:</i> 1127 Texas Palmyra Highway Honesdale Wayne County	Effective

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

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
7-11-2017	Glatco Credit Union Spring Grove York County	Effective

Amendment to Article 8 of the institution's Articles of Incorporation provides for the inclusion of companies and businesses within the Credit Union's field of membership as well as individuals who reside in the same household in the Credit Union's field of membership.

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. 17-1208. Filed for public inspection July 21, 2017, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Summary Notice of the Availability of the Draft 2017 Annual Action Plan; Public Hearing

The Department of Community and Economic Development (Department) announces the availability of the Commonwealth's draft Federal fiscal year 2017 Annual Action Plan (Plan). The Plan is submitted to the United States Department of Housing and Urban Development (HUD) as the annual application for Federal funds administered by the Commonwealth. The HUD funding programs covered by the Plan and administered by the Department are the Community Development Block Grant (CDBG), the HOME Investment Partnership (HOME), the Emergency Solutions Grant (ESG) programs, Community Development Block Grant—Disaster Recovery (CDBG-DR) and Neighborhood Stabilization Program (NSP). Also covered by the Plan is the Housing Opportunities for Persons with AIDS (HOPWA) program which the Department of Health administers and the National Housing Trust Fund which is administered by the Pennsylvania Housing Finance Agency.

This summary is designed to provide an opportunity for citizens, local governmental officials and interested organizations of this Commonwealth to comment about the Plan prior to its submission to HUD. Written comments may be submitted to the Department by e-mail to [RADCEDcdbg&homequestions@pa.gov](mailto:RADCEDcdbg&homequestions@pa.gov) or mailed to Megan L. Snyder, Center for Compliance, Monitoring and Training, Department of Community and Economic Development, 400 North Street, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120-0225. All written comments must be received by 4 p.m. on August 7, 2017, to be included as testimony in the Plan.

*Purpose*

The Plan takes the strategy developed in the Consolidated Plan and applies it to the administration of the CDBG, HOME, ESG, CDBG-DR, NSP, HOPWA and National Housing Trust Fund programs for 2017. HUD must approve the Plan for the Commonwealth to receive funding under the identified HUD programs.

*Content*

The 2017 Plan will include the methods of distribution for all Federal programs as well as the goals and outcomes expected during the 2017 calendar year. The approved plan may be viewed on the Department's web site at <http://dced.pa.gov> as well as on HUD's web site at <https://www.hudexchange.info/consolidated-plan/con-plans-aaps-capers/>.

*Major changes in the method of distribution for 2017 by program**CDBG—*

*Entitlement*—Besides meeting one of the three National objectives, applicants must also support that the proposed activities do not benefit moderate income families to the exclusion of low income families.

*Competitive—*

a. The Department also reserves the right to fund projects scoring less than 50 if the demand for the funds is not greater than the set aside. These projects must be eligible and meet the National objective.

b. The Department may approve a grant greater than \$750,000 if the project benefits more than one municipality and will significantly improve the health and safety of the residents of the area. The Department also reserves the right to fund a project for less than the requested amount if the sources and uses of funds are duplicative.

c. Request for administrative funds should take into consideration the type of activity and whether other entitlement funds are being used for the activity. The Department recommends that no more than 10% be allocated to administrative costs for competitive requests.

The Department reserves the right to reduce the amount of administrative costs if the project is also using entitlement funding for the same project.

*CDBG-DR*—The Department may also contract with other State or local agencies who have the capacity to undertake these eligible activities.

*HOME*—All of the changes proposed in the 2016 Substantial Amendment II will be continued into the 2017 program.

*ESG*—

a. The Department will support the Federal strategy outlined by the United States Interagency Council on Homelessness and prioritize applicants who request funding to address the specific homeless populations in *Opening Doors: A Federal Plan to End Homelessness*.

b. The Department will continue to permit applicants to design diverse projects to meet their local needs. However, the Department requires each applicant to coordinate their efforts with the local Continuum of Care, address the Department's primary priority activity and demonstrate capacity to meet all program requirements.

c. The Department will also prioritize the Housing First model to ending homelessness with ESG funds.

d. The following funding priorities have been established for the 2017 ESG allocation:

- 1) *Primary priority*—Rapid rehousing
- 2) *Secondary priorities*—Street outreach, homelessness prevention, emergency shelter: essential services
- 3) *Nonpriority*—Emergency shelter: operations (applicants applying for operation funds may only request ESG funds equal to 25% of the total shelter operations budget)
- 4) *Priority populations*—Veterans, chronically homeless, families with children or youth

e. The Department will provide maximum support available to applicants who address these specific areas. However, no less than 40% of the State's grant will be allocated to rapid rehousing, excluding administration and data collection activities for the Pennsylvania Homeless Management Information System.

f. The Department reserves the right to modify any of the priorities as deemed necessary. Decisions to modify priorities are based on data assessments.

g. The Department will target funding the following activities:

1. *Street outreach*—

In an effort to reduce Statewide homelessness, in the 2017 application the Department is targeting street outreach projects in the Pennsylvania Balance of State CoC counties having participated in the 2017 Point in Time count and identified homeless individuals and families that are not housed or sheltered.

2. *Housing locator services*—

Housing locator services focus on services or activities necessary to assist program participants in locating, obtaining and retaining suitable permanent housing and increasing housing stability and self-sufficiency.

h. Direct HUD ESG entitlement entities are eligible to compete for ESG funding but will not be given priority over the nonentitlement applicants. The Department will

only fund rapid rehousing activities for the direct ESG entitlement entities leaving more funding flexibility for the nonentitlements.

i. Fifty percent of the ESG grant awarded to the grantee must be expended within the first 9 months of the grant even with the shorten contract period.

*Public Review*

The 2017 Plan is available on the Internet or in hard copy for public comment from July 23, 2017, through August 7, 2017. The normal 30-day comment period has been shortened by HUD due to the lateness of the approval of the 2017 Federal budget and deadline to award Federal funding. Compact disk copies of the Plan can be obtained by calling (717) 720-7404.

*Written Comments*

Written comments may be submitted to the Department by e-mail to RA-DCEDcdbg&homequestions@pa.gov or by mail to Megan L. Snyder, Center for Compliance, Monitoring and Training, Department of Community and Economic Development, 400 North Street, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120-0225. Written comments must be received by 4 p.m. on August 7, 2017, to be included as testimony in the Plan.

*Public Hearing*

The public hearing for the 2017 Plan will be conducted electronically in conjunction with the public hearing for the 2015 and 2016 Substantial Amendments by means of the Internet on Thursday, July 27, 2017. Access to the discussion by means of the Internet will occur between 10 a.m. and 11 am. This more widely available computer access/conference call will replace the onsite public hearing. The format will be more accessible than an in person meeting because those who wish to make comment or discuss policy may participate directly from an electronic device, telephone or from a computer located at a public library.

Any individual or organization may give testimony or comments by means of the Internet. Comments will be accepted on the content of the Commonwealth's draft Plan including the various changes to the method of distribution previously outlined and the process by which the public input is gathered. The Commonwealth encourages public participation in this process.

Anyone who wishes to participate must register in advance. Contact Megan L. Snyder at (717) 720-7404 to receive registration instructions for the Internet meeting at least 24 hours prior to the hearing date. During the hearing, if support is required, call (717) 787-5327. The hearing will be shortened if there is no one to testify or there is minimal response.

Persons with a disability or limited English proficiency who wish to participate in the public hearing should contact Megan L. Snyder, Department of Community and Economic Development, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225, (717) 720-7404 or TDD at (717) 346-0308 to discuss how the Department can accommodate their needs.

DENNIS M. DAVIN,  
Secretary

[Pa.B. Doc. No. 17-1209. Filed for public inspection July 21, 2017, 9:00 a.m.]

# DEPARTMENT OF EDUCATION

## Application by Westminster Theological Seminary to Amend Articles of Incorporation

### Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application for approval of a Certificate of Authority for Westminster Theological Seminary to amend its Articles of Incorporation to reduce the number of ministers on the Board of Trustees and to acknowledge research and writing as endeavors in which the faculty will engage.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without a hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

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

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

PEDRO A. RIVERA,  
*Secretary*

[Pa.B. Doc. No. 17-1210. Filed for public inspection July 21, 2017, 9:00 a.m.]

## Higher Education, Early Child Care and Community-Based Partnerships Working to Implement Innovative and Sustained Pathways Designed Specifically to Meet the Needs of this Commonwealth's Current Early Childhood Work- force; Building Capacity for Early Childhood Educators to Help All Young Children Learn and Develop

The Innovative Programs for Pennsylvania's Early Childhood Education Workforce application guidelines (guidelines) are established to ensure that early childhood education (ECE) professionals have the required knowledge and skills to help all young children learn and develop. As a result these guidelines provide direction to partnerships as they submit applications focusing on building new innovative and sustained career-oriented pathways for current early childhood workers to earn the following ECE industry-recognized credentials:

- A credit-bearing Child Development Associate certificate.
- An associate's degree.
- A bachelor's degree.
- A Pennsylvania ECE PreK—4 instructional certificate.

Pathways created under these guidelines are designed to develop the capacity for early childhood educators to help all young children learn across the age groups of birth to 8 years of age. Applications submitted in response to these guidelines are limited to partnerships aimed at nurturing and sustaining high quality cross-systems relationships among and between 2-year and 4-year institutions of higher education (IHE) and this Commonwealth's early learning programs that:

1. Institutionalize changes in associate degree, bachelor degree and early childhood teacher preparation certification programs that are more closely aligned with the knowledge, skills and pedagogy required for early childhood workforce effectiveness that emerges as improved teaching and learning for young children of this Commonwealth; partnerships are expected to continue implementing innovations developed under these guidelines beyond the term of the grant award.
2. Culminate in high quality supervisory experiences for this Commonwealth's early childhood workforce wishing to become certified early childhood teachers.
3. Identify "value added" contributions of partners that can be shared and scaled-up with other IHEs and early childhood centers.
4. Identify effective coaching strategies for higher education faculty, collaborating teachers and center directors designed to improve the requisite knowledge, skills and pedagogy required for succeeding in early childhood centers.
5. Build early learning programs and IHE capacity as they participate in specially-designed courses related to: the Commonwealth's Standards Aligned System; the Commonwealth's Learning Standards for Early Childhood Infant and Toddlers and Pre-Kindergarten; early childhood subject matter; developing knowledge and skills for educating young children whose primary language is not English, who are not part of the dominant culture and children who have special needs; persistent challenging behaviors; effective coaching strategies; and data driven decision making.
6. Incorporate evidence-based ECE professional practices.

Partnerships are expected to continue implementing innovations developed under these guidelines beyond the term of the grant award. A written report consisting of both quantitative and qualitative information will be requested after the first year of program implementation.

Approximately \$1.4 million is available on a competitive basis under this grant application for one funding cycle beginning in fall 2017 and ending December 31, 2017, unless the United States Department of Education grants a 1-year, no cost extension. In that event, funds will be available through December 31, 2018. Each regional or Statewide partnership will be limited to \$400,000.

### *Eligibility Requirements*

Funded partnerships may be regional or Statewide and must include at least one 2-year IHE and one 4-year IHE



one State-funded professional development organization, and one early childhood learning center that has currently employed ECE educators who do not hold ECE workforce-related credentials. A listing of the eligible ECE centers is available at <https://www.compass.state.pa.us/compass.web/public/cmphome>.

Eligible partnerships under these guidelines are designed to meet this Commonwealth's early childhood workforce needs by equipping ECE professionals with the requisite knowledge, skills and capacity to help all young children learn to higher standards. Federal Race to the Top—Early Learning Challenge funds will support partnership activities submitted in response to these guidelines. To submit a proposal under these guidelines, a partnership shall include at a minimum:

1. At least one early childhood program whose currently employed ECE educators do not hold ECE workforce-related credentials. A listing of eligible ECE programs is available at <https://www.compass.state.pa.us/compass.web/public/cmphome>.

2. At least one 2-year IHE that offers early childhood development programs<sup>1</sup> that culminate in an associate's degree. Each 2-year IHE must be eligible to participate in the T.E.A.C.H.<sup>2</sup> financial aid program at the time the application is submitted.

3. At least one 4-year IHE that offers early childhood development-related program that culminate in a bachelor's degree and may or may not lead to a PreK—4 instructional certification.<sup>3</sup> Each 4-year IHE must be eligible to participate in the T.E.A.C.H. financial aid program at the time application is submitted.

4. At least one Office of Child Development and Early Learning funded professional development organization. See T.E.A.C.H. Early Childhood Pennsylvania at <https://www.pacca.org/teach.php> for a list of funded organizations.

Additional partners may include:

1. Other educational agencies, including a local school district or career technology center with an ECE program of study.

2. An intermediate unit or nonprofit cultural or educational organization.

3. Teacher organizations.

4. Early learning program associations or organizations.

5. Business and community members.

<sup>1</sup>The name of a degree program is inconsequential under these competitive guidelines.

<sup>2</sup>Eligibility information for T.E.A.C.H. financial aid is available at <https://www.pacca.org/teach.php>.

<sup>3</sup>A Department of Education-approved PreK—4 instructional certification preparation must also comply with PreK—4 Framework Guidelines and other requirements related to approval of this preparation program.

Competitive applications submitted under these guidelines will assist this Commonwealth's IHE's and early learning programs to:

1. Develop sustainable relationships that culminate in high quality practice-based/clinical experiences for this Commonwealth's current and future early childhood workforce.

2. Integrate the Commonwealth's Learning Standards for Early Childhood Infant and Toddlers and Pre-Kindergarten into their respective early childhood courses and degree programs (Early Learning Standards Infants and Toddlers at <http://www.education.pa.gov/Documents/Early%20Learning/Early%20Learning%20Standards/Early%20Learning%20Standards%20-%20Infants%20and%20Toddlers%202014.pdf> and Early Learning Standards Pre-kindergarten at <http://www.education.pa.gov/Documents/Early%20Learning/Early%20Learning%20Standards/Early%20Learning%20Standards%20-%20Prekindergarten%202014.pdf>).

3. Incorporate the Commonwealth's Core Knowledge Competencies for Early Childhood and School-Age Professionals.

4. Integrate the Pennsylvania Association for Infant Mental Health's Infant Mental Health Competencies for Level 1 at <http://www.pa-aimh.org/#/>.

5. Identify and implement effective coaching strategies for collaborating teachers, early learning program directors and higher education faculty who "supervise" student teachers to improve retention and professional practice.

6. Integrate change in early learning programs and in-school settings that are more closely aligned with the knowledge, skills and pedagogy required for early childhood educators to be effective in improving teaching and learning for young children of this Commonwealth.

Each partnership will designate an IHE as the lead organization that will be responsible for all aspects of the project.

#### *Application Deadline*

Applications are due by 5 p.m. on September 29, 2017.

The grant guidelines and forms are available on the Department of Education's web site at [www.education.pa.gov](http://www.education.pa.gov). Questions concerning the grant application should be addressed to Susan Polojac, Race to the Top—Early Learning Challenge Director, Office of Child Development and Early Learning, 333 Market Street, Harrisburg, PA 17126, (717) 265-8911, [spoljac@pa.gov](mailto:spoljac@pa.gov).

PEDRO A. RIVERA,  
*Secretary*

[Pa.B. Doc. No. 17-1211. Filed for public inspection July 21, 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>
PA0035025 (Sewage)	Western Wayne High School WWTP 1970C Easton Turnpike Lake Ariel, PA 18436	Wayne County South Canaan Township	Unnamed Tributary to Middle Creek (01B)	Yes

*Southwest Regional Office: 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>
PA0003549 (Storm Water)	Dominion Transmission Inc. Oakford Compressor Station 466 East Pittsburgh Street Greensburg, PA 15601	Westmoreland County Salem Township	Beaver Run (18-B)	No
PA0234036 (Industrial)	Reagent Chemicals Williamsport Site 115 US Highway 202 Ringoos, NJ 08551-1913	Lycoming County Williamsport City	Unnamed Tributary of West Branch Susquehanna River (10-A)	Yes
PA0114898 (Sewage)	Madison Township MA Jerseytown Sewer System PO Box 620 Millville, PA 17846-0620	Columbia County Madison Township	Mud Creek (10-D)	Yes
PA0033316 (Sewage)	Pine Crest Village MHP 127 Charles Drive Havertown, PA 19083-1008	Lycoming County Eldred Township	Unnamed Tributary of Millers Run (10-B)	Yes

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

*Southeast Regional Office: Regional Clean Water Program Manager, 2 E Main Street, Norristown, PA 19401, Telephone: 484.250.5970.*

**PA0244953**, Sewage, SIC Code 8811, **Haaz Edward J**, 1878 Sugar Bottom Road, Furlong, PA 18925. Facility Name: Haaz SRSTP. This proposed facility is located in Warwick Township, **Bucks 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), Neshaminy Creek, is located in State Water Plan watershed 2-F and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	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 (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Total Nitrogen	XXX	XXX	XXX	Geo Mean 20.0	XXX	40
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

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

The EPA Waiver is in effect.

*Northeast Regional Office: Regional Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone: 570.826.2511.*

**PAS212214**, Storm Water, SIC Code 3281, **Gustin Stone Supply, Inc.**, 2390 Creamton Drive, Lakewood, PA 18439. Facility Name: Gustin Stone Supply. This existing facility is located in Preston Township, **Wayne County**.

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

The receiving stream, an Unnamed Tributary to Equinunk Creek, is located in State Water Plan watershed 1-A and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed monitoring requirements for Outfall 001 are based on a design flow of 0 MGD (stormwater).

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	100
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

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

- Stormwater Outfalls and Authorized Non-Stormwater Discharges
- Best Management Practices (BMPs)
- Routine Inspections
- Preparedness, Prevention and Contingency (PPC) Plan
- Stormwater Monitoring Requirements

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

The EPA Waiver is in effect.

**PA0275883**, Industrial, SIC Code 1389, **Fluid Recovery Services, LLC**, P.O. Box 232, Creekside, PA 15732. Facility Name: FRS Kingsley Facility. This facility is located in Lenox Township, **Susquehanna County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated industrial wastewater.

The receiving stream, Tunkhannock Creek, is located in State Water Plan watershed 4-F and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.252 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Oil and Grease	XXX	XXX	XXX	15.0	30.0	37.5
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Acidity (as CaCO <sub>3</sub> )	XXX	XXX	XXX	Report	Report	XXX
Total Alkalinity (as CaCO <sub>3</sub> )	XXX	XXX	XXX	Report	Report	XXX
Net Total Alkalinity (as CaCO <sub>3</sub> )	XXX	XXX	0.0	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	53.0	163	163
Total Suspended Solids	XXX	XXX	XXX	11.3	29.6	29.6
Total Dissolved Solids	XXX	XXX	XXX	500	1,000	1,250
Chloride	XXX	XXX	XXX	250	500	625
Bromide	XXX	XXX	XXX	Report	Report	XXX
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	16.2	32.4	32.4
Antimony, Total	XXX	XXX	XXX	0.0312	0.111	0.111
Arsenic, Total	XXX	XXX	XXX	0.0199	0.0993	0.0993
Barium, Total	XXX	XXX	XXX	10.0	20.0	25.0
Cadmium, Total	XXX	XXX	XXX	0.0102	0.0172	0.0255
Chromium, Total	XXX	XXX	XXX	0.0522	0.167	0.167
Cobalt, Total	XXX	XXX	XXX	0.0703	0.182	0.182
Copper, Total	XXX	XXX	XXX	0.216	0.500	0.54
Iron, Total	XXX	XXX	XXX	3.5	7.0	8.75
Iron, Dissolved	XXX	XXX	XXX	XXX	7.0	7.0
Lead, Total	XXX	XXX	XXX	0.160	0.350	0.4
Mercury, Total	XXX	XXX	XXX	0.000246	0.000641	0.000641
Nickel, Total	XXX	XXX	XXX	0.309	0.794	0.794
Selenium, Total	XXX	XXX	XXX	0.0698	0.176	0.176
Silver, Total	XXX	XXX	XXX	0.0122	0.0318	0.0318
Strontium, Total	XXX	XXX	XXX	10.0	20.0	25.0
Tin, Total	XXX	XXX	XXX	0.0367	0.0955	0.0955
Titanium, Total (as Ti)	XXX	XXX	XXX	0.00612	0.0159	0.0159
Vanadium, Total	XXX	XXX	XXX	0.0518	0.0628	0.1295
Zinc, Total	XXX	XXX	XXX	0.252	0.497	0.63
Benzene	XXX	XXX	XXX	0.001	0.002	0.0025

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average Monthly	Average Weekly	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Toluene	XXX	XXX	XXX	Report	Report	XXX
Ethylbenzene	XXX	XXX	XXX	Report	Report	XXX
Xylenes, Total	XXX	XXX	XXX	Report	Report	XXX
BTEX, Total	XXX	XXX	XXX	0.1	0.2	0.25
2-Butanone	XXX	XXX	XXX	1.85	4.81	4.81
Acetone	XXX	XXX	XXX	7.97	30.2	30.2
n-Decane	XXX	XXX	XXX	0.437	0.948	1.092
n-Octadecane	XXX	XXX	XXX	0.302	0.589	0.755
Phenol	XXX	XXX	XXX	1.08	3.65	3.65
Pyridine	XXX	XXX	XXX	0.182	0.370	0.455
2,4,6-Trichlorophenol	XXX	XXX	XXX	0.106	0.155	0.265
Acetophenone	XXX	XXX	XXX	0.0562	0.114	0.1405
Acrylonitrile (µg/L)	XXX	XXX	XXX	3.6	5.1	7.2
Bis(2-Ethylhexyl)Phthalate	XXX	XXX	XXX	0.101	0.215	0.252
Butyl Benzyl Phthalate	XXX	XXX	XXX	0.0887	0.188	0.2217
Carbazole	XXX	XXX	XXX	0.276	0.598	0.69
Fluoranthene	XXX	XXX	XXX	0.0268	0.0537	0.67
o-Cresol	XXX	XXX	XXX	0.561	1.92	1.92
p-Cresol	XXX	XXX	XXX	0.205	0.698	0.698
Uranium, Total (µg/L)	XXX	XXX	XXX	2.0	4.0	5.0
Radium-226 and Radium-228, Total (pCi/L)	XXX	XXX	XXX	1.0	2.0	2.5
Gross Alpha Radioactivity (pCi/L)	XXX	XXX	XXX	3.0	6.0	7.5
Beta, Total (pCi/L)	XXX	XXX	XXX	4.0	8.0	10.0
1,4-Dioxane	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Report	XXX	XXX	Avg Qrtly Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen	Report	0	XXX	XXX	XXX	XXX
Net Total Phosphorus	Report	0	XXX	XXX	XXX	XXX

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

- Chesapeake Bay Nutrient Requirements
- WQBELs Below Quantitation Limits
- Chemical Additives
- Requirements Applicable to Stormwater
- Toxics Reduction Evaluation

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

The EPA Waiver is in effect.

**PA0065382**, Pesticides, SIC Code 4941, **Pennsylvania American Water**, 56 Reservoir Road, Dallas, PA 18612.

Description of Existing Activity: The application is for renewal of an existing NPDES permit for a discharge associated with the application of pesticides in Jackson, Lehman and Plymouth Townships, **Luzerne County**.

The receiving stream, Ceasetown Reservoir, is located in State Water Plan watershed 05B and is classified for High Quality—Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. Applicators are required to follow product labeling instructions of pesticides, which may include provisions to reduce application doses and notify public water suppliers in the event applications are conducted near public water supply intakes. The discharges associated with the pesticide applications are not expected to affect public water supplies.

PA DEP has made a tentative determination to issue the NPDES permit subject to the terms and conditions of the permit. An anti-degradation analysis has been completed to document that pesticide application activities in High Quality (HQ) or Exceptional Value (EV) waters will be conducted in a manner that minimizes adverse environmental effects. The proposed permit contains conditions that require implementation of Pest Management Measures, Recordkeeping and Annual Reporting Requirements, Corrective Action Documentation and Reporting, and a Pesticides Discharge Management Plan.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472. You may submit written comments on the application and draft permit within 30 days to the address above. After the 30-day comment period, PA DEP will make a final determination on the issuance of the permit.

The EPA waiver is not in effect.

**PA0275824**, Storm Water, SIC Code 2951, **Pennsy Supply**, 1001 Paxton Street, Harrisburg, PA 17104. Facility Name: Small Mountain Asphalt Plant a.k.a. Dorrance Asphalt Plant a.k.a. Pennsy Supply/Dorrance. This proposed facility (existing discharge) is located in Dorrance Township, **Luzerne County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated Industrial Stormwater from an existing facility (previously covered under a General Permit).

The receiving stream(s), Balliet Run, is located in State Water Plan watershed 5-B and is classified for High Quality Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

- Stormwater Permit conditions; Necessary Property Rights; Residuals Management

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

The EPA Waiver is in effect.

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

**PA0232891**, Concentrated Animal Feeding Operation (CAFO), **Windy Ridge Breeder Farm, LLC**, 166 Dugan Lane, Lock Haven, PA 17745-8696.

Windy Ridge Breeder Farm, LLC has submitted an application for an Individual NPDES permit for a new CAFO known as Windy Ridge Breeder Farm, LLC, located in Pine Creek Township, **Clinton County**.

The CAFO is situated near Unnamed Tributary to Sulphur Run in Watershed 9-A, which is classified for High Quality—Cold Water and Migratory Fish. The CAFO will be designed to maintain an animal population of approximately 308.80 animal equivalent units (AEUs) consisting of 90,000 laying chickens. Manure will be collected in each barn and stored in an underbarn concrete manure storage. Prior to operation of the manure storage facilities, the design engineer will be required to submit certification that the facilities were constructed in accordance with appropriate PA Technical Guide Standards. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

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

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

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

**PA0112747**, Sewage, SIC Code 4952, **Mahaffey Borough Municipal Authority**, PO Box 202, Mahaffey, PA 15757-0202. Facility Name: Mahaffey Borough Municipal Authority Wastewater Treatment Plant. This existing facility is located in Mahaffey Borough, **Clearfield County**.

Description of Existing Activity: The application is for a major amendment to the NPDES permit for an existing discharge of treated sewage.

The receiving stream(s), West Branch Susquehanna River, is located in State Water Plan watershed 8-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

A major amendment is proposed to remove condition Part C.III.A. from the permit.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is in effect.

**PA0232700 A-1**, Industrial, SIC Code 2022, 2023, **Leprino Foods Co.**, 400 Leprino Avenue, Waverly, NY 14892-1351. Facility Name: Leprino Foods Co. WWTP Outfall. This existing facility is located in South Waverly Borough, **Bradford County**.

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

The receiving stream(s), Chemung River and Dry Brook, is located in State Water Plan watershed 4-B 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 002 are based on a design flow of 0.55 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	9.0Max	XXX
Dissolved Oxygen	XXX	XXX	Report	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	165	321	XXX	35.0	70.0	90
Total Suspended Solids	249	495	XXX	54.0	108.0	135
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 (mW/cm <sup>2</sup> )	XXX	XXX	Report	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	Report	XXX
Total Phosphorus	XXX	XXX	XXX	Report	Report	XXX
Chromium, Hexavalent	XXX	XXX	XXX	Report	Report	XXX
Copper, Total	XXX	XXX	XXX	Report	Report	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX
Chloride	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 014 are based on a design flow of 0 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly	Minimum	Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX

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

- General Permit PAR124819 will be terminated upon issuance of this individual permit containing stormwater requirements.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3636.

The EPA Waiver is in effect.

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

**PA0027120**, Sewage, SIC Code 4952, **City of Warren**, 318 West 3rd Avenue, Warren, PA 16365-2388. Facility Name: Warren City WWTP. This existing facility is located in Warren City, **Warren 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), Allegheny River, is located in State Water Plan watershed 16-B 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 6.5 MGD.

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	6.0	XXX	9.0 Max	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	1,355	2,165	XXX	25	40	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly	Minimum	Average Monthly	Weekly Average	
Total Suspended Solids Raw Sewage Influent	1,625 Report	2,435 Report Daily Max	XXX	30 Report	45 XXX	60 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
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Avg Qrtly Report	XXX	XXX	Avg Qrtly Report	XXX	XXX
Nickel, Total	XXX	XXX	XXX	Report	XXX	XXX
Chloride	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX

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

- Combined Sewer Overflows
- POTW Pretreatment Program Implementation
- Whole Effluent Toxicity (WET)

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.

**PA0265144**, Sewage, SIC Code 8800, 4952, **Ra Mo LLC**, 1261 Scandia Road, Warren, PA 16365. Facility Name: Ra Mo Properties SRSTP. This proposed facility is located in Conewango Township, **Warren County**.

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

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

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

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	
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	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000

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

The EPA Waiver is in effect.

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

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900.*

**WQM Permit No. WQG02461708**, Sewage, **Lansdale Borough**, One Vine Street, Suite 201, Lansdale, PA 19446.

This proposed facility is located in Lansdale Borough, **Montgomery County**.

Description of Action/Activity: Construction and operation of a sewage pump station.

**WQM Permit No. WQG02151709**, Sewage, **Kennett Township**, 801 Burrows Run Road, Chadds Ford, PA 19317-9219.

This proposed facility is located in Kennett Township, **Chester 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. 5811402-A1**, Sewage, **Lackawanna College**, 501 Vine Street, Scranton, PA 18509.

This existing facility is located in New Milford Township, **Susquehanna County**.

Description of Proposed Action/Activity: This application is for modification of the 0.001275 MGD New Milford Campus Annex Small Flow Treatment Facility (SFTF). Due to lower than projected enrollment at the Campus, the wastewater treatment system was never put into operation and the 4,000-gallon flow equalization tank has been utilized as a temporary holding tank. The holding tank has been pumped on a regular basis and wastewater has been hauled off-site for disposal. Approval is requested to permit the modification of the existing 4,000-gallon flow equalization tank into a holding tank. The remaining system components will remain functional in a "stand by" mode due to insufficient flow through the existing zero discharge greenhouse system which depends on the flow to sustain the aquatic plants necessary to treat the wastewater. The project is located along Harford Road, approximately 0.25 mile north from Exit 219 of Interstate 81.

**WQM Permit No. 3517402**, Sewage, **Pennsylvania-American Water Co.**, 800 West Hershey Park Drive, Hershey, PA 17033.

This proposed facility is located in Scranton City, **Lackawanna County**.

Description of Proposed Action/Activity:

The applicant is requesting a Water Quality Management permit for the replacement of existing sewer pipe, manholes, and weir along the east side of Roaring Brook Creek channel near River Street in Scranton at CSO Outfall # 49.

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

**WQM Permit No. 3817202**, Industrial Waste, **Keystone Protein Co**, 154 W Main Street, Fredericksburg, PA 17026.

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

Description of Proposed Action/Activity: New.

**WQM Permit No. 6708404 A-2**, Sewerage, **Springettsbury Township**, 3501 North Sherman St, York, PA 17402.

This proposed facility is located in Springettsbury Township, **York County**.

Description of Proposed Action/Activity: Amendment.

**WQM Permit No. 2217401**, Sewerage, **Capital Region Water**, 830 South Front Street, Harrisburg, PA 17104.

This proposed facility is located in Harrisburg City, **Dauphin County**.

Description of Proposed Action/Activity: New. Last pump station upgrade occurred in 1986.

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD510014	Philadelphia Industrial Development Corporation 1500 Market Street Suite 2600 West Philadelphia, PA 19102	Philadelphia	City of Philadelphia	Delaware Estuary WWF-MF

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

*Carbon County Conservation District, 5664 Interchange Road, Lehighton, PA 18235-5114.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD130007	Lehighton (SR 209) DG, LLC c/o Steven Camp 361 Summit Blvd, Suite 110 Birmingham, AL 35243	Carbon	Towamensing Township	UNT to Pohopoco Creek (CWF, MF) UNT to Hunter Creek (HQ-CWF, MF)
PAD130008	Awesome View Properties, Inc. P.O. Box 600 Lehighton, PA 18235	Carbon	Mahoning Township	Lehigh River (TSF, MF) Beaver Run (HQ-CWF)

*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>
PAD450032	Saint Luke's Hospital of Bethlehem 801 Ostrum Street Bethlehem, PA 18015	Monroe	Stroud Township	UNT to Pocono Creek (HQ-CWF, MF)

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD450034	MC Village Partners, LP c/o Mr. Sandy Insalaco 490 North Main Street Pittston, PA 18640	Monroe	Smithfield Township	Marshalls Creek (HQ-CWF, MF)

*Susquehanna County Conservation District, 88 Chenango Street, Montrose, PA 18801.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD580005	Scott Delaney Pentagon Energy LLC 1600 Ponce de Leon Blvd Suite 1208 Coral Gables, FL 33134-4096	Susquehanna	New Milford Borough	Salt Lick 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>
PAD290002	Ilera Healthcare LLC 625 Sussex Road Wynwood, PA 19196	Fulton	Taylor Township	UNT Lick Branch (HQ/CWF)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD140021	PennDOT District 2-0 70 PennDOT Drive Clearfield, PA 16830	Centre	Potter Twp	UNT-Potter Run CWF, MF UNT-Sinking Creek CWF, MF UNT-Laurel Creek HQ-CWF, MF
PAD140022	State College Area School District 131 W. Nittany Avenue State College, PA 16801	Centre	State College Boro	UNT-Thompson Run HQ-CWF

*Individual Permit Type—PAD*

*Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD680002	Attention: Patrick M. Webb  Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800	Clearfield County	Lawrence Township	West Branch Susquehanna River (WWF), Unnamed Tributaries to West Branch Susquehanna River (CWF), Clearfield Creek (WWF), Unnamed Tributaries to Clearfield Creek (CWF), Laurel Run (HQ-CWF), Unnamed Tributaries to Laurel Run (HQ-CWF)

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

PAG-12            CAFOs

**MS4 PAG-13 Notices of Intent Received***Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Waiver Application Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAG134815	Mifflin Township Columbia County PO Box 359 Mifflinville, PA 18631-0359	Mifflin Township, Columbia	Y	N

**STATE CONSERVATION COMMISSION****PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs**

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

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

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

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

**APPLICATIONS****NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Aaron Warner 7195 Old Plank Rd. Broad Top, PA 16621	Huntingdon	287.3	672.66	Swine	N/A	New
Scott Kreider 761 Spring Valley Rd Quarryville, PA 17566	Lancaster	1,232.8	3,026.25	Dairy	HQ	R
Keystone Dairy Ventures, LLC Matt Young 324 Balance Meeting Road Peach Bottom, PA 17563	Lancaster	685.1	1,549.35	Dairy	HQ	R
Robert L. Brubaker Jr. 2871 North Colebrooke Road Manheim, PA 17545	Lancaster	12.2	390.16	Swine/Pullet	NA	R
Mor-T-Do Farm Neill & Mac Miller 5292 Pleasant Ridge Road Needmore, PA 17238	Fulton	170	364.96	Swine & Beef	None	Renewal
Ben Moyer 20 Dead End Rd Annville, PA 17003	Lebanon	41.7	288.32	Broilers	NA	New

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal / New</i>
David Weaver 740 Marion Drive Womelsdorf, PA 19567	Berks	163.1	337.05	Poultry	NA	Renewal
Country View Family Farm, LLC—VanBlarcom Sow Farm	Bradford	18	2,735.95	Swine	NA	Renewal

**PUBLIC WATER SUPPLY (PWS) PERMITS**

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

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

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

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

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

**SAFE DRINKING WATER**

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

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

**Permit No. 0616511 MA, Minor Amendment**, Public Water Supply.

Applicant	<b>Woodland MHP</b>
Municipality	Washington Township
County	<b>Berks</b>
Responsible Official	Jeremy Crum, Dep Operator 1697 Swamp Pike Gilbertsville, PA 19525
Type of Facility	Public Water Supply

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Consulting Engineer	Bruce Rader, P.E. Berks Surveying & Engineering, Inc. 311 East Main Street Fleetwood, PA 19522
Application Withdrawn:	11/23/2016
Description of Action	pH adjustment <b>Permit No. 3617509</b> , Public Water Supply.
Applicant	<b>Columbia Water Company</b>
Municipality	Manor Township
County	<b>Lancaster</b>
Responsible Official	David T. Lewis, General Manager 220 Locust Street Columbia, PA 17512
Type of Facility	Public Water Supply
Consulting Engineer	David T. Lewis, P.E. Columbia Water Company 220 Locust Street Columbia, PA 17512
Application Received:	6/19/2017
Description of Action	Construction of the Donnerville Road chlorine booster station. <b>Permit No. 6717504 MA, Minor Amendment</b> , Public Water Supply.
Applicant	<b>Borough of Hanover</b>
Municipality	Hanover Borough
County	<b>York</b>
Responsible Official	Michael Bowersox, Borough Manager 44 Frederick Street Hanover, PA 17331-3501
Type of Facility	Public Water Supply
Consulting Engineer	Michael J. Mehaffey, P.E. Gannett Fleming, Inc. PO Box 67100 Harrisburg, PA 17106-7100
Application Received:	7/5/2017
Description of Action	The Borough of Hanover is proposing a water main lining project which consists of cleaning and cement lining sections of existing water mains and replacing failing valves as needed along Fulton Street, Carlisle Street, and Baltimore Street.

**Permit No. 2817505**, Public Water Supply.

Applicant **New Guilford Brethren in Christ Church (NGBIC)**  
Municipality Guilford Township  
County **Franklin**  
Responsible Official Grant Benedict, Trustee  
1575 Mont Alto Road  
Chambersburg, PA 17202

Type of Facility Public Water Supply  
Consulting Engineer Joseph M. McDowell, P.E.  
Martin & Martin, Inc.  
37 S Main Street  
Chambersburg, PA 17201

Application Received: 7/5/2017  
Description of Action The existing treatment system, including softening and UV equipment, will be abandoned and replaced with new softening, nitrate treatment, and chlorine disinfection equipment. A flow control valve and a finished water storage tank will also be installed.

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

**Permit No. 6517526**, Public Water Supply.

Applicant **Highridge Water Authority**  
17 Maple Avenue  
Blairsville, PA 15717

[Township or Borough] Burrell Township  
Responsible Official George Sulkosky, Executive Director  
Highridge Water Authority  
17 Maple Avenue  
Blairsville, PA 15717

Type of Facility Water system  
Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
Latrobe, PA 15650

Application Received Date July 7, 2017  
Description of Action Construction of the new Palmerton water storage tank with mixer.

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

**Permit No. 3302503-MA1**, Public Water Supply.

Applicant **Falls Creek Borough Jefferson County**  
Township or Borough Washington Township  
County **Jefferson County**  
Responsible Official Cindy Fritz  
Type of Facility Water Treatment Plant  
Consulting Engineer Keller Engineers, Inc.  
Application Received Date July 3, 2017  
Description of Action Installation of an active mixer to the Red Mill water storage tank.

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

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

**Application No. 0209520-A1-T1, Minor Amendment.**

Applicant **Riverbend Foods, LLC**  
1080 River Avenue  
Pittsburgh, PA 15212

[Township or Borough] City of Pittsburgh  
Responsible Official Michael Brown, EHS Manager  
Riverbend Foods, LLC  
1080 River Avenue  
Pittsburgh, PA 15212

Type of Facility Water system  
Consulting Engineer  
Application Received Date June 9, 2017  
Description of Action Transfer of the public water system from Bay Valley Foods to Riverbend Foods, LLC.

**Application No. 1117511MA, Minor Amendment.**

Applicant **Greater Johnstown Water Authority**  
640 Franklin Street  
PO Box 1407  
Johnstown, PA 15901

[Township or Borough] Stonycreek Township  
Responsible Official Michael Kerr, Manager  
Greater Johnstown Water Authority  
640 Franklin Street  
PO Box 1407  
Johnstown, PA 15901

Type of Facility Water system  
Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
Latrobe, PA 15650

Application Received Date July 5, 2017  
Description of Action Installation of approximately 100 feet of 12-inch diameter raw water transmission main.

**Application No. 3017506MA, Minor Amendment.**

Applicant **Southwestern Pennsylvania Water Authority**  
1440 Jefferson Road  
Jefferson, PA 15344

[Township or Borough] Center Township  
Responsible Official Timothy Faddis, Manager  
Southwestern Pennsylvania Water Authority  
1440 Jefferson Road  
Jefferson, PA 15344

Type of Facility Water system

Consulting Engineer     Bankson Engineers, Inc.  
                                  267 Blue Run Road  
                                  Suite 200  
                                  Cheswick, PA 15024

Application Received     July 7, 2017  
 Date

Description of Action     Installation of the Iron Rock  
                                  Road meter vault.

### WATER ALLOCATIONS

#### Applications received under the act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.*

**WA 67-960A**, Water Allocations. **Dover Township (PWS ID No. 7670073), York County.** Dover Township is requesting to renew their existing water allocation permit which grants the right to purchase 1.0 million gallons per day from The York Water Company. Applicant Address: 2840 West Canal Road, Dover, PA 17315. Consulting Engineer: Christina Crawford MBA, P.E., Spotts, Stevens & McCoy, Inc., 1047 North Park Road, PO Box 6307, Reading, PA 19610-0307. Application Received: 3/20/2017.

**WA 31-609B**, Water Allocations. **Wood-Broad Top-Wells Joint Municipal Authority (PWS ID No. 4310032), Huntingdon County.** Wood-Broad Top-Wells Joint Municipal Authority (Authority) has submitted an application, requesting to maintain their current water allocation of a maximum combined total of 125,000 gallons per day from the Great Trough Creek, Butcher Run, and Bikini Strip Pit. The Authority serves Bedford, Fulton, and Huntingdon Counties. Applicant Address: Gary McCavitt, Chairman, Wood-Broad Top-Wells Joint Municipal Authority, PO Box 7, Wood, PA 16694. Application Received: 6/30/2017.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

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

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

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

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

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

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

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

**RJ Corman Railroad and Lehigh Valley Dairy**, Milepost 93.2 to Milepost 96.7 and 711 North Brick Street, Allentown City and Whitehall Township, **Lehigh County.** Moonstone Environmental, LLC, 1150 Glenlivet Drive, Suite A-23, Allentown, PA 18106, on behalf of Waterfront Redevelopment Partners LP, 1665 Valley Center Parkway, Suite 110, Bethlehem, PA 18017, submitted a Notice of Intent to Remediate. Contamination is due to historical operations at this site. The proposed future use of the site will be non-residential. The Notice of Intent to Remediate was published in *The Morning Call* on June 16, 2017.

**Moore West Range Unit 45**, 16255 State Route 167, Silver Lake Township, **Susquehanna County.** Resource Environmental Management, Inc., 50 Maple Street, Montrose, PA 18801, on behalf of SWN Production Company, LLC, 1000 Energy Drive, Spring, TX 77389, submitted a Notice of Intent to Remediate. A release of produced water impacted soils at this site. The proposed future use of the property is for natural gas production operations. The Notice of Intent to Remediate was published in *The Susquehanna County Independent* on June 28, 2017.

**Santarelli Property/PPL Eynon Substation Property Fuel Oil Release**, 600 Hilltop Road, Blakely Borough, **Lackawanna County**. Pennsylvania Tectonics Inc., 723 Main St., Archbald, PA 18403, on behalf of Mr. Ken Santarelli, 600 Hilltop Road, Peckville, PA 18452, submitted a Notice of Intent to Remediate. A release of # 2 fuel oil occurred impacting soils at this site. The proposed future use of the property will be residential. The Notice of Intent to Remediate was published in *The Scranton Times* on June 30, 2017.

*Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Former Therma Fab, Inc. (Fmr. Rogers Steel)**, 256 Eagle Street, City of Corry, **Erie County**. AMEC Foster Wheeler, 800 North Bell Avenue, Pittsburgh, PA 15106, on behalf of the Redevelopment Authority in the City of Corry, 1524 Gilbert Drive, Corry, PA 16407, submitted a Notice of Intent to Remediate. Site investigation work indicates contamination of soil possibly from historic manufacturing operations. Constituents of Concern are lead, chromium, and cadmium. The Notice of Intent to Remediate is anticipated to be published in *The Corry Journal* on May 22, 2017.

#### RESIDUAL WASTE GENERAL PERMITS

**Application(s) Received Under the Solid Waste Management Act (35 P.S. §§ 6018.101–6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101–4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**General Permit Application No. WMGR028-NE008. Pennsy Supply, Inc.**, 1001 Paxton Street, Harrisburg, PA 17105. A permit renewal application for continued coverage under General Permit WMGR028 for the beneficial use of baghouse fines from the Lawton Asphalt Plant located in Middletown Township, **Susquehanna County**. The application was received by the Department on June 29, 2017 and deemed administratively complete by the Regional Office on July 5, 2017.

**General Permit Application No. WMGR028-NE008A. Pennsy Supply, Inc.**, 1001 Paxton Street, Harrisburg, PA 17105. A permit renewal application for continued coverage under General Permit WMGR028 for the beneficial use of baghouse fines from the Small Mountain/Dorrance Asphalt Plant located in Dorrance Township, **Luzerne County**. The application was received by the Department on June 29, 2017 and deemed administratively complete by the Regional Office on July 5, 2017.

Comments concerning the application should be directed to Roger Bellas, Environmental Program Manager, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. 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.

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

**Applications deemed administratively complete under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal area or Site.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.*

**Application No. 300983 GemChem, Inc.**, 53 N. Cedar Street, P.O. Box 384, Lititz, PA 17543-0384. An application for permit renewal was submitted by GemChem, Inc. for their residual waste processing facility located in Lititz Borough, **Lancaster County**. The permit expires on January 10, 2018. The application was deemed administratively complete by the Southcentral Regional Office on June 30, 2017.

The Department will accept comments from the general public recommending revisions to, and approval or denial of the application during the time that the Department is reviewing the permit application.

Comments concerning the application should be directed to Mr. John Oren, Permits Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Persons interested in obtaining more information about this permit application may contact the Southcentral Regional Office at (717) 705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

#### AIR QUALITY

##### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

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

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the Department’s Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person

submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

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

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

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

#### PLAN APPROVALS

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

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

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

**16-148C: Robert V. Burns Crematorium, Inc.** (638 Wood Street, Clarion, PA 16214), application received for the installation and initial operation of one additional human crematory at their facility located in Clarion Borough, **Clarion County**. This is an existing non-Title V facility currently authorized by plan approval 16-148B.

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

*Contact: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.*

**65-00912A: The AMES Companies, Inc.** (465 Railroad Avenue, Camp Hill, PA 17011) under 25 Pa. Code §§ 127.44 and 127.45 for intent to issue Air Quality plan approval to authorize construction and temporary operation of sources and controls associated with wooden tool handle manufacturing operations, including woodworking

and surface coating operations, at the AMES Champion facility located in Donegal Township, **Westmoreland County**. The proposed sources and controls include woodworking operations controlled by a 24,885 CFM baghouse, a flow-coat surface coating line, exempt pad printing and UV surface coating operations, and other sources previously exempted from plan approval including green wood sawmilling operations.

Annual potential to emit (PTE) from the proposed sources and controls will not equal or exceed 9.3 tons of volatile organic compounds (VOC), 14.5 tons of particulate matter (PM), and 11.9 tons of particulate matter less than 10 microns (PM<sub>10</sub>). The proposed sources are subject to applicable portions of 25 Pa. Code Chapters 121, 123 and 127, and the requirement to meet Best Available Technology (BAT) pursuant to 25 Pa. Code § 127.1. The proposed sources have been determined to meet BAT, which includes the installation of local exhaust ventilation on woodworking equipment ducted to a 24,885 CFM baghouse rated for a particulate emissions rate of 0.01 grains per dry standard cubic foot (gr/dscf) of exhaust and the use of flow-coat application of low VOC (less than 1 pound VOC per gallon, as-applied) coatings. The proposed plan approval has been conditioned to ensure compliance with all applicable requirements specified in 25 Pa. Code, and includes testing, work practice, monitoring, recordkeeping, and reporting requirements; and emissions limitations.

The plan approval application, the Department's Air Quality review memorandum, and the proposed Air Quality plan approval for the facility are available for review by any interested party at the Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To schedule an appointment to review the plan approval application or proposed plan approval, or to receive an electronic copy of the Department's Air Quality review memorandum or an electronic copy of the Department's proposed Air Quality plan approval for the facility, a person may contact Devin P. Tomko via email at dtomko@pa.gov or via telephone at 412-442-5231.

A person may oppose the proposed Air Quality plan approval by filing a written protest with the Department or may submit written comments through Devin P. Tomko via the U.S. Postal Service to the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; written comments may also be submitted via email to dtomko@pa.gov or via fax to 412-442-4194. Each set of written comments or protest must contain the name, address, and telephone number of the person submitting the comments or protest, identification of the proposed plan approval (65-00912A) and a concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based.

All comments must be received prior to the close of business 30 days after the date of this publication. A protest to the proposed action shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.44 (relating to public notice).

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons who have properly filed a protest under 25 Pa. Code §127.46 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing by publication in the newspaper or by the



*Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

**11-00508B: Hindman Funeral Homes & Crematory Inc.** (146 Chandler Avenue, Johnstown, PA 15906). Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 that the Department of Environmental Protection (“Department”) intends to issue Air Quality Plan Approval PA-11-00508B to authorize the continued temporary operation of one existing (1) Matthews International-Cremation Division IE43-PPII natural gas-fired crematory incinerator for the cremation of human remains and one existing (1) Matthews International-Cremation Division IE43-PPJr (Power Pak Jr) natural gas-fired animal crematory incinerator at the above referenced facility located in Lower Yoder Township, **Cambria County**. The crematory incinerators have a maximum cremation rate of 150 pounds per hour 75 and pounds per hour respectively and were previously operated under the authority of GP14-11-00508.

The facility has an annual potential to emit (PTE) of 2.4 tons of carbon monoxide (CO), 0.8 ton of nitrogen oxides (NO<sub>x</sub>), 0.6 ton of sulfur oxides (SO<sub>x</sub>), 3.1 tons of total particulate matter (PM, PM<sub>10</sub>, and PM<sub>2.5</sub>), 0.7 ton of volatile organic compounds (VOC); and less than 0.3 ton of total hazardous air pollutants (HAP). Best available technology (BAT) for the referenced crematory incinerators includes good combustion practices; operation and maintenance in accordance with the manufacturer’s specifications and instructions; and multi-chamber design with a minimum secondary chamber temperature of 1,800°F. The referenced crematory incinerators are subject to applicable portions of 25 Pa. Code Chapters 123 and 127. The proposed Plan Approval has been conditioned to ensure compliance with all applicable regulations and includes emissions limitations, and also work practice, monitoring, recordkeeping, and reporting requirements.

A person may oppose the proposed plan approval by filing a written protest with the Department through Devin P. Tomko, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Written comments may also be submitted. Each protest or set of written comments must contain the name, address, and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-11-00508B) and concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

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

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing in writing or by publication in the newspaper and the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

For additional information you may contact Devin P. Tomko at 412-442-5231.

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

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

**AMS IP16-000197: Winzinger Recycling** (3150 Orthodox Street, Philadelphia, PA 19137) for the installation of a concrete crushing facility in the City of Philadelphia, **Philadelphia County**. The facility’s air emission source includes one (1) Sandvik Crusher Impactor with the capacity of crushing 120 tons per hour or 234,000 tons per year of concrete, brick, or asphalt; one (1) Sandvik Crusher Jaw with the capacity of crushing 120 tons per hour or 234,000 tons per year of concrete, brick, or asphalt; and one (1) crusher engine firing No. 2 fuel oil with a capacity of 261 kW or 350 horsepower. Nitrogen Oxides (NO<sub>x</sub>) emissions from the facility will have a potential of 4.52 tpy. Particulate Matter (PM) emissions will have a potential of 0.70 ton/year (tpy). Carbon Monoxide (CO) emissions will have a potential of 3.95 tpy. The plan approval will contain operating, monitoring, recordkeeping, testing, and reporting requirements to ensure operation within all applicable requirements.

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

**36-001GC: Transcontinental Gas Pipeline Company, LLC** (P.O. Box 1396, Houston, Texas 77251-1396) Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 that the Department of Environmental Protection (Department) intends to issue Air Quality Plan Approval 36-001GC to allow transfer and use of 106.0 tons of nitrogen oxide (NO<sub>x</sub>) Emission Reduction Credits (ERCs) to the Atlantic Sunrise project construction activities in **Lancaster County** to offset emissions from construction activities and satisfy requirements specified by the Federal Energy Regulatory Commission’s (FERC) General Conformity Determination for the project.

General Conformity requirements are promulgated at 40 CFR Part 93, Subpart B (relating to determining conformity of general Federal actions to state or Federal implementation plans) and adopted and incorporated by reference in their entirety in 25 Pa. Code Chapter 127, Subchapter J (relating to general conformity). The General Conformity Rule ensures that federal actions comply with the National Ambient Air Quality Standards (NAAQS). The Atlantic Sunrise project construction activities exceed the 100 ton per calendar year threshold of emissions for NO<sub>x</sub> as described in 40 CFR 93.153(b). General Conformity requires that all direct and indirect project emissions be mitigated or offset to ensure that a project in a nonattainment or maintenance area for the NAAQS conforms to the State Implementation Plan and that air quality is not adversely affected. Lancaster County is a nonattainment area for the 2008 Ozone NAAQS and an attainment/maintenance area for the 1997 fine particulate matter NAAQS. Emissions of NO<sub>x</sub> are a precursor to both ozone and fine particulate matter formation. The 106 tons of NO<sub>x</sub> ERCs address both the ozone and fine particulate matter NAAQS. ERCs originally generated from the Harford County Resource Recovery Facility in Harford County, MD, are being transferred, used, and ultimately retired to offset NO<sub>x</sub> emissions from the Atlantic Sunrise project construction activities.

The plan approval application, the Department’s review memorandum, the proposed plan approval, and other relevant information are available for review by any interested party at the Rachel Carson State Office Build-

ing, 400 Market Street, Harrisburg, PA 17105. To request a review of the plan approval application for the pipeline construction activities, a person may contact the Department at 717-787-9702.

A person may submit written comments on the proposed plan approval to the Department by mail at Pennsylvania Department of Environmental Protection, 400 Market Street, 12th Floor, Harrisburg, PA 17105-8468, or by e-mail at RA-EPAIRCOMMENTS@pa.gov. Each set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval, and a concise statement with the relevant facts upon which the statement is based. The Department is only considering comments regarding the appropriateness of the location of where the ERCs were obtained and the amount of ERCs used to offset emissions from the Atlantic Sunrise project construction activities in Lancaster County. All written comments must be received prior to 4:30 pm, August 21, 2017.

### OPERATING PERMITS

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

*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.*

**06-05002: Lehigh Cement Company, LLC** (537 Evansville Road, Fleetwood, Pennsylvania 19522-8541) for Lehigh's Evansville Cement Plant and Quarry located in Maidencreek Township, **Berks County**. The Title V Operating Permit is undergoing a significant modification to incorporate 25 Pa. Code §§ 129.96—129.100 (RACT II) requirements and an emissions averaging plan in accordance with 25 Pa. Code § 129.98 for Source IDs 121 & 122 (Kilns 1 & 2). Lehigh is a major facility and is subject to the operating permit requirements under Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F (relating to operating permit requirements) and G (relating to Title V operating permit requirements). Furthermore, the facility is subject to 40 CFR 63, Subpart LLL—National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry, 40 CFR 63, Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters & 40 CFR 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

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

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

*Contact: Thomas 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.*

**67-05082: David Edward Ltd.** (252 North Franklin Street, Red Lion, PA 17356) to issue a State Only Operating Permit for the wood furniture (i.e., high-end professional and institutional hard wood furniture) manufacturing facility located in Red Lion Borough, **York County**. The actual emissions from the facility in 2016 were reported to be 4.8 tons VOC and 0.7 ton total HAPs. The Operating Permit will include emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.52 (Source IDs 111, 112, 114, 115, 117, 118, and 119).

**22-03041: Librandi's Machine Shop, Inc.** (93 Airport Drive, Middletown, PA 17057-5022) for the chrome and electroplating operations at their facility in Middletown Borough, **Dauphin County**. Actual facility emissions are estimated to be around 50 pounds per year of chromium, two (2) tons per year of particulate matter and less than one (1) ton per year of VOCs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63, Subpart N, "National Emission Standards for Chromium Emissions from Hard and Decorative Electroplating and Chromium Anodizing Tanks."

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

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

**10-00087: DU CO Ceramics Company** (155 S. Rebecca Street, PO Box 568, Saxonburg, PA 16056) for a renewal-operating permit located in Saxonburg Boro, **Butler County**. The facility produces precision ceramic insulators for varied industrial and manufacturing applications. The significant sources at the facility are a boiler, ceramic cutting and machining, a Meid Kiln, a Bell Kiln, a Jeffrey Dryer, a diesel emergency generator, a natural gas emergency generator, three minor kilns, parts washers, a Swindell Dressler Tunnel Kiln, and an Allied Roller Hearth Kiln. The conditions of the previous approvals and operating permit were incorporated into the renewal permit. The facility is a Natural Minor. The requirements of 40 CFR 63 Subpart ZZZZ pertaining to the emergency engines were included in the permit renewal. The potential NO<sub>x</sub>, CO, PM, SO<sub>x</sub>, and VOC emissions from the facility are less than 20.4 TPY, 17 TPY, 2 TPY, 1 TPY, and 17.0 TPY, respectively. The HAPs emissions from the facility are less than 10 TPY and the facility is therefore an Area Source for MACT.

**42-00151: Werzalit of America, Inc.** (40 Holley Avenue, Bradford, PA 16701-1809), the Department intends to issue the renewal of the Natural Minor Permit to operate a facility, located in the City of Bradford, **McKean County**, that manufactures casual furniture and architectural cladding from hardwood-filled resin composites. Established through a plan approval, facility-wide VOC emission of Werzalit of America, Inc. must not exceed 23.84 tons and its methanol and formaldehyde emissions from resin usage must not exceed 9.0 and 3.5 tons, respectively, in any 12-month rolling period. In this renewal, surface coating operations at the facility is subject to recordkeeping, reporting, and work practice requirements pursuant to 25 Pa. Code § 129.52c pertain-

ing to Control of VOC emissions from flat wood paneling surface coating process, replacing those from § 129.52 pertaining to Surface coating process. More stringent than that from § 129.52c, the 4.10-lb/hr VOC emission limit established through RACT still applies. Provisions of § 40 CFR 63 Subpart JJJJJ, pertaining to National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources, applicable to the wood/wood product-fired boiler at the facility are updated.

## 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.*

**11841603 and NPDES No. PA0235377 and GP12-11841603. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To renew the permit for the Portage Plant in Portage Township, **Cambria County** and related NPDES Permit. Includes renewal of Air Quality GPA/GP12 Authorization. No additional discharges. The application was considered administratively complete on June 30, 2017. Application received December 20, 2016.

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

**Permit No. 56020101 and NPDES No. PA 0249122. Rosebud Mining Co**, 301 Market Street, Kittanning, PA 16201, permit renewal for reclamation only of a bituminous surface and auger mine in Jenner Township, **Somerset County**, affecting 57.3 acres. Receiving streams: unnamed tributaries to/and Roaring Run classified for the following use: cold water fishes. The first downstream potable water supply intake from the point of discharge within 10 miles downstream is the Quemahoning Reservoir. Application received: July 3, 2017.

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

**Permit No. 54970204R4. Jeddo-Highland Coal Company**, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701) renewal of an existing anthracite coal refuse reprocessing operation in Frailey and Reilly Townships, **Schuylkill County** affecting 300.0 acres, receiving streams: Coal Run, Middle Creek and Gebhard Run, classified for the following use: cold water fishes. Application received: June 19, 2017.

**Permit No. 54970204C11. Jeddo-Highland Coal Company**, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701) correction of an existing anthracite coal refuse reprocessing operation to update the post-mining land use to unmanaged natural habitat and add 45.0 acres from Permit No. 54773015 in Frailey and Reilly Townships, **Schuylkill County** affecting 300.0 acres, receiving streams: Coal Run, Middle Creek and Gebhard Run, classified for the following use: cold water fishes. Application received: June 19, 2017.

**Permit No. 54920201R5. Northeastern Power Co.**, (P.O. Box 7, McAdoo, PA 18237), renewal of an existing anthracite coal refuse reprocessing, coal refuse disposal and surface mine operation in Kline and Packer Townships, **Schuylkill and Carbon Counties** affecting 876.0 acres, receiving stream: Little Schuylkill River, classified for the following uses: cold water and migratory fishes. Application received: June 28, 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.

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

**Permit No. 8274SM2C11 and NPDES No. PA0612871. New Enterprise Stone & Lime Co., Inc. d/b/a Eastern Industries, Inc.**, (3580 Division Highway, East Earl, PA 17519), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in West Cocalico Township, **Lancaster County** affecting 309 acres, receiving stream: Indian Run Creek, classified for the following use: trout stocking. Application received: June 30, 2017.

**Permit No. 58070848. Mark Magnotti**, (3298 Post Pond Road, Montrose, PA 18801), Stage I & II bond release of a quarry operation in Bridgewater Township, **Susquehanna County** affecting 2.0 acres on property owned by Mark Magnotti. Application received: July 7, 2017.

## 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.*

**E46-1154. Providence Place Senior Living**, 1528 Sandy Hill Road, Hummelstown, PA 17036, Lower Providence Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain a floodwall about 680-feet long, about 14.5-feet high and 1.33-foot thick within the 100-year floodway/floodplain of the Perkiomen Creek (WWF, MF) associated with the redevelopment of Collegeville Inn property into assisted living facility. The project also includes 5 outfalls and about 7,500-foot long × 8-foot wide recreation trail with in the floodway.

The site is located at about 250 feet southwest of Germantown Pike and Ridge Pike (Collegeville, PA USGS Quadrangle Latitude: 40.183837; Longitude: -75.446972).

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

**E18-505. Castanea Township Supervisors**, 347 Nit-tany Road, Lock Haven, PA 17745. West Brown St. Storm Sewer Improvements, in Castanea Township, **Clinton County**, ACOE Baltimore District (Mill Hall, PA Quadrangle N: 41°07'20"; W: 77°26'08").

To construct, install and maintain new stormwater drainage structures to replace existing structures and alleviate flooding. This project proposes to: 1) temporarily impact 32 linear feet of an enclosed unnamed tributary to Bald Eagle Creek, 2) temporarily impact 158 square feet of floodway of an unnamed tributary to Bald Eagle Creek, 3) permanently impact 808 linear feet of an enclosed unnamed tributary to Bald Eagle Creek, 4) permanently impact 1,448 square feet of floodway of an unnamed tributary to Bald Eagle Creek, which are classified as Cold Water Fishery.

**E59-533. Pennsylvania Department of Transportation, Engineering District 3-0**, PO Box 218, Montoursville, PA 17754-0218. S.R. 4017 Section 23S, Windfall Brook Roadway Slide. Osceola Township, **Tioga County**, Baltimore ACOE (Elkland, PA Quadrangle N: 41° 58' 21"; W: -77° 20' 33").

PA DOT Engineering District 3-0 proposes to stabilize the right streambank of Windfall Brook for approximately 361 linear feet to restore the SR 4017 Roadway. The stream bank/roadway side slope will be stabilized with R-8 Rip Rap at a 1.5:1 side slope. The project will utilize a temporary access road and cofferdam system during construction. The project will not impact any jurisdictional wetlands. Windfall Brook is classified as a Warm Water Fishery by Title 25, Chapter 93 Water Quality Standards.

Cross #	Activity	Resource	Resource Name*	Chapter 93	Impact Temporary		Impact Permanent		Latitude	Longitude
					Length (Feet)	Area (SF)	Length (Feet)	Area (SF)		
1	Culvert Extension	Stream	UNT to Susquehanna River	WWF	35	510	35	714	41° 15' 11"	76° 58' 51"

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 Susquehanna River is classified with a designated use of Warm Water Fishery (WWF). It is not listed as an approved trout or wild trout stream.

**E49-346. Borough of Watsonstown**, PO Box 273, Watsonstown, PA 17777. Watsonstown Boat Launch, in Watsonstown Borough, **Northumberland County**, ACOE Baltimore District (Milton, PA Quadrangle; Latitude: 41-4-34.55; Latitude -76-51-25.25).

The Watsonstown Borough is proposing to complete several improvement projects located in the floodway and floodplain of the Susquehanna River, Warm Water Fishery. The work proposed of consists of milling the current access ramp to the concrete pad at the water's edge of the boat launch, re-paving the existing ramp to its pre-existing elevations, re-grading the swale to the east of the paved access ramp, grade/level/gravel the loop access road (minimum 12 ft width), grade/level/gravel two parking areas, install a 24 ft by 12 ft open sided pavilion on a at grade concrete slab and a 1,320 lf walking track with a total of 0.47 acre disturbed for the entire project. The project is located at the southern end of Watsonstown off Dickson Ave.

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Michael Forbeck, Acting Waterways and Wetlands Program Manager, 412-442-4000.*

**E63-707, Thomas & Kathleen Marecic**, 2007 Grandview Farms Ct., Bethel Park, PA 15102, Morris Township, **Washington County**, Pittsburgh ACOE District.

The applicant proposes to:

1. Construct and maintain a bridge having a clear span of 50 feet and an underclearance of 7 feet across Tenmile Creek (TSF)
2. Rehabilitate an existing low flow crossing composed of twenty-one 18" culvert pipes.

For the purpose of improving overall safety, roadway site distance, and provide accessibility during high water events to the applicant's property. The project is located along SR 2020 near Hackney Station Road. (Amity, PA USGS Topographic Quadrangle; Latitude: 40°01'47"; Lon-

**E41-682. Saiom Realty, LLC**, 1220 River Ave, Williamsport, PA 17701. Saiom Realty Property—Culvert Extension in Loyalsock Township, **Lycoming County**, ACOE Baltimore District (Montoursville North, PA Quadrangles N: 41° 15' 11"; W: -76° 58' 51").

To install and maintain 35 lineal feet of 36-inch diameter HDPE pipe.

This project proposes to have the following impacts:

Impact Temporary	Impact Permanent	Latitude	Longitude
35	714	41° 15' 11"	76° 58' 51"

gitude: -80° 13' 52". Pittsburgh ACOE District; Chapter 93: TSF, B; Sub-basin 20), in Morris Township, Westmoreland County.

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

**E5329-015: JKLM Energy, LLC**, 2200 Georgetown Drive, Suite 500, Sewickley, PA 15143, Homer, Summit, and Sweden Townships, **Potter County**, ACOE Baltimore & Pittsburgh Districts.

To construct, operate and maintain the YM-52 To YM-53 Interconnect Project, which consists of three 16-inch natural gas pipelines, with the following impacts:

1. 61.0 linear feet of Big Moores Run (EV, CWF) and 1,247 square feet of impacts to Exceptional Value (EV) Palustrine Emergent (PEM) wetlands via open cut trenching and a temporary access road crossing (Ayers Hill, PA Quadrangle, Latitude: N41°43'41.69", Longitude: W77°58'58.74");
2. 113.0 linear feet of Croutslot Hollow (EV, CWF) and 361 square feet of impacts to Exceptional Value (EV) Palustrine Emergent (PEM) wetlands via open cut trenching and a temporary access road crossing (Ayers Hill, PA Quadrangle, Latitude: N41°43'32.98", Longitude: W77°58'22.27");
3. 1,521 square feet of impacts to Exceptional Value (EV) Palustrine Emergent (PEM) wetlands via open cut trenching and a temporary access road crossing (Ayers Hill, PA Quadrangle, Latitude: N41°43'38.22", Longitude: W77°57'48.68");
4. 2,795 square feet of impacts to Exceptional Value (EV) Palustrine Emergent (PEM) wetlands via open cut trenching and a temporary access road crossing (Ayers Hill, PA Quadrangle, Latitude: N41°44'41.89", Longitude: W77°57'24.53");
5. 12.0 linear feet of a UNT to Mill Creek (HQ-CWF), 2,743 square feet of impacts to Exceptional Value (EV) Palustrine Emergent (PEM) wetlands, and 21 square feet of impacts to Exceptional Value (EV) Palustrine Forested (PFO) wetlands via boring (Ayers Hill, PA Quadrangle, Latitude: N41°44'37.01", Longitude: W77°56'35.42"); and
6. 83.0 linear feet of Mill Creek (HQ-CWF) and 1,742 square feet of impacts to Exceptional Value (EV) Palustrine Emergent (PEM) wetlands via open cut

trenching and a temporary access road crossing (Ayers Hill, PA Quadrangle, Latitude: N41°44'37.49", Longitude: W77°56'29.18").

The project will result in 269.0 linear feet of stream impacts, 10,409 square feet (0.24 acre) of Exceptional

Value Palustrine Emergent wetland impacts, and 21 square feet (0.01 acre of Exceptional Value Palustrine Forested wetland impacts, all for the purpose of installing natural gas gathering lines and associated access roadways for Marcellus shale development.

**ACTIONS**

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

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

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

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

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

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

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

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**I. NPDES Renewal Permit Actions**

*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>
PA0043818 A-1 (Industrial)	Waste Management Disposal Service of PA, Inc. 1000 New Ford Mill Road Morrisville, PA 19067	Bucks County Falls Township	Unnamed Tributary to Delaware River & Delaware River 2-E	Y

*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>
PA0065129 (Sewage)	David Holbert SFTF 125 Rocky Riff Farm Road Lackawaxen, PA 18435	Pike County Lackawaxen Township	Unnamed Tributary to Delaware River (1-D)	Yes

*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>
PA0093131 (Sewage)	Oakview Golf Course 160 Ralston Road Slippery Rock, PA 16057-3528	Butler County Slippery Rock Township	Slippery Rock Creek (20-C)	Yes
PA0092185 (Sewage)	Brady Hills MHP 153 Lilac Lane Slippery Rock, PA 16057	Butler County Brady Township	Big Run (20-C)	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. PA0244449 Amendment**, Industrial Waste, **Marcus Hook Energy, LP**, 100 Green Street, Marcus Hook, PA 19061.

This proposed facility is located in Marcus Hook Borough, **Delaware County**.

Description of Action/Activity: Permittee name change from FPL Energy Marcus Hook L.P. to Marcus Hook Energy, L.P.

**NPDES Permit No. PA0058564, Amendment**, Sewage, **Tohi LLC**, PO Box 15, Fountainville, PA 18923.

This proposed facility is located in Haycock Township, **Bucks County**.

Description of Action/Activity: Transfer of Ownership. Girl Scouts of Freedom Valley to Tohi LLC.

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

**NPDES Permit No. PA0265012**, Sewage, SIC Code 8800, **Richard M Mirth**, 2550 Avis Drive, Harborcreek, PA 16421.

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

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Sewage.

**NPDES Permit No. PA0264997**, Sewage, SIC Code 8800, **Edward Weller**, 2070 Warren Road, Oil City, PA 16301-4746.

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

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Sewage.

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

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900.*

**WQM Permit No WQG02151706**, Sewage, **Utilities Inc., of PA**, 1201 Sawmill Road, Downingtown, PA 19335-3830.

This proposed facility is located in West Bradford Township, **Chester County**.

Description of Action/Activity: Construction and operation of sewage pump station.

**WQM Permit No. 1504407**, Sewage, Renewal, **East Brandywine Township Municipal Authority**, 1214 Horseshoe Pike, Downingtown, PA 19335.

This proposed facility is located in East Brandywine Township, **Chester County**.

Description of Action/Activity: Approval for renewal of WQM Part II Permit to allow a subsurface discharge of sewage via the Hide-A-Way Farm Seepage Beds.

**WQM Permit No. 0903414**, Sewage, Transfer, **Tohi LLC**, PO Box 15, Fountainville, PA 18923.

This proposed facility is located in Haycock Township, **Bucks County**.

Description of Action/Activity: Transfer of Ownership. Girl Scouts of Freedom Valley to Tohi LLC.

**WQM Permit No. 0995411**, Sewage, Transfer, **Denise Davenport**, 5431 North Branch Road, Pipersville, PA 18947.

This proposed facility is located in Plumstead Township, **Bucks County**.

Description of Action/Activity: Transfer of Ownership. Heritage Building Group to Denise Davenport.

**WQM Permit No. 0981420**, Sewage, Renewal, **Quakerwoods Campground Inc.**, 2225 Rosedale Road, Quakertown, PA 18951-4052.

This proposed facility is located in Milford Township, **Bucks County**.

Description of Action/Activity: Approval for renewal to continue to operate a sewage treatment plant with a slow rate infiltration field.

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

**WQM Permit No. 1800403 A-1**, Sewage, SIC Code 4952, **Western Clinton County Municipal Authority**, PO Box 363, Renovo, PA 17764-0363.

This existing facility is located in Renovo Borough, **Clinton County**.

Description of Proposed Action/Activity: Upgrade of existing gas chlorine disinfection system to provide flow proportioned dosing, including installation of v-notch weirs and effluent flow meters. A new ejector gas chlorine system will be installed as a redundancy to the new system.

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

**WQM Permit No. 2517402**, Sewage, **Richard M Mirth**, 2550 Avis Drive, Harborcreek, PA 16421.

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

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

**WQM Permit No. 6117401**, Sewage, **Edward Weller**, 2070 Warren Road, Oil City, PA 16301.

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

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

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

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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>
PAD090006	LifeQuest 2460 John Fries Highway Quakertown, PA 18951-2259	Bucks	Milford Township	Unami Creek HQ-TSF-MF
PAD150015	Ben K. Fisher 3647 High Point Road Cochranville, PA 19330	Chester	Upper Oxford Township	POI-A, B, and C to Unnamed Tributary to East Branch Big Elk Creek HQ-TSF-MF
PAD230001	Everest EB5 Capital, LLC 2010 West Chester Pike No. 448 Havertown, PA 19083	Delaware	Ridley Township	Unnamed Tributary to Crum Creek WWF-MF
PAD150018	Pine View Enterprises, Inc. 350 Nottingham Road Nottingham, PA 19362	Chester	Lower Oxford Township	Unnamed Tributary to West Branch Big Elk Creek HQ-TSF-MF
PAD150041	Pulte Homes of PA, LP 1100 Northbrook Drive Suite 200 Trevose, PA 19053 and Courtyards at Weatherstone, LP 707 Eagleview Boulevard Exton, PA 19341	Chester	West Vincent Township	Birch Run EV

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD480024	Township of Palmer 3 Weller Place Palmer, PA 18045-1975	Northampton County	Palmer Township	Bushkill Creek (HQ-CWF, MF)



*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Michael Forbeck, Acting Waterways and Wetlands Program Manager, 412-442-4000.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD260003	National Pike Water Authority P.O. Box 10 Markleysburg, PA 15459	Fayette County	Wharton Township and Henry Clay Township	Meadow Run (HQ-CWF); Deadman Run (HQ-CWF); Braddock Run (HQ-CWF); Fike Run (HQ-CWF); Pinkham Run (HQ-CWF)
PAD630002	Washington County Council on Economic Development 273 South Main Street Washington, PA 15301	Washington County	Hanover Township	UNT to Raccoon Creek (WWF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD370001	Pennsylvania American Water 2736 Ellwood Road New Castle, PA 16101	Lawrence County	Shenango and Slippery Rock Townships	Hell Run, Duck Run, McKee Run, Beaver River, Skunk Run and Big Run

## **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>
Lower Salford Township Montgomery County	PAC460113	Strategic Domain Ventures, LP 140 Clemens Road Suite 200 Harleysville, PA 19438	Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Plymouth Township Montgomery County	PAC460082	LFT Realty Group, Inc. 600 Old Elm Street Suite 100 Conshohocken, PA 19428	Plymouth Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Skippack Township Montgomery County	PAC460060	Dominic L. Conicelli 470 Collegeville Road Collegeville, PA 19426	Skippack Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Providence Township Montgomery County	PAC460067	Upper Providence Township 1286 Black Roc Road Oaks, PA 19456	Unnamed Tributary to Doe Run and Unnamed Tributary to Schuylkill River TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Radnor Township Delaware County	PAC230031	Jonathan Lubert 2929 Arch Street Philadelphia, PA 19104	Kirks Run CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Newtown Township Delaware County	PAC230014	Newtown Township 209 Bishop Hollow Road Newtown Square, PA 19073	Unnamed Tributary to Hunter's Run WWF	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.**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Dickson City Borough Lackawanna County	PAG02003515020	Red Line Towing and Recovery 347 Main Street Dickson City, PA 18519	Lackawanna River (CWF, MF)	Lackawanna County Conservation District 570-392-3086

*Southcentral Region: Water Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.**Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802.**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Napier Township Bedford County Issued	PAC050012	Tanner Bence 10320 William Penn Road Imler, PA 16655	UNT Adams Run (WWF)	Bedford County Conservation District 702 West Pitt Street Suite 4 Bedford, PA 15522 814.623.7900 x4
Walker Township Juniata County Issued	PAC340011	Juniata Valley Bank P.O. Box 66 Bridge & Main Street Mifflintown, PA 17059	Juniata River (WWF, MF)	Juniata County Conservation District 146 Stoney Creek Drive Suite 4 Mifflintown, PA 17059 717.436.8953 x5

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Patton Twp Centre Cnty	PAC140018	Patton Township 100 Patton Plaza State College, PA 16803	UNT-Spring Creek HQ-CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Michael Forbeck, Acting Waterways and Wetlands Program Manager, 412-442-4000.*

<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>
Ebensburg Borough Cambria Township	PAC110017	Ebensburg Municipal Authority 300 West High Street Ebensburg, PA 15931	Howells Run (CWF); UNT to Howells Run (CWF)	Cambria County Conservation District 401 Candlelight Drive Suite 229 Ebensburg, PA 15931 (814) 472-2120
Elk Lick Township	PAC560004	YMCA of Greater Pittsburgh 254 Deer Valley Road Fort Hill, PA 15540	Cove Run (CWF)	Somerset County Conservation District Somerset County Ag Center 6024 Glades Pike Suite 103 Somerset, PA 15501 (814) 445-4652
Union Township	PAC630028	W. G. Tomko, Inc. 2559 Route 88 Finleyville, PA 15332	UNT to Peters Creek (TSF); Froman Run (TSF)	Washington County Conservation District 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Cecil Township	PAC630041	Columbia Gas of Pennsylvania 2021 West State Street New Castle, PA 16101	UNTs to Chartiers Creek (WWF)	Washington County Conservation District 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Canonsburg Borough	PAC630044	Canon McMillan School District 1 North Jefferson Avenue Canonsburg, PA 15317	Chartiers Creek (WWF)	Washington County Conservation District 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Bell Township	PAC650028	R. E. D. Mantini, LLC 717 Sixth Avenue Ford City, PA 16226	Wolford Run (WWF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271

## NOTICES

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
South Huntingdon Township	PAC650007	Pennsylvania Department of Transportation District 12-0 825 North Gallatin Avenue Extension Uniontown, PA 15401	Dutch Hollow (WWF); Hunters Run (WWF); Lick Run (WWF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
South Huntingdon Township Sewickley Township	PAC650020	Tenaska Pennsylvania Partners, LLC 14302 FNB Parkway Omaha, NE 68154-5212	UNTs to Sewickley Creek (WWF); Sewickley Creek (WWF); Painters Run (WWF); UNTs to Youghiogheny River (WWF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Derry Township	PAC650029	Loyalhanna Care Center 2020 Ader Road Jeannette, PA 15644	Loyalhanna Creek (WWF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Hempfield Township	PAC650031	Paul Nickoloff 1010 Augusta Circle North Huntingdon, PA 15642  RWS Land Company, Inc. 8958 Hill Drive North Huntingdon, PA 15642	Brush Creek (TSF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Hempfield Township	PAC650033	Westmoreland County Community College 145 Pavilion Lane Youngwood, PA 15697	UNT to Sewickley Creek (WWF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Hempfield Township	PAC650035	PTV 1006, LLC 1563 Woodward Drive Extension Greensburg, PA 15601	UNT to Jacks Run (WWF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Mount Pleasant Township	PAC650036	Acme DPP, LLC 9010 Overlook Boulevard Brentwood, TN 37027	UNT to Jacobs Creek (CWF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
East Huntingdon Township	PAC650038	Sheetz, Inc. 5700 Sixth Avenue Altoona, PA 16602	Sherrick Run (WWF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
East Huntingdon Township	PAC650040	RIDC Regional Growth Fund 210 Sixth Avenue Suite 3620 Pittsburgh, PA 15222	Belson Run (WWF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271

<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>
Hempfield Township	PAC650041	Hannastown Golf Club 441 Bank School Road Greensburg, PA 15601	UNT to Jacks Run (WWF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
North Huntingdon Township; Sewickley Township	PAC650043	Municipal Authority of Westmoreland County 124 Park and Pool Road New Stanton, PA 15642	UNT to Little Sewickley Creek (TSF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Penn Township	PAC650044	Bow and Arrow Land Company, LLC 2660 Monroeville Boulevard Monroeville, PA 15146	UNT to Lyons Run (TSF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Salem Township	PAC650051	Wayne C. Frye 166 Helen Drive Greensburg, PA 15601	Crabtree Creek (WWF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271

*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>
Paint Twp Clarion County	PAC160005	Clarion County Airport Authority 395 Airport Road Shippenville, PA	Deer Creek CWF	Clarion County Conservation District 217 S 7th Avenue Room 106A Clarion, PA 16214 814-297-7813
Liberty Twp McKean County	PAC420005	UGI Central Penn Gas, Inc Robert Davidson 2525 N. 12th Street Suite 360 Reading, PA 19612	UNT Allegheny River CWF	McKean County Conservation District 17137 Route 6 Smethport, PA 16749 814-887-4001
City of Oil City Venango County	PAC610003	PennDot Brian Yedinak PE 255 Elm Street Oil City, PA 16301	Oil Creek WWF	Venango County Conservation District 1793 Cherrytree Road Franklin, PA 16323 814-676-2832
City of New Castle Shenango & Taylor Township Lawrence County	PAC370007	American Transmission System, Inc. Amanda Habershaw 800 Cabin Hill Drive Greensburg, PA 15601	UNT to Shenango River WWF, UNT to Shenango River WWF, UNTs to Big Run WWF	Lawrence County Conservation District 430 Court Street New Castle, PA 16101 724-652-4512

*General Permit Type—PAC*

*Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.*

*Facility Location:  
Municipality &  
County*

Springhill Township  
Fayette County

*Permit No.*

PAC680005

*Applicant Name &  
Address*

Bureau of Abandoned Mine  
Reclamation  
Cambria Office  
286 Industrial Park Road  
Ebensburg, PA 15931-4119

*Receiving  
Water/Use*

Unnamed Tributary  
to Cheat River  
(WWF)

*Contact Office &  
Phone No.*

Attention: Patrick M.  
Webb  
  
PA DEP  
Cambria Office  
286 Industrial Park  
Road  
Ebensburg, PA  
15931-4119  
814-472-1800

*General Permit Type—PAG-15*

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

*Facility Location  
Municipality &  
County*

Benton Township  
Lackawanna County

*Permit No.*

PAG152204

*Applicant Name &  
Address*

Baylor's Lake Association  
21 Windsor Ave.  
Narberth, PA 19072

*Receiving  
Water/Use*

UNT to South  
Branch  
Tunkhannock Creek  
CWF/MF

*Contact Office &  
Phone No.*

DEP Northeast  
Regional Office  
Clean Water Program  
2 Public Square  
Wilkes-Barre, PA  
18701-1915  
570.826.2511

**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**

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

**Permit No. 3617502, Public Water Supply.**

Applicant	<b>Turkey Hill, LP</b>
Municipality	Drumore Township
County	<b>Lancaster</b>
Responsible Official	Scott Ream, Facility Engineering Manager 257 Centerville Road Lancaster, PA 17603
Type of Facility	New noncommunity system including a new well, nitrate treatment, water softening, and UV disinfection.
Consulting Engineer	James P. Cinelli, P.E. Liberty Environmental, Inc. 10 North 5th Street Reading, PA 19601
Permit to Construct Issued	6/12/2017

**Permit No. 3617503, Public Water Supply.**

Applicant	<b>Randazzo's Pizza</b>
Municipality	East Hempfield Township
County	<b>Lancaster</b>
Responsible Official	Larry L. Miller, Water System Operator 2021 Horseshoe Road Lancaster, PA 17602

Type of Facility New noncommunity water system including a new well, water softening, nitrate treatment, and sodium hypochlorite disinfection (4-log treatment of viruses).

Consulting Engineer Daniel S. Hershey, P.E.  
Hershey Engineering, Inc  
703 Woodcrest Avenue  
Lititz, PA 17543

Permit to Construct Issued 6/21/2017

**Permit No. 0617507 MA, Minor Amendment, Public Water Supply.**

Applicant **Borough of Boyertown**

Municipality Boyerstown Borough

County **Berks**

Responsible Official Patricia A. Loder, Manger  
100 S. Washington Street  
Boyertown, PA 19512

Type of Facility The Borough of Boyertown has submitted an application to install a PAX Water Technologies, model PWM 400, mixing system in both the Cannon Hill East and West Tank. Both existing tanks have a capacity of 1 million gallons and are located at the same site.

Consulting Engineer Donnell Duncan, P.E.  
Utility Service Company, Inc  
1230 Peachtree Street NE  
Atlanta, GA 30309

Permit to Construct Issued 6/29/2017

**Permit No. 3116502 MA, Minor Amendment, Public Water Supply.**

Applicant **Mapleton Municipal Water Authority**

Municipality Union Township

County **Huntingdon**

Responsible Official Michael Corbin, Chairman  
PO Box 306  
Mapleton Depot, PA 170582

Type of Facility Installation of a new 150,000-gallon bolted stainless steel storage tank with a gridbee tank mixer.

Consulting Engineer Joshua D. Gunnett, P.E.  
Gwin Dobson & Foreman  
3121 Fairway Drive  
Altoona, PA 16602

Permit to Construct Issued 5/1/2017

**Permit No. 6716501 MA, Minor Amendment, Public Water Supply.**

Applicant **Dallastown-Yoe Water Authority**

Municipality Dallastown Borough

County **York**

Responsible Official Joe Joines, Operator  
175 East Broad Street  
Dallastown, PA 17313

Type of Facility Repainting of the Denton Tank.

Consulting Engineer Jason G. Saylor, P.E.  
Utility Service Group, Inc  
535 Courtney Hodges Boulevard  
Perry, GA 31069

Permit to Construct Issued 1/28/2016

**Operation Permit No. 0114509** issued to: **New Oxford Municipal Authority (PWS ID No. 7010025)**, Oxford Township, **Adams County** on 7/5/2017 for facilities approved under Construction Permit No. 0114509.

**Operation Permit No. 2116511 MA** issued to: **South Middleton Township Municipal Authority (PWS ID No. 7210050)**, North Middleton Township, **Cumberland County** on 6/20/2017 for facilities approved under Construction Permit No. 2116511 MA.

**Comprehensive Operation Permit No. 4340010** issued to: **Port Royal Municipal Authority (PWS ID No. 4340010)**, Turbett Township, **Juniata County** on 6/30/2017 for the operation of facilities submitted under Application No. 3417501 MA.

**Operation Permit No. 3617505 MA** issued to: **Pequea Valley School District—Paradise Elementary School (PWS ID No. 7360779)**, Paradise Township, **Lancaster County** on 6/19/2017 for facilities approved under Construction Permit No. 3617505 MA.

**Operation Permit No. 7366413** issued to: **H2O to Go, Inc. (PWS ID No. 7366413)**, **Lancaster County** on 6/30/2017 for facilities submitted under Application No. 7366413.

**Operation Permit No. 3061144** issued to: **Berks County Parks & Recreation Department (PWS ID No. 3061144)**, Spring Township, **Berks County** on 6/1/2017 for facilities at Grings Mill Recreation Area submitted under Application No. 3061144.

**Transferred Comprehensive Operation Permit No. 4290004** issued to: **Belfast Township Municipal Authority (PWS ID No. 4290004)**, Belfast Township, **Fulton County** on 6/1/2017. Action is for a Change in Ownership for the operation of facilities previously issued to Needmore Water Supply.

**Operation Permit No. 0616516 MA** issued to: **Irish Creek Village Mobile Home Park (PWS ID No. 3060113)**, Centre Township, **Berks County** on 6/13/2017 for facilities submitted under Application No. 0616516 MA.

**Comprehensive Operation Permit No. 3061194** issued to: **Berks County Montessori Country Day School (PWS ID No. 3061194)**, Cumru Township, **Berks County** on 6/26/2017 for the operation of facilities submitted under Application No. 3061194.

**Operation Permit No. 0617510 MA** issued to: **Superior Water Company (PWS ID No. 3060137)**, Washington Township, **Berks County** on 6/29/2017 for facilities at Meadowbrook Water System submitted under Application No. 0617510 MA.

**Operation Permit No. 0617509 MA** issued to: **Mountain View Apartments (PWS ID No. 3061184)**, South Heidelberg Township, **Berks County** on 6/30/2017 for facilities submitted under Application No. 0617509 MA.

**Denial of Operation Permit No. 7010051** issued to: **Middle Atlantic Financial, LLC (PWS ID No. 7010051)**, Berwick Township, **Adams County** on 6/30/2017 for facilities at Jihra Meadows submitted under Application No. 7010051.

**Comprehensive Operation Permit No. 7220418** issued to: **Yellow Breeches Education Center (PWS ID No. 7220418)**, West Hanover Township, **Dauphin County** on 6/30/2017 for the operation of facilities submitted under Application No. 7220418.

**Comprehensive Operation Permit No. 7220949** issued to: **ALS Global (PWS ID No. 7220949)**, Lower Swatara Township, **Dauphin County** on 6/9/2017 for the operation of facilities at Analytical Laboratory Services submitted under Application No. 7220949.

**Comprehensive Operation Permit No. 7010056** issued to: **Adams County Board of Commissioners (PWS ID No. 7010056)**, Straban Township, **Adams County** on 6/29/2017 for the operation of facilities at Adams County Facilities Center submitted under Application No. 7010056.

**Comprehensive Operation Permit No. 7220325** issued to: **Halifax Area School District (PWS ID No. 7220325)**, Jackson Township, **Dauphin County** on 6/29/2017 for the operation of facilities at Enders-Fisherville Elementary School submitted under Application No. 7220325.

**Operation Permit No. 7366413** issued to: **H2O To Go, Inc. (PWS ID No. 7366413)**, Lancaster County on 6/30/2017 for facilities submitted under Application No. 7366413.

**Operation Permit No. 3496503** issued to: **Richfield Area Joint Authority (PWS ID No. 4340009)**, Monroe Township, **Juniata County** on 6/30/2017 for facilities submitted under Application No. 3496503.

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

**Permit No. 6109503-MA2, Public Water Supply.**

Applicant	<b>Aqua Pennsylvania, Inc.</b>
Township or Borough	Emlenton Borough
County	<b>Venango</b>
Type of Facility	Public Water Supply
Consulting Engineer	Robert L Horvat, P.E. Entech Engineering, Inc. 400 Rouser Road Building No. 2, Suite 200 Coraopolis, PA 15108
Permit to Construct Issued	July 7, 2017

**Permit No. 2517502, Public Water Supply.**

Applicant	<b>Camping Association of the Presbyteries of NW PA</b>
Township or Borough	Springfield Township
County	<b>Erie</b>
Type of Facility	Campground
Consulting Engineer	Steven Halmi, P.E. 105 Meadville Street Edinboro, PA 16412
Permit to Construct Issued	July 10, 2017

**Operation Permit** issued to **Camping Association of the Presbyteries of Northwestern Pennsylvania, PWSID No. 6250832**, Springfield Township, **Erie County**. Permit Number 2584505-MA1 issued June 20, 2017 for the operation of the clearwell and distribution system at Camp Lambec utilizing water from a DEP permitted bulk water hauler. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on June 23, 2017.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted Under the Sewage Facilities Act (35 P.S. § 750.5)**

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Lincoln Township	146 Hauck Drive Alum Bank, PA 155219	Bedford

*Plan Description:* Approval of a revision to the official plan of Lincoln Township, Bedford County. The project is known as Mildred Bechtol SFTF. The plan provides for the installation of a small flow treatment facility, to repair a failing on-lot sewage disposal system for a single-family dwelling, with discharge to Georges Creek. The proposed development is located along Lovely Road. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is A3-05919-048-3s and the APS Id is 941312. Any permits must be obtained in the name of the property owner.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995  
PREAMBLE 2**

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media;



benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Moore West Range Unit 45**, 16255 State Route 167, Silver Lake Township, **Susquehanna County**. Resource Environmental management, Inc., 50 Maple Street, Montrose, PA 18801, on behalf of SWN Production Company, LLC, 1000 Energy Drive, Spring, TX 77389, submitted a Final Report concerning remediation of site soils contaminated with arsenic, aluminum, barium, boron, iron, lithium, manganese, selenium, strontium, vanadium and zinc. The report is intended to document remediation of the site to meet the Statewide Health and Background Standards.

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

**Columbia Gas of PA Service Center/Off-Property Area**, 149 North Stratton Street, Borough of Gettysburg, **Adams County**. AECOM, 250 Apollo Drive, Chelmsford, MA 01824, on behalf of NiSource Corporate Services, 4 Technology Drive, Suite 250, Westborough, MA 01581, and Southcentral Community Action Program, 153 North Stratton Street, Gettysburg, PA 17325 submitted a Remedial Investigation and Final Report concerning remediation of groundwater contaminated with PAHs. The report is intended to document remediation of the site to meet the Site Specific Standard.

*Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Wilderness Park Mobile Home Park**, 108 Wilderness Park, Pleasant Township, **Warren County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of Wilderness Mobile Park, 3800 Zimmerly Road, Erie, PA 16506 and BF Adventures, LLC, 50 Corvette Drive, Warren, PA 16365, submitted a Final Report concerning the remediation of site soils contaminated with benzene, toluene, ethylbenzene, xylene, sec-butyl benzene, tert-butyl benzene, cyclohexane, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, cumene, naphthalene, acenaphthene, anthracene, benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[g,h,i]perylene, 1,1-biphenyl, chrysene, fluoranthene, fluorene, indeno[1,2,3-cd]pyrene, 2-methylnaphthalene, phenanthrene, pyrene, phenol, aluminum, barium, boron, chloride, iron, lithium, manganese, strontium, zinc, and selenium. The report is intended to document remediation of the site to meet the Statewide Health Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995  
PREAMBLE 3

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**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

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Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Former Getty Highspire Terminal**, 930 Eisenhower Boulevard, Middletown, PA 17057, Lower Swatara Township, **Dauphin County**. Antea Group, 2 Executive Drive, Suite 9, Moorestown, NJ 08057, on behalf of Getty Realty

Corporation, Two Jericho Plaza, Suite 110, Jericho, NY 11753, and Pyramid Petroleum Terminals, LLC, 900 Eisenhower Boulevard, Middletown, PA 17057 submitted a Remedial Investigation and Final Report concerning remediation of site soil and groundwater contaminated with petroleum hydrocarbons. The combined Report was administratively incomplete and was disapproved by the Department on June 30, 2017.

**Miller Chemical & Fertilizer, LLC**, 120, 150 and 170 Radio Road, Hanover, PA 17331, Conewago Township, **Adams County**. Ramboll Environ US Corporation, 4350 North Fairfax Drive, Suite 300, Arlington, VA 22203, on behalf of Miller Chemical & Fertilizer, LLC, 120 Radio Road, Hanover, PA 17332, submitted a Remedial Investigation and Final Report concerning remediation of site soil contaminated with fertilizer run-off. The combined Report was administratively incomplete and was disapproved by the Department on June 27, 2017.

**Former Arrow International**, 1001 Hill Avenue, Wyomissing, PA 19610, Wyomissing Borough, **Berks County**. Environmental Maintenance, 1420 East Mermaid Lane, Glenside, PA 19038, on behalf of Water Polo V, LP, 1030 Reed Avenue, Suite 100, Wyomissing, PA 19610, submitted a Remedial Investigation and Final Report concerning remediation of site soil and groundwater contaminated with VOCs and chlorinated solvents. The combined Report was administratively incomplete and was disapproved by the Department on July 6, 2017.

**Former Quaker Oats Facility**, 485 Saint John's Church Road, Shiremanstown, PA 17011, Hampden Township, **Cumberland County**. HRG, Inc., 369 East Park Drive, Harrisburg, PA 17111, on behalf of QB Limited Partnership, 5351 Jaycee Avenue, Harrisburg, PA 17112, submitted a Remedial Investigation and Final Report concerning remediation of site soil and groundwater contaminated with VOCs, SVOCs and inorganics. The Final Report did not demonstrate attainment of the Statewide Health, Background, and Site-Specific Standards, and was disapproved by the Department on July 6, 2017.

**Former FCI USA, Inc.**, Emigsville, 320 Busser Road, Emigsville, PA 17318-0248, Manchester Township, **York County**. HRP Associates, Inc., 197 Scott Swamp Road, Farmington, CT 06032, on behalf of FCI Americas, 825 Old Trail Road, Etters, PA 17319, submitted a Remedial Investigation and Final Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents, VOCs and nickel. The Final Report demonstrated attainment of the Site Specific Standard, and was approved by the Department on July 6, 2017.

*Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Crossett Trucking Gasoline Spill**, 28200 US Route 6, Brokenstraw Township, **Warren County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of Crossett, Inc., 201 South Carver Street, Warren, PA 16365, submitted a Final Report concerning the remediation of site soil contaminated with benzene, toluene, ethylbenzene, xylenes (total), 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, methyl tert-butyl-ether, naphthalene, cumene (isopropyl-

benzene). The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 26, 2017.

**Punxsutawney Tile & Glass**, 220 Lane Avenue, Punxsutawney Borough, **Jefferson County**. Mavickar Environmental Consultants, 5925 Stevenson Avenue, Suite A, Harrisburg, PA 17112-1788, on behalf of Punxsutawney Tile & Glass, 220 Lane Avenue, Punxsutawney, PA 15767, submitted a Final Report concerning the remediation of site soils contaminated with Cadmium. The Report was disapproved by the Department on June 30, 2017.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

##### Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P.S. §§ 6018.101–6018.1003) and regulations to transport hazardous waste.

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170.*

*Hazardous Waste Transporter License Reissued*

**K&D Industrial Services, Inc.**, 6470 Beverly Plaza, Romulus, MI 48174. License No. PA-AH 0320. Effective Jul 07, 2017.

**Robbie D. Wood, Inc.**, PO Box 125, Dolomite, AL 35061. License No. PA-AH 0504. Effective Jul 06, 2017.

*Hazardous Waste Transporter License Expired*

**Campbell Transportation Company, Inc.**, 2567 Congo Arroyo Rd, Newell, WV 26050. License No. PA-AH 0786. Effective Jun 30, 2017.

*Renewal Applications Received*

**K&D Industrial Services, Inc.**, 6470 Beverly Plaza, Romulus, MI 48174. License No. PA-AH 0320. Effective Jul 06, 2017.

#### REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

##### Actions on applications for Regulated Medical and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act and the act of June 28, 1988 (P.L. 525, No. 93) and regulations to transport regulated medical and chemotherapeutic waste.

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170.*

*Regulated Medical and Chemotherapeutic Waste Transporter Reissued*

**Asepsis, Inc.**, 424 W Lincoln Hwy, Penndel, PA 19047. License No. PA-HC 0014. Effective Jul 05, 2017.

*Renewal Applications Received*

**Asepsis, Inc.**, 424 W Lincoln Hwy, Penndel, PA 19047. License No. PA-HC 0014. Effective Jun 30, 2017.

**R. Mor Enterprises Inc.**, 11 Harts Lane, East Brunswick, NJ 08816. License No. PA-HC 0246. Effective Jul 06, 2017.

**REGISTRATION FOR MUNICIPAL WASTE  
GENERAL PERMITS**

**Registration for General Permit issued under the Solid Waste Management Act; and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities (25 Pa. Code § 271.811 relating to authorization for general permit).**

*Southcentral Regional Office: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.*

**General Permit No. WMGM042SC010. Green Harvest Augsburg, LLC**, 700 Swamp Church Road, Reinholds, PA 17569, located in West Cocalico Township, **Lancaster County**. The Department of Environmental Protection has issued a Registration under General Permit WMGM042 to Green Harvest Augsburg LLC for the processing by anaerobic digestion of animal manure generated on a farm to be blended with (a) grease trap waste and (b) pre-and-post consumer food waste from commercial and institutional establishments for beneficial use. This registration was issued on July 11, 2017.

Persons interested in reviewing the general permit may contact John Oren, Permits Section Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

**AIR QUALITY**

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

*Contact: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.*

**GP5-63-00947C: MarkWest Liberty Midstream & Resources, LLC** (1515 Arapahoe Street, Tower 1, Suite 1600, Denver, CO 80202) on June 22, 2017, for construction and/or operation of sources and controls associated with a natural gas compression facility at its Lowry Compressor Station located in Hopewell Township, **Washington 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.*

**23-0034: Villanova University** (800 E. Lancaster Avenue, Villanova, PA 19085) On July 6 2017 for a plan approval for the installation of six new emergency generators (EGEN). All six EGENs have gas fired engines located in Radnor Township, **Delaware County**.

**46-0294: Crazy Aaron Enterprises, Inc.** (201 Sabine Ave., Suite 100, Narberth, PA 19072) July 6, 2017 a plan approval to relocate an existing, previously permitted putty manufacturing equipment and operations in Norristown Borough, **Montgomery County**.

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

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

**22-03052D: Hearth and Home Technologies** (352 Mountain House Road, Halifax, PA 17032) on July 5, 2017, for the construction of two (2) paint booths with fabric filters at the heating equipment manufacturing facility located in Jackson Township, **Dauphin County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

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

**09-0227: CTL Bucks Crematory Inc.** (344 N Main Street, Doylestown, PA 18901-3715) On July 3, 2017 for the installation of a new human crematory in Doylestown Borough, **Bucks County**.

**23-0003Z: Monroe Energy LLC.** (4101 Post Road, Trainer, PA 19061-5052) On June 28. 2017 for the construction of three (3) new cooling towers at Trainer Refinery in Trainer Borough, **Delaware County**.

**46-0020J: Superior Tube Co Inc.** (3900 Germantown Pike, Collegeville, PA 19426) On June 29, 2017 to increase the hydrogen fluoride (HF) emissions limit for the existing pickling and passivation operation in Providence Township, **Montgomery County**.

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

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

**06-05069AA: East Penn Manufacturing Co., Inc.** (PO Box 147, Lyon Station, PA 19536) on July 5, 2017, for proposed changes to operations in the Industrial Battery Manufacturing Facility, located at the Lyon Station Plant in Richmond Township, **Berks County**. The plan approval was extended.

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

*Contact: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.*

**32-00438A: Rairigh-Bence Funeral Home, Inc.** (965 Philadelphia Street, Indiana, PA 15701) for minor modification of its Plan Approval effective June 22, 2017, to reflect that the initial period of temporary operation of the crematory at the referenced facility in Indiana Borough, **Indiana County**, commenced on December 27, 2016.

**32-00438A: Rairigh-Bence Funeral Home, Inc.** (965 Philadelphia Street, Indiana, PA 15701) Plan Approval Extension effective on June 27, 2017, with an expiration date of November 28, 2017, to extend the period of temporary operation of the crematory at the referenced facility in Indiana Borough, **Indiana County**.

**65-00837B: Dominion Transmission, Inc.** (5000 Dominion Boulevard, Glenn Allen, VA 23060) on February 22, 2016, for plan approval extension pending issuance of a Title V operating permit for its Oakford Compressor Station located in Salem Township, **Westmoreland County**.

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

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

**25-025W: General Electric Co.** (2901 E Lake Rd., Bldg. 9-201, Erie, PA 16531) on June 30, 2017, effective June 30, 2017, has issued a plan approval extension for the removal of the final test cell in Area 10K (Source 365), deleting the construction schedule conditions, and deleting 40 CFR 63 Subpart P requirements in Lawrence Park Township, **Erie County**. This is a Title V facility.

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

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

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

**46-00175: Hatfield Township Municipal Authority** (3200 Advance Lane, Colmar, PA 18915) On July 6, 2017 for an initial Title V Operating Permit to operate an existing Sewage Sludge Incinerator that is currently permitted under a State Only Operating Permit Hatfield Township, **Montgomery County**.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

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

**OP-04-00480, Valley Medical Facilities, Inc.** (1000 Dutch Ridge Road, Beaver, PA 15009-9700) State Only Operating Permit renewal issuance date effective July 11, 2017, for their Heritage Valley Beaver facility located in Brighton Township, **Beaver County**.

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

*Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940.*

**25-00916: Ridg-U-Rak Storage Systems** (120 S Lake St, North East, PA 16428-1232). On July 5, 2017, the Department issued a renewal State Only Natural Minor Operating Permit for the facility located in North East Borough, **Erie County**. The primary sources at the facility include natural gas-fueled space heaters, a 3-stage washer, two ovens, and two natural gas-fueled emergency generators. Potential emissions are as follows: 2.08 TPY NO<sub>x</sub>, 0.437 TPY CO, 0.012 TPY SO<sub>x</sub>, and 0.094 TPY

PM<sub>10</sub>. The main plant emergency generator is subject to 40 CFR Part 63 Subpart ZZZZ, the National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, and the office building emergency generator is subject to 40 CFR Part 60 Subpart JJJJ, the Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

*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) has intended to issue a Minor State Only Operating Permit for the following facility:

**N15-009: Drexel University—Queen Lane Campus** (2900 Queen Lane, Philadelphia, PA 19129) issued on July 6, 2017 for the operation of medical college in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include 5 boilers firing natural gas or No. 2 Fuel Oil, each 8.370 MMBTU/hr or less, and one 1,617 kW emergency generator firing diesel fuel, one 200 kW emergency generator firing diesel fuel, and one 110 hp fire pump firing diesel fuel.

**OP16-000010: University City Science Center** (3711 Market Street, Philadelphia, PA 19129) issued on July 6, 2017 for the operation of a research, development, and testing services center in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three emergency generators firing natural gas rated 125 kW or less, four emergency generators firing diesel fuel rated 1,000 kW or less and two 130 hp fire pumps firing diesel fuel.

**OP17-000007: Clean Earth of Philadelphia** (3201 South 61st Street, Philadelphia, PA 19153) for operation of for the operation of a soil and non-soil treatment facility in the City of Philadelphia, **Philadelphia County**. The facility's air emissions sources include one (1) thermal desorption unit, one (1) thermal oxidizer and cyclone separator, one (1) baghouse, one (1) carbon adsorption unit, one (1) carbon adsorption unit with fabric filter, Pretreated Media Process Building operations, and particulate fugitive sources from plant roadways sweeping, outdoor storage pile, crushers and screeners and material transfer operations. The modification allows for simultaneous operation of two (2) of the four (4) screeners.

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**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

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

**36-03161: Compass Quarries, Inc.** (47 McLlvaine Road, PO Box 130, Paradise, PA 17562) on June 28, 2017, for the stone crushing equipment at the Paradise Quarry located in Paradise Township, **Lancaster County**. The

State-only permit was administratively amended in order to incorporate the requirements of Plan Approval 36-03161C.

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

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

**20-00301: Universal Pressure Pumping Incorporated** (18360 Technology Drive, Meadville, PA 16335). On July 7, 2017, the Department issued an administrative amendment to the State Operating Permit to change the name for the facility from Universal Well Services to Universal Pressure Pumping. The responsible official and permit contact were also updated with this merger. The facility is located at 13549 S. Mosiertown Road in Vernon Township, **Crawford County**.

**24-00120: Dominion Transmission Ardell Compressor Station** (5000 Dominion Blvd., Glen Allen, VA 23060). On July 7, 2017 issued an administrative amendment to the Title V Operating Permit to incorporate the requirements of Plan Approval 24-120D for the facility located in Benazette Township, **Elk County**.

**43-00270: CCL Container** (1 Llodio Drive, Hermitage, PA 16148-9015). On July 7, 2017 issued an administrative amendment to the Synthetic Minor Operating Permit to incorporate the change of Responsible Official and Permit Contact for the permit.

**61-00012: Borchers Americas Incorporated** (240 Two Mile Run Road, PO Box 111, Franklin, PA 16323). On July 7, 2017, the Department issued an administrative amendment to the State Operating Permit to change the name for the facility from OMG Americas to Borchers Americas. The facility is located in Sugar creek Borough, **Venango County**.

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**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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*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-30-00109: Equitrans, LP** (EQT Plaza, 625 Liberty Ave., Suite 1700, Pittsburgh, PA 15222). Per 25 Pa. Code § 127.449(i), this Notice is for the following de minimis emission increase at Equitrans LP's Rogersville Compressor Station # 29 located in Center Township, **Greene County**:

Replacement of an existing 85 bhp natural gas-fired emergency generator (Source 105) with a new Kohler model no. 50REZGB natural gas-fired unit rated at 83.4 bhp, replacement of an existing 127 MMscfd TEG dehydration unit (Source 107) controlled by a 9.3 MMbtu/hr natural gas-fired enclosed ground flare with a new 50 MMscfd TEG dehydration unit equipped with a 7.0 MMbtu/hr natural gas-fired enclosed ground flare, and replacement of an existing 1.5 MMbtu/hr natural gas-fired dehydration unit reboiler (Source 036) with a 0.77 MMbtu/hr natural gas-fired dehydration unit reboiler are included as this project's de minimis emission increases. Total de minimis emissions from this project will not exceed 0.23 ton of PM<sub>10</sub> per year, 2.52 tons of CO per year, 0.02 ton of SO<sub>2</sub> per year, and 0.30 ton of VOC per year (including 0.02 ton of HAP per year).

The list of de minimis increases for this facility includes only this project.

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**Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act and 25 Pa. Code §§ 127.431 and 127.461.**

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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.*

**25-00090: Zurn Industries LLC, Cast Metals Division** (1301 Raspberry Street, Erie, PA 16502) on July 5 2017, the permit was revoked for the foundry located in Erie City, **Erie County**. This State Operating Permit was revoked because the facility has shut down the sources which were authorized under the operating permit on September 30, 2016.

**25-00928: Zurn Industries LLC, Specification Drainage Operations** (1801 Pittsburgh Avenue, Erie, PA 16510) on July 10 2017, the permit was revoked for the facility located in Erie City, **Erie County**. This State Operating Permit was revoked because the facility has shut down the sources which were authorized under the operating permit.

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**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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**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).

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*Coal Permits Issued*

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

**30071301. Contura Freeport, LLC**, (158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370). To transfer the permit for the Freeport Mine in Jefferson and Morgan Townships, **Greene County** from Freeport Mining, LLC. No additional discharges. The application was considered administratively complete on November 3, 2016. Application received September 8, 2016. Permit issued June 30, 2017.

**30080703 and NPDES No. PA0235831. Contura Freeport, LLC**, (158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370). To transfer the permit for the Freeport Coal Refuse Disposal Area No. 1 in Jefferson Township, **Greene County** and related NPDES Permit from River Processing, LLC (formerly River Processing Corporation). No additional discharges. The application was considered administratively complete on January 3, 2017. Application received September 9, 2016. Permit issued June 30, 2017.

**30921601 and NPDES No. PA0214060. Contura Freeport, LLC**, (158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370). To transfer the permit for the Freeport Surface Facilities in Jefferson Township, **Greene County** and related NPDES Permit from River Processing, LLC (formerly River Processing Corporation). No additional discharges. The application was considered administratively complete on December 6, 2016. Application received September 8, 2016. Permit issued June 30, 2017.

**32850701 and NPDES No. PA0213683. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To revise the permit for the Clymer Refuse Disposal Site in Cherryhill Township, **Indiana County** and related NPDES Permit to modify the water handling plan and existing NPDES Outfalls 010 and 012. Coal Refuse Disposal Support Acres Proposed 13.5. No additional discharges. The application was considered administratively complete on March 17, 2015. Application received May 29, 2014. Permit issued July 6, 2017.

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

**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 issued: July 7, 2017.

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

**43910102. Ambrosia Coal & Construction Company** (P.O. Box 422, Edinburg, PA 16116) Revision to an existing bituminous surface and auger mine to change the post-mining land use from pastureland or land occasionally cut for hay to fish and wildlife habitat and/or unmanaged natural habitat on the property of James B. Petry in Mill Creek Township, **Mercer County**. Receiving streams: Unnamed tributaries to Little Sandy Creek. Application received: April 28, 2017. Permit Issued: June 28, 2017.

**10110107. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Renewal of an existing bituminous surface mine in Fairview Township, **Butler County**, affecting 28.0 acres. Receiving streams: One unnamed tributary to South Branch Bear Creek. This renewal is issued for reclamation only. Application received: May 15, 2017. Permit Issued: July 6, 2017.

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

**Permit No. 40663024R5. Coal Contractors (1991), Inc.**, (P.O. Box 39, Hazleton, PA 17901), renewal of an existing anthracite surface mine operation in Hazle Township, **Luzerne County** affecting 583.0 acres, receiving stream: Hazle Creek. Application received: November 23, 2010. Renewal issued: July 7, 2017.

**Permit No. 40663024R6 and NPDES Permit No. PA0225614. Coal Contractors (1991), Inc.**, (P.O. Box 39, Hazleton, PA 17901), renewal of an existing anthracite surface mine and coal refuse disposal operation and issuance of an NPDES permit for discharge of treated mine drainage in Hazle Township, **Luzerne County**

affecting 583.0 acres, receiving stream: Hazle Creek. Application received: December 23, 2015. Renewal issued: July 7, 2017.

**Permit No. 40663024C12. Coal Contractors (1991), Inc.**, (P.O. Box 39, Hazleton, PA 18201), correction of an existing anthracite surface mine operation to include coal refuse disposal in Hazle Township, **Luzerne County** affecting 583.0 acres, receiving stream: Hazle Creek. Application received: August 8, 2016. Correction issued: July 7, 2017.

**Permit No. 40041601R2. Coal Contractors (1991), Inc.**, (P.O. Box 39, Hazleton, PA 18201), renewal of an existing anthracite coal preparation plant and coal refuse disposal in Hazle Township, **Luzerne County** affecting 133.0 acres, receiving stream: Hazle Creek. Application received: July 21, 2017. Renewal issued: July 7, 2017.

**Permit No. 40-305-012GP12R. Coal Contractors (1991), Inc.**, (P.O. Box 39, Hazleton, PA 18201), renewal of general operating permit to operate a coal preparation plant on Surface Mining Permit No. 40041601 in Hazle Township, **Luzerne County**. Application received: July 21, 2017. Renewal issued: July 7, 2017.

**Permit No. 54870206R5. White Pine Coal Co., Inc.**, (P.O. Box 59, Ashland, PA 17921), renewal of an existing anthracite coal refuse reprocessing operation for reclamation activities only in Butler, Barry, Eldred, East & West Cameron Townships and Gordon Borough, **Schuylkill and Northumberland Counties** affecting 870.0 acres, receiving stream: Mahanoy Creek. Application received: May 6, 2013. Renewal issued: July 10, 2017.

**Permit No. PAM113041. White Pine Coal Co., Inc.**, (P.O. Box 59, Ashland, PA 17921), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54870206 in Butler, Barry, Eldred, East & West Cameron Townships and Gordon Borough, **Schuylkill and Northumberland Counties**, receiving stream: Mahanoy Creek. Application received: May 6, 2013. Permit issued: July 10, 2017.

#### *Noncoal Permits Issued*

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

**Permit No. 34162803. Robert S. Darrow**, 128 Cedar-row Lane, Honey Grove, PA 17035, commencement, operation, and restoration of a small noncoal (industrial minerals) operation in Tuscarora Township, **Juniata County**, affecting 2 acres. Receiving stream: unnamed tributary to McKinley Run to Tuscarora Creek. Permit received: October 3, 2016. Permit issued: July 5, 2017.

**NPDES Permit No. BMP GP-104-PAM416011, Robert S. Darrow**, 128 Cedar-row Lane, Honey Grove, PA 17035, general NPDES permit for stormwater discharges associated with mining activities, located in Tuscarora Township, **Juniata County**. Receiving stream: Unnamed Tributary to McKinley Run to Tuscarora Creek classified for the following uses: cold water fishes and migratory fishes. There are no potable water supply intakes within 10 miles downstream. Notice of Intent for Coverage received: October 3, 2016. Permit issued: July 5, 2017.

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

**PAM612004. Lopa Mining, Inc.** (309 South Fourth Avenue, Clarion, PA 16214) Renewal of a General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No.16122802 in

Limestone Township, **Clarion County**. Receiving streams: Unnamed tributary to Piney Creek. Application received: May 30, 2017. Permit Issued: July 5, 2017.

**PAM617006. Natural Sand Company, Inc.** (149 South Broad Street, Grove City, PA 16127) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No.10072802 in Buffalo Township, **Butler County**. Receiving streams: unnamed tributary to Little Bull Creek. Application received: June 19, 2017. Permit Issued: July 5, 2017.

**10172802. Ben Hal Mining, Inc.** (389 Irishtown Road, Grove City, PA 16127) Commencement, operation and restoration of a small industrial minerals mine in Marion Township, **Butler County**, affecting 7.0 acres. Receiving streams: Unnamed tributary to North Branch Slippery Rock Creek. Application received: May 19, 2017. Permit Issued: July 5, 2017.

**PAM617004. Ben Hal Mining, Inc.** (389 Irishtown Road, Grove City, PA 16127) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No.10172802 in Marion Township, **Butler County**. Receiving streams: Unnamed tributary to North Branch Slippery Rock Creek. Application received: May 19, 2017. Permit Issued: July 5, 2017.

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

**18102803. Benson W. Probst** (668 German Road, Lock Haven, PA 17745). Final bond release for small industrial minerals surface mine, located in Dunstable Township, **Clinton County**. Restoration of 1.0 acre completed. Receiving stream(s): Big Plum Run. Application received: May 25, 2017. Final bond release approved: July 7, 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.*

**14174107. Douglas Explosives, Inc.** (P.O. Box 77, Philipsburg, PA 16866). Blasting for commercial development, Pennsylvania State Police Rockview, in Benner Township, **Centre County** with an expiration date of December 1, 2017. Permit issued: July 3, 2017.

**08174105. M & J Explosives, LLC** (P.O. Box 1248, Carlisle, PA 17013). Blasting for construction of a gas well pad in Leroy Township, **Bradford County** with an expiration date of June 29, 2018. Permit issued: July 5, 2017.

**08174106. M & J Explosives, LLC** (P.O. Box 1248, Carlisle, PA 17013). Blasting for construction of a gas well pad in Monroe Township, **Bradford County** with an expiration date of June 29, 2018. Permit issued: July 5, 2017.

**55174101. Wampum Hardware Company** (2856 Stoystown Road, Friedens, PA 15541). Blasting for construction of a highway/road in Monroe Township, **Snyder County** and Union Township, **Union County** with an expiration date of December 31, 2018. Permit issued: July 5, 2017.

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

**Permit No. 36174129. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for the Lancaster County Career and Technology Center in Mt. Joy Township, **Lancaster County** with an expiration date of October 30, 2017. Permit issued: July 5, 2017.

**Permit No. 06174110. Schlouch, Inc.**, (P.O. Box 69, Blandon, PA 19510), construction blasting for Midway Industrial Park in Bethel Township, **Berks County** with an expiration date of June 26, 2018. Permit issued: July 10, 2017.

**Permit No. 36174128. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Lititz Reserves in Warwick Township, **Lancaster County** with an expiration date of June 30, 2018. Permit issued: July 10, 2017.

**Permit No. 38174111. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Women Health Service in North Cornwall Township, **Lebanon County** with an expiration date of August 30, 2017. Permit issued: July 10, 2017.

**Permit No. 58174116. Maine Drilling & Blasting, Inc.**, (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Owego 24" Natural Gas Pipeline North in Brooklyn Township, **Susquehanna County** with an expiration date of June 27, 2018. Permit issued: July 10, 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**

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E36-951: Kasun & Associates, LLC**, P.O. Box 10, East Petersburg, PA 17520 in East Cocalico Township, **Lancaster County**, U.S. Army Corps of Engineers, Baltimore District.

To place and maintain fill in two ponds totaling 0.66 acre for the purpose of constructing a warehouse facility and associated parking. The project is located at the intersection of South Muddy Creek Road and Trost Road (Latitude: 40° 12' 48"N, Longitude: 76° 04' 05"W) in East Cocalico Township, Lancaster County. Issued July 6, 2017.

**E36-967: Millersburg Borough**, 100 Municipal Drive, Millersville, PA 17551 in Manor Township, **Lancaster County**, U.S. Army Corps of Engineers, Baltimore District.

To install and maintain a 30 linear foot extension of a 36 inch diameter, corrugated metal pipe with concrete endwall in an unnamed tributary to the Conestoga River (WWF, MF) (Latitude: 39°59'6.79", Longitude: -76°20'55.41") for the purpose of improving safety standards. No wetlands will be impacted by this project. Issued July 7, 2017.

**E67-906: Pennsylvania Turnpike Commission**, P.O. Box 67676, Harrisburg, PA 17106 in Fairview Township, **York County**, U.S. Army Corps of Engineers, Baltimore District.

To:

1. remove the existing structure and install and maintain a 130.0-foot long, 24.0-inch reinforced concrete pipe (RCP) culvert and to fill and relocate and maintain 540.3 feet of an unnamed tributary to Yellow Breeches Creek (CWF, MF);

2. remove the existing structure and construct and maintain a 280.0 foot long and a 70 foot long 8.0-foot × 16.0-foot reinforced concrete box culvert in an unnamed tributary to Yellow Breeches Creek (CWF, MF) with a 56.3 foot channel relocation;

3. construct and maintain a stormwater basin impacting 577.0 feet of an unnamed tributary to Yellow Breeches Creek (CWF, MF);

4. extend and maintain an existing 397.0-foot long 48.0-inch RCP culvert in kind by 77.3 feet at the upstream end and to relocate and maintain 297.9 feet of an unnamed tributary to Marsh Run (WWF, MF);

5. extend and maintain an existing 112.0-foot long 48.0-inch RCP culvert in kind by 12.0 feet at the upstream end and 26.0 feet at the downstream end with a rock apron extending 17.0 feet downstream and to relocate and maintain 66.0 feet of an unnamed tributary to Marsh Run (WWF, MF), permanently impacting 0.03 acre of PEM/PSS wetland;

6. extend and maintain an existing 164.0-foot long 36.0-inch corrugated metal pipe (CMP) culvert in kind by 19.0 feet at the upstream end and by 42.0 feet at the downstream end with a rock apron extending 14.0 feet downstream and to relocate and maintain 66.0 feet of an unnamed tributary to Marsh Run (WWF, MF), temporarily impacting 0.1 acre of PEM/PSS wetland and permanently impacting 0.07 acre of PEM/PSS wetland;

7. remove the existing structures and install and maintain a 166.0-foot, 48.0-inch RCP culvert, a 36.0-foot, 48-inch RCP culvert, and relocate and maintain 18.0 linear feet of channel in an unnamed tributary to Marsh Run (WWF, MF);

8. extend and maintain an existing 158.0-foot long, 48-inch RCP culvert in kind by 74.0 feet at the upstream end and by 84.0 feet at the downstream end and to relocate and maintain 25.7 foot and 30.0 foot stretches of stream in an unnamed tributary to March Run (WWF, MF);

9. extend and maintain an existing 109.0-foot long 5.0-foot × 10.0-foot box culvert in kind by 16.0 feet at the upstream end with rock aprons extending 31.8 feet upstream and 29.1 feet downstream and by 17.0 feet at the downstream end in an unnamed tributary to March Run (WWF, MF);

10. extend and maintain an existing 100.0-foot long, 54.0-inch RCP culvert in kind by 41.0 feet at the upstream end and by 33.0 feet at the downstream end with a rock energy dissipater extending 24.6 feet downstream and to relocate 33.9 linear feet of stream channel in an unnamed tributary to March Run (WWF, MF);

11. extend and maintain an existing 150.0-foot long, 42.0-inch RCP culvert in kind by 35.0 feet at the upstream end and by 13.0 feet at the downstream end, and to relocate 13.4 foot and 100.6 foot sections of stream channel in an unnamed tributary to Marsh Run (WWF, MF);

12. extend and maintain an existing 196.0-foot long, 30.0-inch RCP culvert in kind by 25.0 feet at the upstream end and by 20.0 feet at the downstream end and to relocate 98.1 and 30.0 foot sections of stream channel in an unnamed tributary to March Run (WWF, MF);

13. remove the existing structure and to install and maintain a 136.0-foot long, 24.0-inch RCP culvert in an unnamed tributary to Marsh Run (WWF, MF), temporarily impacting 0.01 acre of PFO wetland;

14. remove a portion of the existing structure and to install and maintain a 102.0-foot long, 24-inch RCP culvert in an unnamed tributary to March Run (WWF, MF);

15. remove the existing culvert and install and maintain a 40.0-foot long, 54.0-inch RCP culvert with a rock apron extending 20.3 feet downstream and relocate a 44.5 foot section of stream in an unnamed tributary to Marsh Run (WWF, MF);



16. install and maintain a 40.0-foot long, 18.0-inch RCP culvert in an unnamed tributary to Marsh Run (WWF, MF);

17. install and maintain a 26.0-foot long, 30.0-inch RCP culvert in an unnamed tributary to Marsh Run (WWF, MF);

18. install and maintain a 28.0-foot long, 42.0-inch RCP culvert with a rock apron extending 22.1 feet downstream in an unnamed tributary to Marsh Run (WWF, MF);

19. install and maintain a 20.0-foot long, 18.0-inch RCP culvert in an unnamed tributary to Marsh Run (WWF, MF);

20. install and maintain a 29.0-foot long, 18.0-inch RCP culvert in an unnamed tributary to Marsh Run (WWF, MF);

21. install and maintain rock deflectors, coir fiber rolls and rock stabilization in a 365.0 foot stream realignment in an unnamed tributary to Marsh Run (WWF, MF);

22. install and maintain a 26.0-foot long, 18.0-inch RCP culvert and a 29.0-foot long, 18.0-inch RCP culvert in an unnamed tributary to Marsh Run (WWF, MF);

23. install and maintain a 28.0-foot long, 54.0-inch RCP culvert in an unnamed tributary to Marsh Run (WWF, MF);

24. place and maintain fill in 0.01 acre PEM wetland in the watershed of an unnamed tributary to Yellow Breeches Creek (CWF, MF);

25. place and maintain fill in 0.02 acre PEM wetland in the watershed of an unnamed tributary to Yellow Breeches Creek (CWF, MF);

26. place and maintain fill in 0.06 acre PEM wetland in the watershed of an unnamed tributary to Marsh Run (WWF, MF) and temporarily impact 0.04 acre of PEM wetland;

27. place and maintain fill in 0.12 acre of PEM wetland and 0.18 acre of PSS wetland in the watershed of an unnamed tributary to Marsh Run (WWF, MF);

28. place and maintain fill in 0.01 acre PEM wetland in the watershed of an unnamed tributary to Marsh Run (WWF, MF) and temporarily impact 0.01 acre of PEM wetland;

29. place and maintain fill in 0.04 acre PSS wetland in the watershed of an unnamed tributary to Marsh Run (WWF, MF) and temporarily impact 0.01 acre of PSS wetland;

30. place and maintain fill in 0.10 acre PEM wetland in the watershed of an unnamed tributary to Marsh Run (WWF, MF) and temporarily impact 0.08 acre of PEM wetland;

31. place and maintain fill in 0.03 acre PFO wetland in the watershed of an unnamed tributary to Marsh Run (WWF, MF);

32. place and maintain fill in 0.06 acre PEM wetland in the watershed of an unnamed tributary to Marsh Run (WWF, MF) and temporarily impact 0.04 acre of PEM wetland

33. place and maintain fill in 0.01 acre PEM wetland in the watershed of an unnamed tributary to Marsh Run (WWF, MF);

34. place and maintain fill in 0.01 acre PSS wetland in the watershed of an unnamed tributary to Marsh Run (WWF, MF) and temporarily impact 0.02 acre PSS wetland;

35. place and maintain fill in 0.02 acre PFO wetland in the watershed of an unnamed tributary to Marsh Run (WWF, MF) and temporarily impact 0.20 acre PFO wetland;

36. place and maintain fill in 0.01 acre PFO wetland in the watershed of an unnamed tributary to Marsh Run (WWF, MF);

37. temporarily place fill in 0.01 acre of PFO wetland in the watershed of an unnamed tributary to Marsh Run (WWF, MF);

38. place and maintain fill in 0.01 acre of PFO wetland in the watershed of an unnamed tributary to Marsh Run (WWF, MF)

All for the purpose of improving road safety. The project is located between milepost 241.98 and 245.51 of the Pennsylvania Turnpike (Lemoyne and Steelton, PA Quadrangle, beginning at Latitude 40° 12' 44"; Longitude -76° 52' 28" and ending at Latitude: 40° 11' 52"; Longitude: -76 48' 47") in Fairview Township, York County. Mitigation for the project includes creation of a minimum of 1.45 acre of wetland and the restoration/enhancement of 2,815.0 linear feet of stream channel to compensate for unavoidable impacts. Wetland restoration will occur along the floodplain of Yellow Breeches Creek in Fairview Township, York County (Latitude: 40° 11' 53"; Longitude: -76° 55' 49") and stream mitigation will occur along an unnamed tributary to Yellow Breeches Creek in Fairview Township, York County (from upstream limit Latitude 40° 11' 41"; Longitude: -76° 54' 35" to downstream limit Latitude 40° 12' 11"; Longitude: -76° 54' 54").

This permit is hereby amended from original issuance to include the following:

1. The addition of 40.0 linear feet of step pool structures on an unnamed tributary to Marsh Run (WWF) at 40° 12' 8.26"; -76° 50' 40.83";

2. The addition of 79.0 linear feet of stream bed and bank stabilization of an unnamed tributary to Marsh Run (WWF) at 40° 11' 49.17"; -76° 49' 18.18";

3. The reconstruction of 24.0 linear feet of relocated unnamed tributary to Marsh Run (WWF) with natural channel design at 40° 11' 49.12"; -76° 49' 21.37";

4. The addition of 10.0 linear feet of riprap apron in an unnamed tributary to Marsh Run (WWF) at 40° 11' 50.16"; -76° 49' 5.00";

5. The addition of an outfall channel to an unnamed tributary to Marsh Run (WWF) at 40° 12' 19.98", -76° 51' 18.49". Issued July 7, 2017.

**E28-387: Wal-Mart Stores East, LP**, 2001 SE 10th Street, Mail Stop 5570, Bentonville, AR 72716 in Hamilton Township, **Franklin County**, U.S. Army Corps of Engineers, Baltimore District.

To place and maintain fill in 0.037 acre of Palustrine Emergent Wetland (Latitude: 39.9349, Longitude: -77.6955) for the purpose of constructing an access drive

to an F&M Bank building lot. The permanent impacts are de minimus and no mitigation is required. Issued July 7, 2017.

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

**EA 14-011. USDA—Natural Resources Conservation Service**, 359 East Park Drive, Suite 2 Harrisburg, PA 17111. Agricultural Conservation Easement Program—Wetland Reserve Easement in Greg Township, **Centre County**, ACOE Baltimore District. (Spring Mills, PA Quadrangle Latitude: 40.857519; Longitude: -77.561357).

To 1.) Enhance 20,500 square feet of wetland and create 13,500 square feet of wetland through existing wetland berm rehabilitation and wetland pothole development, 2.) Construct a 180 feet by six feet educational and recreational walking trail. This project is proposed in an existing wetland complex along Penns Creek, a Cold Water Fishes and Migratory Fishes stream as designated in Chapter 93 of the Department's Water Quality Standards. Construction activities will permanently impact 1,080 square feet of wetland. Mitigation for environmental impacts is to be achieved through the 34,000 square feet of wetland creation and enhancement associated with this project. This approval under Chapter 105, Section 105.12(a)(16) also includes 401 Water Quality Certification.

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Michael Forbeck, Acting Waterways and Wetlands Program Manager, 412-442-4000.*

**E02-1738, Glasso Development Company, LP**, 4201 Cohasset Lane, Allison Park, PA 15101, West Deer Township, **Allegheny County**, Pittsburgh ACOE District.

Has been given consent to:

1. Construct and maintain a 1,57 LF, 48in-HDPE culvert in an Unnamed Tributary (UNT) to Deer Creek (CWF);

2. Place and maintain fill within 0.12 acre of PEM wetlands (aka WL-1);

3. Place and maintain multiple utility line crossings across the aforementioned UNT and wetland under a General Permit No. 5, relating to utility line stream crossings;

The permanent impacts will be off-set with on-site stream and wetland mitigation. The project is for the development of a residential community located near the intersection of McIntyre Road and Shadow Circle, (Quadrangle: Valencia, PA, Latitude: 40° 37' 40"; Longitude: -79° 54' 46") in West Deer Township, Allegheny County.

*Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E33-255, National Fuel Gas Distribution Company**, 1100 State Street, Erie, PA 16501. 329-JO-034 Pipeline under Rattlesnake Creek, in Snyder Township, **Jefferson County**, ACOE Pittsburgh District (Falls Creek, PA Quadrangle N: 41.220626°, W: -78.773488°).

To relocate 301 feet of the 329-JO-034 2.0-inch diameter natural gas pipeline line approximately 20 feet downstream under Rattlesnake Creek and two wetlands using horizontal directional drilling techniques as a result of the replacement of a PennDOT bridge on Rattlesnake

Run Road approximately 600 feet east of S.R. 219 (Falls Creek, PA Quadrangle N: 41.220626°, W: -78.773488°).in Snyder Township, Jefferson County.

**E10-501, Plenary Walsh Keystone Partners**, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275. JV-370 State Route 0308 Section P50 Segment 0080 Offset 1195 over UNT Stony Run (WWF), in Center Township, **Butler County**, ACOE Pittsburgh District (Mount Chestnut, PA Quadrangle N: 40°57'4.4", W: -79°54'0.3").

To remove the existing structure and to construct and maintain a 74.67-foot long concrete box culvert having a 24.0-foot wide by 5.25-foot high waterway opening in a tributary to Stony Run resulting in 159 feet of temporary stream impacts, a total of 214 linear feet of permanent stream impacts to two tributaries to Stony Run, 0.01 acre of temporary wetland impacts, and 0.004 acre of permanent wetland impacts on S.R. 0308, Segment 0080, Offset 1195 approximately 100 feet south of Renick Road (Mount Chestnut, PA Quadrangle N: 40°57'4.4", W: -79°54'0.3") in Center Township, Butler County.

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

**E5829-121: New Milford Township, Susquehanna Gathering, LLC**, 1429 Oliver Road, New Milford, PA 18334-7516; New Milford Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 12-inch diameter steel natural gas pipeline crossing impacting 167 square feet (0.01 acre) of a palustrine forested wetlands (PFO) (Great Bend, PA Quadrangle; Latitude: 41° 54' 04", Longitude: -75° 40' 30"),

2) a 12-inch diameter steel natural gas pipeline crossing impacting 26 square feet (0.01 acre) of a palustrine forested wetlands (PFO) (Great Bend, PA Quadrangle; Latitude: 41° 54' 06", Longitude: -75° 40' 27"),

3) a 12-inch diameter steel natural gas pipeline crossing impacting 6 lineal feet of Mitchell Creek (CWF-MF) (Great Bend, PA Quadrangle; Latitude: 41° 54' 06", Longitude: -75° 42' 26").

The 11 to 5 Loop Pipeline project consists of constructing a 12-inch diameter steel natural gas pipeline approximately 0.75 mile (3,950 feet) long in New Milford Township, Susquehanna County. The project will result in 6 lineal feet of temporary stream impacts and 193 square feet (0.01 acre) of temporary forested wetlands impacts all to provide safe reliable conveyance of Marcellus Shale natural gas to market.

#### 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.*

**D10-015EA. Mr. Sumner McDanel**, 1244 Meridian Road, Renfrew, PA 16053, Penn Township, **Butler County**, USACOE Pittsburgh District.

Project proposes to remove the Renfrew Dam for the purpose of eliminating a threat to public safety and restoring approximately 886 feet of stream channel to a free-flowing condition. The project is located across Connoquenessing Creek (WWF) (Butler, PA Quadrangle, Latitude: 40.8069; Longitude: -79.9552).

### WATER QUALITY CERTIFICATIONS

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

**WQ20-001, USDA—Natural Resource Conservation Service**, 359 East Park Drive, Suite 2, Harrisburg, PA 17111. Gerkey Wetland Reserve Program, in Greenwood Township, **Crawford County**, ACOE Pittsburgh District (Hadley, PA Quadrangle N: 41°, 29', 54"; W: 80°, 10', 32").

The request relates to NRCS's proposed Gerkey Wetland Reserve Project which involves construction of two ditch plugs to restore hydrology to approximately 0.2 acre of existing, degraded wetland and two wetland potholes (approximately 0.2 acre each) which will restore a shallow water hydrologic regime.

The Department of Environmental Protection (DEP) has reviewed your request for 401 Water Quality Certification and hereby grants the 401 Water Quality Certification for the Gerkey Wetland Reserve Project subject to the following conditions:

1. *Construction*—The project shall be constructed in accordance with the design plans submitted with the certification request.

2. *Operation*—Project facilities shall be operated and maintained in accordance with the "Operation and Maintenance Plan" submitted with the certification request.

3. *Site Monitoring*—The project site shall be monitored in accordance with the "USDA-NRCS Programmatic Site Monitoring" plan submitted with the certification request. If NRCS determines that restoration repairs or enhancements are needed, a corrective action plan shall be submitted to DEP for review and approval if the proposed work will result in a modification of the original design plans submitted with the certification.

4. *Inspection*—The Project and regulated activities, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of DEP to determine compliance with this certification and Pennsylvania's State Water Quality Standards. A copy of this conditional certification shall be available for inspection by the DEP during such inspections of the Projects and regulated activities.

5. *Transfer of Projects*—If NRCS intends to transfer any legal or equitable interest in the Project which is affected by this Section 401 Water Quality Certification, NRCS shall serve a copy of this certification upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the PADEP Regional Office of such intent. Notice to PADEP shall include a transfer agreement signed by the existing and new owner containing a specific date for transfer of certification responsibility, coverage, and liability between them.

6. *Correspondence*—All correspondence with and submittals to DEP concerning this Section 401 Water Quality Certification shall be addressed to the Department of Environmental Protection, Northwest Regional Office, Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335.

7. *Reservation of Rights*—DEP may suspend or revoke this certification if it determines that NRCS has not complied with the terms and conditions of this certification. DEP may require additional measures to achieve compliance with applicable law, subject to NRCS's applicable procedural and substantive rights.

8. *Other Laws*—Nothing in this certification shall be construed to preclude the institution of any legal action or relieve ITC from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal or State law or regulation.

9. *Severability*—The provisions of this certification are severable and should any provision of this certification be declared invalid or unenforceable, the remainder of the certification shall not be affected thereby.

**WQ37-001, USDA—Natural Resource Conservation Service**, 359 East Park Drive, Suite 2, Harrisburg, PA 17111. Householder Wetland Reserve Program, in New Beaver Borough, **Lawrence County**, ACOE Pittsburgh District (New Castle South, PA Quadrangle N: 40°, 54', 04.2"; W: 80°, 22', 19.3").

NRCS's proposed Householder Wetland Reserve Project which involves construction of one low earthen embankment and one wetland pothole which will result in permanent impact to 0.06 acre of existing wetland. The project is anticipated to create 0.32 acre of wetland and enhance/restore 1.01 acre of existing wetland.

The Department of Environmental Protection (DEP) has reviewed your request for 401 Water Quality Certification and hereby grants the 401 Water Quality Certification for the Householder Wetland Reserve Project subject to the following conditions:

1. *Construction*—The project shall be constructed in accordance with the design plans submitted with the certification request.

2. *Operation*—Project facilities shall be operated and maintained in accordance with the "Operation and Maintenance Plan" submitted with the certification request.

3. *Site Monitoring*—The project site shall be monitored in accordance with the "USDA-NRCS Programmatic Site Monitoring" plan submitted with the certification request. If NRCS determines that restoration repairs or enhancements are needed, a corrective action plan shall be submitted to DEP for review and approval if the proposed work will result in a modification of the original design plans submitted with the certification.

4. *Inspection*—The Project and regulated activities, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of DEP to determine compliance with this certification and Pennsylvania's State Water Quality Standards. A copy of this conditional certification shall be available for inspection by the DEP during such inspections of the Projects and regulated activities.

5. *Transfer of Projects*—If NRCS intends to transfer any legal or equitable interest in the Project which is affected by this Section 401 Water Quality Certification, NRCS shall serve a copy of this certification upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the PADEP Regional Office of such intent. Notice to PADEP shall include a transfer agreement signed by the existing and new owner containing a specific date for transfer of certification responsibility, coverage, and liability between them.

6. *Correspondence*—All correspondence with and submittals to DEP concerning this Section 401 Water Quality Certification shall be addressed to the Department of Environmental Protection, Northwest Regional Office, Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335.

7. *Reservation of Rights*—DEP may suspend or revoke this certification if it determines that NRCS has not complied with the terms and conditions of this certification. DEP may require additional measures to achieve compliance with applicable law, subject to NRCS's applicable procedural and substantive rights.

8. *Other Laws*—Nothing in this certification shall be construed to preclude the institution of any legal action or relieve ITC from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal or State law or regulation.

9. *Severability*—The provisions of this certification are severable and should any provision of this certification be declared invalid or unenforceable, the remainder of the certification shall not be affected thereby.

**WQ20-002, USDA—Natural Resource Conservation Service**, 359 East Park Drive, Suite 2, Harrisburg, PA 17111. Ernst Wetland Reserve Program, in East Fairfield Township, **Crawford County**, ACOE Pittsburgh District (Cochranton, PA Quadrangle N: 41°, 31', 34.45"; W: 80°, 04', 08.03").

The request relates to NRCS's proposed Ernst Wetland Reserve Project—Dunn Site which involves construction of two embankments, one ditch plug, and three wetland potholes which are anticipated to enhance 10.72 acres of existing, degraded wetland and create 3.88 acres of new wetland.

The Department of Environmental Protection (DEP) has reviewed your request for 401 Water Quality Certification and hereby grants the 401 Water Quality Certification for the Ernst Wetland Reserve Project—Dunn Site subject to the following conditions:

1. *Construction*—The project shall be constructed in accordance with the design plans submitted with the certification request.

2. *Operation*—Project facilities shall be operated and maintained in accordance with the Operation and Maintenance Plan" submitted with the certification request.

3. *Site Monitoring*—The project site shall be monitored in accordance with the "USDA-NRCS Programmatic Site Monitoring" plan submitted with the certification request. If NRCS determines that restoration repairs or enhancements are needed, a corrective action plan shall be submitted to DEP for review and approval if the proposed work will result in a modification of the original design plans submitted with the certification.

4. *Inspection*—The Project and regulated activities, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of DEP to determine compliance with this certification and Pennsylvania's State Water Quality Standards. A copy of this conditional certification shall be available for inspection by the DEP during such inspections of the Projects and regulated activities.

5. *Transfer of Projects*—If NRCS intends to transfer any legal or equitable interest in the Project which is affected by this Section 401 Water Quality Certification, NRCS shall serve a copy of this certification upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the PADEP Regional Office of such intent. Notice to PADEP shall include a transfer agreement signed by the existing and new owner containing a specific date for transfer of certification responsibility, coverage, and liability between them.

6. *Correspondence*—All correspondence with and submittals to DEP concerning this Section 401 Water Quality Certification shall be addressed to the Department of Environmental Protection, Northwest Regional Office, Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335.

7. *Reservation of Rights*—DEP may suspend or revoke this certification if it determines that NRCS has not complied with the terms and conditions of this certification. DEP may require additional measures to achieve compliance with applicable law, subject to NRCS's applicable procedural and substantive rights.

8. *Other Laws*—Nothing in this certification shall be construed to preclude the institution of any legal action or relieve ITC from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal or State law or regulation.

9. *Severability*—The provisions of this certification are severable and should any provision of this certification be declared invalid or unenforceable, the remainder of the certification shall not be affected thereby.

**WQ20-003, USDA—Natural Resource Conservation Service**, 359 East Park Drive, Suite 2, Harrisburg, PA 17111. Cross Wetland Reserve Program, in Hayfield Township, **Crawford County**, ACOE Pittsburgh District (Meadville, PA Quadrangle N: 41°, 44', 18.09"; W: 80°, 11', 17.90").

The request relates to NRCS's proposed Cross Wetland Reserve Project which involves construction of four embankments, one ditch plug, and three wetland potholes which are anticipated to enhance 0.68 acre of existing, degraded wetland and create 3.67 acres of new wetland.

The Department of Environmental Protection (DEP) has reviewed your request for 401 Water Quality Certification and hereby grants the 401 Water Quality Certification for the Cross Wetland Reserve Project subject to the following conditions:

1. *Construction*—The project shall be constructed in accordance with the design plans submitted with the certification request.

2. *Operation*—Project facilities shall be operated and maintained in accordance with the "Operation and Maintenance Plan" submitted with the certification request.

3. *Site Monitoring*—The project site shall be monitored in accordance with the "USDA-NRCS Programmatic Site Monitoring" plan submitted with the certification request. If NRCS determines that restoration repairs or enhancements are needed, a corrective action plan shall be submitted to DEP for review and approval if the proposed work will result in a modification of the original design plans submitted with the certification.

4. *Inspection*—The Project and regulated activities, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of DEP to determine compliance with this certification and Pennsylvania's State Water Quality Standards. A copy of this conditional certification shall be available for inspection by the DEP during such inspections of the Projects and regulated activities.

5. *Transfer of Projects*—If NRCS intends to transfer any legal or equitable interest in the Project which is affected by this Section 401 Water Quality Certification, NRCS shall serve a copy of this certification upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated trans-

fer and shall simultaneously inform the PADEP Regional Office of such intent. Notice to PADEP shall include a transfer agreement signed by the existing and new owner containing a specific date for transfer of certification responsibility, coverage, and liability between them.

6. *Correspondence*—All correspondence with and submittals to DEP concerning this Section 401 Water Quality Certification shall be addressed to the Department of Environmental Protection, Northwest Regional Office, Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335.

7. *Reservation of Rights*—DEP may suspend or revoke this certification if it determines that NRCS has not complied with the terms and conditions of this certification. DEP may require additional measures to achieve compliance with applicable law, subject to NRCS's applicable procedural and substantive rights.

8. *Other Laws*—Nothing in this certification shall be construed to preclude the institution of any legal action or relieve ITC from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal or State law or regulation.

9. *Severability*—The provisions of this certification are severable and should any provision of this certification be declared invalid or unenforceable, the remainder of the certification shall not be affected thereby.

#### 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 # ESX16-051-0001  
Applicant Name XTO Energy Inc  
Contact Person Melissa Breitenbach  
Address 190 Thorn Hill Run Road  
City, State, Zip Warrendale, PA 15086  
County Fayette County  
Township(s) Dubar Township  
Receiving Stream(s) and Classification(s) Dickerson Run (WWF)

ESCGP-2 # ESX17-003-0005  
Applicant Name Huntley & Huntley Energy Exploration, LLC  
Contact Person Jennifer Hoffman  
Address 2660 Monroeville Boulevard  
City, State, Zip Monroeville, PA 15146  
County Allegheny County  
Township(s) Plum Borough  
Receiving Stream(s) and Classification(s) UNTs to Bodies Run (WWF)

ESCGP-2 # ESX10-059-0086 Major Modification  
Applicant Name Rice Drilling B, LLC  
Contact Person Joseph Mallow  
Address 2200 Rice Drive  
City, State, Zip Canonsburg, PA 15317  
County Greene County  
Township(s) Franklin Township  
Receiving Stream(s) and Classification(s) South Fork Tennmile Creek (WWF)

ESCGP-2 # ESX17-005-0005  
Applicant Name Pine Run Midstream, LLC  
Contact Person Scott Sweder  
Address 1000 Commerce Drive, Park Place One, Suite 400  
City, State, Zip Pittsburgh, PA 15275  
County Armstrong County  
Township(s) West Franklin Township  
Receiving Stream(s) and Classification(s) South Fork Tennmile Creek (HQ-TSF)

ESCGP-2 # ESG17-059-0002 Major  
Applicant Name Rice Poseidon Midstream, LLC  
Contact Person Joseph Mallow  
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 Webster Run (TSF), UNTs to House Run (HQ-WWF)  
Secondary—House Run (HQ-WWF) & Webster Run (TSF)

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Michael Forbeck, Acting Waterways and Wetlands Program Manager, 412-442-4000.*

<i>ESCGP-2 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESG0012515002-2	Sunoco Pipeline, LP 525 Fritztown Road Sinking Spring, PA 19608	Washington County	Independence Township; Hopewell Township; Mount Pleasant Township; Chartiers Township	Camp Run (HQ-WWF); Brashears Run (HQ-WWF); UNT to Indian Camp Run (HQ-WWF); Indian Camp Run (HQ-WWF); Sugarcamp Run (HQ-WWF); UNT to Sugarcamp Run (HQ-WWF); UNT to Hanen Run (HQ-WWF); Hanen Run (HQ-WWF); Opossum Hollow (HQ-WWF); UNT to Dunkle Run (HQ-WWF); Dunkle Run (HQ-WWF); UNT to Cross Creek (HQ-WWF); UNT to Brush Run (HQ-WWF); Cross Creek (HQ-WWF); UNT to Georges Run (WWF); Georges Run (WWF); UNT to Chartiers Run (WWF); Chartiers Run (WWF)
ESG0012515009-1	ETC Northeast Pipeline, LLC 3801 West Chester Pike Newtown Square, PA 19073	Washington County	Smith Township	UNTs to Little Raccoon Run (WWF); Little Raccoon Run (WWF)

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

ESCGP-2 # ESG29-105-17-0006  
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) Sweden & Summit  
Receiving Stream(s) and Classification(s) UNTs to Nelson Run (HQ-CWF)  
Secondary—Nelson Run (HQ-CWF)

ESCGP-2 # ESG29-081-17-0008  
Applicant Name EXCO Resources PA LLC  
Contact Person Brian Rushe  
Address 260 Executive Dr, Suite 101  
City, State, Zip Cranberry Twp, PA 16066  
County Lycoming  
Township(s) Anthony  
Receiving Stream(s) and Classification(s) Stony Gap Run (HQ-CWF)  
Secondary—Hoagland Run (HQ-CWF)

ESCGP-2 # ESG29-113-17-0004  
Applicant Name SWN Production LLC  
Contact Person Justin Moore  
Address 917 SR 92 N  
City, State, Zip Tunkhannock, PA 18657  
County Sullivan  
Township(s) Cherry  
Receiving Stream(s) and Classification(s) Little Loyalsock Ck (EV)

ESCGP-2 # ESX29-115-17-0023  
Applicant Name Williams Field Services Co. LLC  
Contact Person Matt Anderson  
Address 310 SR 29 N  
City, State, Zip Tunkhannock, PA 18657-7845  
County Susquehanna  
Township(s) Lathrop  
Receiving Stream(s) and Classification(s) Martins Ck (CWF-MF); Horton Ck (CWF-MF)

## STORAGE TANKS SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Environmental Cleanup and Brownfields, Director, PO Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
17-37-001	Pennsylvania American Water 800 West Hersheypark Drive Hershey, PA 17033 Attn: David Kaufman	Lawrence	New Beaver Borough	14 ASTs storing hazardous substances	64,550 gallons total

[Pa.B. Doc. No. 17-1212. Filed for public inspection July 21, 2017, 9:00 a.m.]

### Bid Opportunity

**OSM 16(2826)101.1, Abandoned Mine Reclamation Project, Fairmount City, Redbank Township, Clarion County.** The principal items of work and approximate quantities include: underground storage tank removal, 1 L.S.; demolition, removal and disposal of mine structures, 1 L.S.; mine drain, 1,500 linear feet; sealing mine entries, two each; grading, 10,761 cubic yards; alkaline addition, 910 tons; and 6" thick soil cover, 2,936 cubic yards.

This bid issues on July 28, 2017, and bids will be opened on August 31, 2017, at 2 p.m. Bid documents, including drawings in PDF format and Auto-Cad Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection by going to [www.BidExpress.com](http://www.BidExpress.com). This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 for more information on this bid.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 17-1213. Filed for public inspection July 21, 2017, 9:00 a.m.]

### Bid Opportunity

**OSM 33(1147)101.1, Abandoned Mine Reclamation Project, Sykesville, Sykesville Borough, Jefferson County.** The principal items of work and approximate quantities include: 12" subsurface drains with cleanouts, 206 linear feet; cast-in-place inlet box, one each; sidewalk replacement, 40 square yards; and pavement replacement, 45 square yards.

This bid issues on July 21, 2017, and bids will be opened on August 24, 2017, at 2 p.m. Bid documents, including drawings in PDF format and Auto-Cad Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection by going to [www.BidExpress.com](http://www.BidExpress.com). This project is

financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 for more information on this bid. Note this is a Small Construction Business Program bid opportunity.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 17-1214. Filed for public inspection July 21, 2017, 9:00 a.m.]

### Environmental Justice Advisory Board Meeting Cancellation

The Environmental Justice Advisory Board (Board) meeting scheduled for Tuesday, August 1, 2017, at the Rachel Carson State Office Building has been canceled. The next Board meeting will be held on Tuesday, November 14, 2017, in the Delaware Room, 16th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Questions concerning the meeting can be directed to Glenda Davidson at (717) 783-4759 or [gldavidson@pa.gov](mailto:gldavidson@pa.gov). The agenda and meeting materials will be available through the Public Participation tab on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Environmental Justice Advisory Board").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Glenda Davidson at (717) 783-4759 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 17-1215. Filed for public inspection July 21, 2017, 9:00 a.m.]

### Nutrient Credit Trading Program; Certification Requests

The Department of Environmental Protection (Department) provides notice of the following certification request that has been submitted under the Nutrient Credit Trading Program (Trading Program). See 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed).

#### *Credit Certification Requests*

The following requests are being reviewed by the Department.

#### *Applicant*

Red Barn Trading Company on behalf of  
Rohrer Dairy Farm, LLC (Lancaster County)

Chesapeake Nutrient Management on behalf of  
Esbenshade Farms (Lancaster County)

Chesapeake Nutrient Management on behalf of  
Springside Trucking, LLC (Lancaster County)

#### *Pollutant Reduction Activity Description*

This certification request is for nutrient reduction credits to be generated from the use of cover crops and continuous no-till as best management practices.

This certification request is for nutrient reduction credits to be generated from the export of poultry litter out of the Chesapeake Bay Watershed.

This certification request is for nutrient reduction credits to be generated from the export of poultry litter out of the Chesapeake Bay Watershed.

#### *Written Comments*

The Department will accept written comments on these proposed pollutant reduction activities for 30 days. The Department must receive comments on these requests for credit certification no later than Monday, August 21, 2017. Commentators can view submitted materials and are encouraged to submit electronic comments using the Department's eComment site at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment). Written comments can be submitted to [ecomment@pa.gov](mailto:ecomment@pa.gov) or to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "Certification Requests, Lancaster" as the subject line in written communication.

For further information about this action or the Trading Program, contact the Division of Operations, Bureau of Clean Water, Department of Environmental Protection, P.O. Box 8774, Harrisburg, PA 17105-8774, (717) 787-6744, [RAEPPANutrientTrad@pa.gov](mailto:RAEPPANutrientTrad@pa.gov) or visit the Department's web site at [www.dep.pa.gov/nutrient\\_trading](http://www.dep.pa.gov/nutrient_trading).

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 17-1216. Filed for public inspection July 21, 2017, 9:00 a.m.]

### Pennsylvania Small Business Advantage Grant Availability

The Department of Environmental Protection (Department) announces the availability of up to \$1 million in grant funding for the 14th year of the Commonwealth's Small Business Advantage Grant Program (Program) for small businesses that adopt or acquire equipment or processes that promote pollution prevention or energy efficiency projects, or both. With over 900,000 small businesses in this Commonwealth, a well-designed energy efficiency or pollution prevention project can help small businesses cut operating costs and complement the economy, while simultaneously protecting the environment.

The Program is a first-come, first-served grant program that provides up to 50% reimbursement matching grants, up to a maximum of \$9,500 for pollution prevention and energy efficiency projects, and up to a maximum of \$7,000 for lighting-only projects. Eligible projects must save the small business a minimum of \$500 and at least 25% annually in energy consumption or pollution related expenses.

An eligible applicant must have 100 or fewer employees, be a for-profit small business owner and be taxed as a for-profit business located within this Commonwealth. The project to which the grant will apply must be located within the applicant's Commonwealth facility.

For the first time, the application process will be online through the Department of Community and Economic Development's electronic single application web site at

<https://www.esa.dced.state.pa.us/Login.aspx>. Paper and faxed applications will no longer be accepted.

Application guidance, required forms and information are located on the Department's web site at [www.dep.pa.gov](http://www.dep.pa.gov) (search "Small Business Advantage Grants," then click on "Small Business Ombudsman's Office.")

Contact the Department's Small Business Ombudsman Office at (717) 772-5160 or [epAdvantageGrant@pa.gov](mailto:epAdvantageGrant@pa.gov) for further information.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 17-1217. Filed for public inspection July 21, 2017, 9:00 a.m.]

### Public Notice of Draft NPDES General Permit for Point Source Discharges from the Application of Pesticides (PAG-15)

The Department of Environmental Protection (Department) is announcing the availability of a draft National Pollutant Discharge Elimination System (NPDES) General Permit for Point Source Discharges from the Application of Pesticides (PAG-15). The PAG-15 General Permit is applicable to certain entities that make a decision to control mosquitoes and flying insect pests, weeds and algae, animal pests, and forest canopy pests in and near water's edge, exceeding annual treatment area thresholds. The draft General Permit and related documents are



available at [www.elibrary.dep.state.pa.us](http://www.elibrary.dep.state.pa.us) (select “Permit and Authorization Packages,” then “Clean Water,” then “PAG-15 (Draft)”).

The PAG-15 General Permit is intended to provide NPDES permit coverage to persons applying pesticides that result in discharges to surface waters of the Commonwealth that are not considered High Quality or Exceptional Value. The existing PAG-15 General Permit in effect at this time will expire on October 28, 2017. The Department is proposing to reissue a final PAG-15 General Permit on or before that date.

The draft PAG-15 General Permit includes the following proposed significant changes in comparison to the existing PAG-15 General Permit:

- The existing General Permit requires submission of an annual report to the Department by January 28th of each year. The draft General Permit would extend the due date to March 1st. In addition, the Department has revised the annual report template.
- The Department is proposing that after coverage under the General Permit is authorized, coverage will continue without the need to submit a Notice of Intent (NOI) for renewal of coverage as long as the permittee complies with the terms and conditions of the PAG-15 General Permit currently in effect, unless the Department specifically requires the submission of an NOI in writing.
- The existing General Permit NOI fee is \$250. The proposed NOI fee for coverage under the General Permit is \$500 per year the permittee operates under the General Permit. The NOI fee will be paid in installments due at the time the annual report is due, with the initial fee of \$500 submitted with the NOI for permit coverage

and an installment of \$500 to be submitted with the annual report, if the permittee does not wish to terminate permit coverage.

#### *Written Comments*

Interested persons are invited to submit written comments regarding the draft PAG-15 through Monday, August 21, 2017. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail, must include the originator’s name and address. Commentators are encouraged to submit comments using the Department’s online eComment system at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment). Written comments should be submitted by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov) or by mail to the Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063.

Written comments submitted during the 30-day comment period will be retained by the Department and considered in finalizing the General Permit. The Department will provide an opportunity for any interested person or group of persons, any affected state, any affected interstate agency, the United States Environmental Protection Agency or any interested agency to request or petition for a public hearing with respect to the proposed General Permit. The request or petition for public hearing, which must be filed within the 30-day period allowed for filing of written comments, must indicate the interest of the party filing the request and the reasons why a hearing is warranted. A hearing will be held if there is significant public interest.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 17-1218. Filed for public inspection July 21, 2017, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facilities (ASF) have filed requests for exception under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing ASF licensure in 28 Pa. Code Chapters 51 and 551—571 (relating to general information; and ambulatory surgical facilities).

#### *Facility Name*

Main Line Vascular Institute, LLC

Peripheral Vascular Institute of Philadelphia, LLC

Vascular Access Center of Pittsburgh, LLC

Prospect CCMC, LLC, d/b/a Crozer Keystone Surgery Center at Brinton Lake  
Drexel Centers for Digestive Health

Jefferson Endoscopy Center at Bala, LLC  
Progressive Laser Surgical Institute, Ltd.  
Wyomissing Surgical Services, Inc.

Gamma Surgery Center, LLC  
Southwestern Ambulatory Surgery Center, LLC

#### *Regulation*

28 Pa. Code § 551.3 (relating to definitions), specifically subparagraph (ii) of the definition of “classification levels,” regarding Class B facilities PS III patients

28 Pa. Code § 551.3, specifically subparagraph (ii) of the definition of “classification levels,” regarding Class B facilities PS III patients

28 Pa. Code § 551.3, specifically subparagraph (ii) of the definition of “classification levels,” regarding Class B facilities PS III patients

28 Pa. Code § 551.21(d)(3) (relating to criteria for ambulatory surgery)

28 Pa. Code § 553.31 (relating to administrative responsibilities)

28 Pa. Code § 553.31

28 Pa. Code § 553.31

28 Pa. Code § 553.31

28 Pa. Code § 553.31(a)

28 Pa. Code § 553.31(a)

*Facility Name*

Jefferson Surgical Center

*Regulation*

28 Pa. Code § 553.2 (relating to ownership)  
 28 Pa. Code § 553.3 (relating to governing body responsibilities)  
 28 Pa. Code § 553.4 (relating to other functions)  
 28 Pa. Code § 555.1 (relating to principle)  
 28 Pa. Code § 555.2 (relating to medical staff membership)  
 28 Pa. Code § 555.3 (relating to requirements for membership and privileges)  
 28 Pa. Code § 555.4 (relating to clinical activities and duties of physician assistants and certified registered nurse practitioners)  
 28 Pa. Code § 563.1 (relating to principle)  
 28 Pa. Code § 563.2 (relating to organization and staffing)  
 28 Pa. Code § 567.2 (relating to committee responsibilities)  
 28 Pa. Code § 567.3 (relating to policies and procedures)

The following ASF is requesting exceptions under 28 Pa. Code § 571.1 (relating to minimum standards). Requests for exceptions under this section relate to minimum standards that ASFs must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities (Guidelines)*. The following list includes the citation to the section under the *Guidelines* to which the ASF is seeking an exception, as well as the publication year of the applicable *Guidelines*.

<i>Facility Name</i>	<i>Guidelines Section</i>	<i>Relating to</i>	<i>Publication Year</i>
Surgery Center at Penn Medicine University City	2.2-3.13.6.12(1)	Environmental services rooms	2014

All previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

RACHEL L. LEVINE, MD,  
*Acting Secretary*

[Pa.B. Doc. No. 17-1219. Filed for public inspection July 21, 2017, 9:00 a.m.]

### Hospitals; Requests for Exceptions

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals), with the exception of 28 Pa. Code § 153.1 (relating to minimum standards). Exception requests related to 28 Pa. Code § 153.1 are listed separately in this notice.

*Facility Name*

Penn Highland Dubois  
 Monongahela Valley Hospital

*Regulation*

28 Pa. Code § 103.31 (relating to the chief executive officer)  
 28 Pa. Code § 103.36(b)(4) (relating to personnel records)

The following hospitals are requesting exceptions under 28 Pa. Code § 153.1. Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities (Guidelines)*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception, as well as the publication year of the applicable *Guidelines*.

<i>Facility Name</i>	<i>Guidelines Section</i>	<i>Relating to</i>	<i>Publication Year</i>
Albert Einstein Medical Center	2.1-7.2.2.2	Ceiling heights	2014
	2.1-7.2.2.5(1)	Windows in patient rooms	2014
Children's Hospital of Pittsburgh of UPMC	3.1-3.6.5.1	Location (hand-washing stations)	2014

<i>Facility Name</i>	<i>Guidelines Section</i>	<i>Relating to</i>	<i>Publication Year</i>
Forbes Hospital	2.2-3.3.4.2(2)	Space requirements (preoperative patient care areas)	2014
	3.13-3.1.5.1	Non-invasive procedure locations (mobile units)	2014
Lancaster General Hospital	2.2-3.3.4.2(2)(b)	Clearances (preoperative patient care areas)	2014
Lansdale Hospital	2.1-2.2.5	Hand-washing stations in the patient rooms	2014
Millcreek Community Hospital	2.1-2.6.1.1(2)	Hand-washing stations (administrative center or nurse stations)	2014
	2.3-3.1	General (diagnostic and treatment areas)	2014
	2.6-2.2.2.1	Capacity (rehabilitation nursing units)	2014
	2.6-2.2.2.2(1)	Area (rehabilitation nursing units)	2014
	2.6-2.2.2.2(2)	Clearances (rehabilitation nursing units)	2014
	2.6-2.2.2.8(1)	Patient storage (rehabilitation nursing units)	2014
	2.6-2.2.6.13	Examination rooms	2014
	2.6-2.3.1.2(1)	Inpatient spaces (patient living areas)	2014
	2.6-2.3.3	Personal services (barber/beauty) areas	2014
	2.2-2.6.2.6(1)	Toilet room or human waste disposal rooms	2014
	2.2-2.2.2.2(2)(a)	Clearances (medical/surgical nursing units)	2014
	2.2-2.2.4.6(2)	Patient rooms (bone marrow/stem cell transplant units)	2014
	2.2-2.2.4.6(3)	Anterooms (bone marrow/stem cell transplant units)	2014
2.2-2.2.4.6(4)(a)(ii)	Viewing panels (bone marrow/stem cell transplant units)	2014	
2.2-2.2.4.6(4)(b)(3)(b)	Staff entrance observation (bone marrow/stem cell transplant units)	2014	
Thomas Jefferson University Hospitals, Inc. (Jefferson Dermatology)	3.7-3.2.3.1	Area (procedure rooms)	2014
Thomas Jefferson University Hospitals, Inc. (Jefferson Hematology)	3.7-3.2.3.2	Clearances (procedure rooms)	2014
	3.1-3.2.2.2(1)	Area (general purpose examination rooms)	2014
Thomas Jefferson University Hospitals, Inc. (Jefferson Otolaryngology)	3.1-7.2.2.1	Corridor widths (architectural details)	2014
	3.1-7.2.2.3(2)	Toilet rooms (doors and door hardware)	2014
	3.7-3.2.3.1	Area (procedure rooms)	2014
	3.7-3.2.3.2	Clearances (procedure rooms)	2014
Thomas Jefferson University Hospitals, Inc. (Jefferson Surgery)	3.7-3.2.3.1	Area (procedure rooms)	2014
	3.7-3.2.3.2	Clearances (procedure rooms)	2014
UPMC Jameson	2.2-2.6.2.6(1)	Toilet room or human waste disposal rooms	2014

All previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

RACHEL L. LEVINE, MD,  
*Acting Secretary*

[Pa.B. Doc. No. 17-1220. Filed for public inspection July 21, 2017, 9:00 a.m.]

### Infant Hearing Screening Advisory Committee Meeting

The Infant Hearing Screening Advisory Committee, established under the Infant Hearing Education, Assessment, Reporting and Referral (IHEARR) Act (11 P.S. §§ 876-1—876-9), will hold a public meeting on Tuesday, August 1, 2017, from 10 a.m. to 12 p.m. The meeting will be held at the Department of Transportation Materials and Testing Laboratory, DGS Annex Complex, 81 Lab Lane, Harrisburg, PA 17110-2543. Agenda items will include updates about program operations, the newborn screening data system, a report by the cytomegalovirus subcommittee regarding status of research to determine whether screening should be recommended or required, a report by the Early Hearing Detection and Intervention—Pediatric Audiology Links to Service subcommittee, an update from Tuscarora Intermediate Unit # 11, and information regarding activities related to family support program, learning communities and training activities.

For additional information or for persons with a disability who wish to attend the meeting and require auxiliary aid, service or other accommodation to do so, contact Joseph Wagner, Program Manager, Division of Newborn Screening and Genetics, (717) 783-8143. Speech and/or hearing impaired persons use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

RACHEL L. LEVINE, MD,  
*Acting Secretary*

[Pa.B. Doc. No. 17-1221. Filed for public inspection July 21, 2017, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Pleasant Acres Nursing & Rehabilitation Center  
118 Pleasant Acres Road  
York, PA 17402  
FAC ID # 250102

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously

listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

RACHEL L. LEVINE, MD,  
*Acting Secretary*

[Pa.B. Doc. No. 17-1222. Filed for public inspection July 21, 2017, 9:00 a.m.]

### Minimum Levels of Controlled Substances or Their Metabolites in Blood to Establish Presence of Controlled Substance

Under 75 Pa.C.S. § 1547(c)(4) (relating to chemical testing to determine amount of alcohol or controlled substance), the Department of Health (Department) is publishing a notice of the minimum levels of Schedule I, nonprescribed Schedule II and nonprescribed Schedule III controlled substances or their metabolites that must be present in a person's blood for the test results to be admissible in a prosecution for a violation of 75 Pa.C.S. § 1543(b)(1.1), § 3802(d)(1), (2) or (3) or § 3808(a)(2) (relating to driving while operating privilege is suspended or revoked; driving under influence of alcohol or controlled substance; and illegally operating a motor vehicle not equipped with ignition interlock).

Testing for controlled substances in blood is normally a two-step process. The first step involves screening of the blood using a relatively rapid and inexpensive procedure to presumptively determine whether a specimen contains a controlled substance or a metabolite of a controlled substance. The second step utilizes an alternate procedure to confirm the presence of the controlled substance or metabolite that was presumptively detected by the screening procedure. Confirmatory analyses employed to substantiate the presence of a controlled substance or metabolite are also used to determine the concentration of the controlled substance or metabolite. A limit of quantitation (LOQ) for a controlled substance or metabolite is the lowest concentration that a laboratory can reliably determine. A laboratory's LOQ for each controlled substance or metabolite will depend upon the equipment and procedures the laboratory employs for confirmatory testing.

Laboratories that operate in this Commonwealth and perform analyses of blood to determine controlled substance content must be approved by the Department in accordance with 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) and be listed in notices published in the *Pennsylvania Bulletin*. The minimum levels listed in this notice were developed by reviewing the LOQs reported by the laboratories approved by the Department to analyze blood for controlled substances or their metabolites. Laboratories are not required to have LOQs for controlled substances or their metabolites that are equal to or below minimum levels listed. The levels listed are intended to establish the lowest reportable results admissible in a prosecution.

Not all approved laboratories will have proficiency testing results at the minimum levels listed in this notice. Approved laboratories and their individual proficiency testing results may be reviewed on the Bureau of Laboratories' web site at [www.minimumlevels.health.pa.gov](http://www.minimumlevels.health.pa.gov).

The Department recognizes that testing may be conducted for controlled substances and metabolites not listed in this notice. When this testing is necessary,

interested parties should contact the laboratory performing the test to inquire as to that laboratory's specific method of testing, the equipment used and any policies or procedures employed by that laboratory to ensure that the test results are valid. In subsequent notices, the

Department will revise, as needed, the minimum levels of controlled substances or metabolites already included in this notice and add new controlled substances or metabolites when warranted.

<i>Class Substance</i>	<i>Schedule</i>	<i>Minimum Quantitation Limits (nanograms / milliliter)</i>
<b>Amphetamines</b>		
Amphetamine	II	2.5
Methamphetamine	II	2.5
Methylenedioxyamphetamine (MDA)	I	2.5
Methylenedioxymethamphetamine (MDMA, Ecstasy)	I	2.5
<b>Analgesics</b>		
Methadone	II	1
<b>Cannabinoids</b>		
Delta-9-THC (THC)*	I	0.5
11-Hydroxy-Delta-9-THC (THC-OH)	I	1
11-Nor-9-Carboxy-Delta-9-THC (THC-COOH)	I	1
<b>Cocaine</b>		
Cocaine	II	1.5
Benzoyllecgonine	II	0.5
<b>Hallucinogens</b>		
Phencyclidine	II	0.25
<b>Opiates</b>		
Codeine	II	1
Hydrocodone	II	1
Hydromorphone	II	1
6-Monoacetylmorphine	II	0.25
Morphine	II	1
Oxycodone	II	1
<b>Sedatives/Hypnotics</b>		
Amobarbital	II	40
Pentobarbital	II	30
Secobarbital	II	25

\*THC = tetrahydrocannabinol

Questions regarding this notice should be directed to Jennifer Okraska, Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P.O. Box 500, Exton, PA 19341-0500, (610) 280-3464. Persons with a disability who require an alternative format of this notice (for example, large print, audiotope or Braille) may contact Jennifer Okraska at the previously referenced address or phone number. Persons who are speech or hearing impaired may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

RACHEL L. LEVINE, MD,  
*Acting Secretary*

[Pa.B. Doc. No. 17-1223. Filed for public inspection July 21, 2017, 9:00 a.m.]

### **Pennsylvania Achieving Better Care by Monitoring All Prescriptions Board Meeting**

The Pennsylvania Achieving Better Care by Monitoring All Prescriptions Board, established under the Achieving Better Care by Monitoring All Prescriptions Program (ABC-MAP) Act (35 P.S. §§ 872.1—872.40), will hold meetings on a quarterly basis in January, April, July and October.

The next meeting will be held on Tuesday, July 25, 2017, at 9:30 a.m. in Room 129, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120. Items to be discussed at the meeting include program status updates and upcoming activities.

For additional information or for persons with a disability who wish to attend this meeting and require an auxiliary aid, service or other accommodation to do so should contact Meghna Patel, MHA, Director, Prescription Drug Monitoring Program Office, Department of Health, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 547-3309 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT) for speech and/or hearing impaired persons.

This meeting is subject to cancellation without notice.

RACHEL L. LEVINE, MD,  
*Acting Secretary*

[Pa.B. Doc. No. 17-1224. Filed for public inspection July 21, 2017, 9:00 a.m.]

# DEPARTMENT OF LABOR AND INDUSTRY

## Public Comment on the 2-Year Modification of the Vocational Rehabilitation Services Portion of the Commonwealth's Workforce Innovation and Opportunity Act Combined State Plan; Public Meetings

The Department of Labor and Industry (Department), Office of Vocational Rehabilitation (OVR), announces a period of public comment on its proposed Year 2 of the Vocational Rehabilitation (VR) Services Portion of the Commonwealth's 4-year Workforce Innovation and Opportunity Act (WIOA) Combined State Plan (Plan). Given the multiyear life of the Plan, states must revisit State Plan strategies regularly, reassess their effectiveness and labor market relevance, and, when needed, recalibrate these strategies to respond to the changing economic conditions and workforce needs of the state. The VR Services Portion is the blueprint for the provision of VR services to persons with disabilities living in this Commonwealth. This notice is provided under the Rehabilitation Act of 1973, as amended by the WIOA of 2014.

The OVR is required to develop and implement its VR Services Portion as part of the Plan, whereas, at minimum, states must submit a modification to the Plan at the end of the first 2-year period of any 4-year plan. These revisions take the form of updates to existing descriptions, previously known as attachments. The Plan from July 1, 2016, to June 30, 2020, is currently in effect and is a compliance document on file with the Commissioner, Rehabilitation Services Administration and United States Departments of Labor and Education.

The OVR must obtain public input prior to amending the VR Services Portion of the Plan under 34 CFR 361.20 (relating to public participation requirements). As referenced in 34 CFR 361.20(a), which requires public meetings to be held throughout the state, "public meeting" means a gathering of people in a physical or virtual (as in the case of videoconferences or teleconferences) location to gather valuable input from individuals with disabilities, community rehabilitation programs and other stakeholders.

This comment period provides individuals, advocates and other interested parties or organizations, or both, opportunities to present their views and recommendations regarding VR services for persons with disabilities. In this Commonwealth, these services are provided by the OVR through a network of 21 district offices and the Hiram G. Andrews Center. Comments are being solicited regarding the following VR Services Portion of the Plan descriptions and estimates:

- Input and recommendations of the Pennsylvania Rehabilitation Council.
- Coordination with education officials.
- Coordination with employers.
- Statewide assessment.
- Comprehensive system of personnel development.
- Annual estimate of individuals to be served and costs of services.
- The OVR's goals and priorities.
- Order of selection.

- Goals and plans for distribution of Title VI funds.
- Supported employment services.
- Innovation and expansion activities.

In addition, the Department's Bureau of Blindness and Visual Services (BBVS) will accept public comment on:

- The Business Enterprise Program.
- Specialized services for children and adults.
- Independent living services for older persons who are blind.

This year, the OVR will be utilizing video conference capabilities to broadcast public meetings to each of the district office locations simultaneously. OVR public meetings will be held Statewide in each OVR district office on Wednesday, August 16, 2017, from 1 p.m. to 3:30 p.m. and Tuesday, August 29, 2017, from 3 p.m. to 5:30 p.m. It is not necessary to attend both sessions because the same information will be provided on these dates to enable more people to participate and allow time for local comment.

All meeting sites are accessible and interpreters for people who are deaf or hard of hearing will be present at each public meeting. For additional information, reasonable accommodation requests or alternative format requests, call the OVR district office conducting the public. Written comments may be submitted by mail to the appropriate district office serving the area in which the individual/organization member resides.

In addition, individuals who are not able to attend in person but would like to participate by phone should call the following:

August 16, 2017  
(800) 260-0718  
Participant access code: 426702

August 29, 2017  
(800) 260-0718  
Participant access code: 426705

All written comments must be received no later than 5 p.m. on Friday, September 8, 2017.

A copy of the proposed Year 2 of the VR Services Portion for the Plan and other information will be available on the OVR's web site at [www.dli.state.pa.us](http://www.dli.state.pa.us) (select "Individuals," then "Disability Services," then "Publications").

Additionally, the United States Department of Labor and Education announced the availability of the approved WIOA Unified or Combined State Plans at <http://www2.ed.gov/about/offices/list/oseers/rsa/wioa/state-plans/index.html>. The public and workforce system stakeholders may view, download or search the State Plans for information on how states are undertaking the implementation of WIOA.

The OVR public meetings will be held Statewide in each OVR district office on Wednesday, August 16, 2017, from 1 p.m. to 3:30 p.m. and Tuesday, August 29, 2017, from 3 p.m. to 5:30 p.m.

*Allentown BVRs District Office*  
(Carbon, Lehigh, Monroe and Northampton Counties)  
45 North Fourth Street  
Allentown, PA 18102  
(800) 922-9536 (Voice), (888) 377-9207 (TTY)  
Contact Person: Susan Storm (610) 821-6441, Ext. 3103

*Altoona BBVS District Office*

(Bedford, Blair, Cambria, Centre, Clinton, Columbia,  
Fulton, Huntingdon, Juniata, Lycoming, Mifflin,  
Montour, Northumberland, Snyder, Somerset and  
Union Counties)

1130 12th Avenue, Fourth Floor Conference Room  
Altoona, PA 16601

(866) 695-7673 (Voice), (866) 320-7956 (TTY)

Contact Person: Anne Strollo (866) 695-7673

*Altoona BVRV District Office*

(Bedford, Blair, Centre, Fulton and Huntingdon Counties)

1130 12th Avenue, Fourth Floor Conference Room  
Altoona, PA 16601

(800) 442-6343 (Voice), (866) 320-7955 (TTY)

Contact Person: Colleen Woodring (814) 946-7252

*DuBois BVRV District Office*

(Cameron, Clearfield, Elk, Jefferson and McKean Counties)

199 Beaver Drive

DuBois, PA 15801

(800) 922-4017 (Voice/TTY)

Contact Person: Christina Palmer (814) 371-7340

*Erie BBVS District Office*

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

3200 Lovell Place

Erie, PA 16503

(866) 521-5073 (Voice), (888) 884-5513 (TTY)

Contact Person: Dawn Sokol (814) 871-4401

*Erie BVRV District Office*

(Clarion, Crawford, Erie, Forest, Mercer, Venango and  
Warren Counties)

3200 Lovell Place

Erie, PA 16503

(800) 541-0721 (Voice), (888) 217-1710 (TTY)

Contact Person: Jack Hewitt (814) 651-9607

*Harrisburg BBVS District Office*

(Adams, Cumberland, Dauphin, Franklin, Lancaster,  
Lebanon, Perry and York Counties)

Forum Place, 8th Floor Conference Room, 555 Walnut  
Street

Harrisburg, PA 17101

(866) 375-8264 (Voice), (888) 575-9420 (TTY)

Contact Person: Nicole Wade (717) 346-2750

*Harrisburg BVRV District Office*

(Cumberland, Dauphin, Juniata, Lebanon, Mifflin and  
Perry Counties)

Forum Place, 8th Floor Conference Room

555 Walnut Street

Harrisburg, PA 17101

(800) 442-6352 (Voice), (877) 497-6545 (TTY)

Contact Person: Janice Mazzitti (717) 787-7834

*Johnstown BVRV District Office*

(Cambria, Indiana, Somerset and Westmoreland Counties)

Hiram G. Andrews Center, Seminar Theater

727 Goucher Street

Johnstown, PA 15905

(800) 762-4223 (Voice), (866) 862-6891 (TTY)

Contact Person: Margie Duranko (814) 762-4223

*New Castle BVRV District Office*

(Armstrong, Beaver, Butler and Lawrence Counties)

100 Margaret Street

New Castle, PA 16101

(800) 442-6379 (Voice), (888) 870-4476 (TTY)

Contact Person: Gail Steck (724) 656-3070

*Norristown BVRV District Office*

(Bucks, Chester, Delaware and Montgomery Counties)

1875 New Hope Street

Norristown, PA 19401

(800) 221-1042 (Voice), (888) 616-0470 (TTY)

Contact Person: Kevin Sand (484) 250-4340

*Philadelphia BBVS District Office*

(Bucks, Chester, Delaware, Montgomery and Philadelphia  
Counties)

Date: August 29, 2017, Time: 3 p.m.—5:30 p.m.

Philadelphia District Office, 5th Floor Conference Room

444 North Third Street

Philadelphia, PA 19123

(866) 631-3892 (Voice), (888) 870-4473 (TTY)

Contact Person: Lynn Heitz (215) 560-5704

*Philadelphia BVRV District Office*

(Philadelphia County)

Philadelphia District Office, 5th Floor Conference Room

444 North Third Street

Philadelphia, PA 19123

(800) 442-6381 (Voice), (800) 772-9031 (TTY)

Contact Persons: Shari Brightful (215) 560-1940

*Pittsburgh BBVS District Office*

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

531 Penn Avenue

Pittsburgh, PA 15222

(866) 412-4072 (Voice), (877) 255-5082 (TTY)

Contact Person: Shannon Austin (412) 565-5240

*Pittsburgh BVRV District Office*

(Allegheny County)

531 Penn Avenue

Pittsburgh, PA 15222

(800) 442-6371 (Voice), (888) 870-4474 (TTY)

Contact Person: Marci Katona (412) 392-4952

*Reading BVRV District Office*

(Berks and Schuylkill Counties)

3602 Kutztown Road, Suite 200

Reading, PA 19605

(800) 442-0949 (Voice), (877) 475-7326 (TTY)

Contact Person: Carole Homolash (610) 621-5800

*Washington BVRV District Office*

(Fayette, Greene and Washington Counties)

Washington District Office Conference Room

201 West Wheeling Street

Washington, PA 15301

(800) 442-6367 (Voice), (866) 752-6163 (TTY)

Contact Person: Darla Openbrier (724) 223-4430, Ext. 252

*Wilkes-Barre BBVS District Office*

(Berks, Bradford, Carbon, Lackawanna, Lehigh, Luzerne,  
Monroe, Northampton, Pike, Schuylkill, Sullivan,  
Susquehanna, Tioga, Wayne and Wyoming Counties)

District Office Conference Room

300G Laird Street

Wilkes-Barre, PA 18702

(800) 634-2060, Ext. 0 (Voice) or (570) 826-2361,

(888) 651-6117 (TTY)

Contact Person: Maureen Taylor (570) 826-2361, Ext. 211

*Wilkes-Barre BVRV District Office*

(Bradford, Columbia, Lackawanna, Luzerne, Pike, Sullivan,  
Susquehanna, Wayne and Wyoming Counties)

Wilkes-Barre OVR District Office

300G Laird Street  
 Wilkes-Barre, PA 18702  
 (800) 634-2060 (Voice), (888) 651-6117 (TTY)  
 Contact Person: Heather Nelson (800) 634-2060, Ext. 109

*Williamsport BVRs District Office*  
 (Clinton, Lycoming, Montour, Northumberland, Potter,  
 Snyder, Tioga and Union Counties)  
 The Grit Building, Suite 102  
 208 West Third Street  
 Williamsport, PA 17701  
 (800) 442-6359 or (570) 327-3600 (Voice), (800) 706-0884  
 (TTY)  
 Contact Person: Susan Swartz (570) 505-7234

*York BVRs District Office*  
 (Adams, Franklin, Lancaster and York Counties)  
 2550 Kingston Road, Suite 207  
 York, PA 17402  
 (800) 762-6306 (Voice), (866) 466-1404 (TTY)  
 Contact Person: Susan Richeson (717) 771-4407, Ext. 204  
 KATHY M. MANDERINO,  
*Secretary*

[Pa.B. Doc. No. 17-1225. Filed for public inspection July 21, 2017, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Applications for Funding under the Section 5310 Program for Fiscal Year 2017-2018

The Department of Transportation, Bureau of Public Transportation, under the authority in section 5310 of the Federal Transit Laws (49 U.S.C.A. § 5310), gives notice that it will receive applications for the State-administered Section 5310 Program (Program). Applications are due by the close of business on Monday, August 7, 2017. The application can be found at <https://spportal.dot.pa.gov/Planning/AppReg/BPT-5310/Pages/default.aspx>.

Under this Program, private nonprofit organizations and designated public bodies may apply for Federal capital assistance to pay up to 80% of the purchase cost of new wheelchair accessible small transit vehicles used to provide transportation services for senior citizens and persons with disabilities who cannot be reasonably accommodated by existing transportation providers.

Additional information can be obtained by calling John Levitsky, Bureau of Public Transportation, (717) 787-1206, [jlevitsky@pa.gov](mailto:jlevitsky@pa.gov).

LESLIE S. RICHARDS,  
*Secretary*

[Pa.B. Doc. No. 17-1226. Filed for public inspection July 21, 2017, 9:00 a.m.]

### Transportation Advisory Committee Meeting

The Transportation Advisory Committee will hold a meeting on Thursday, July 27, 2017, from 10 a.m. to 12 p.m. in Conference Room 8N1, Commonwealth Keystone Building, Harrisburg, PA. For more information contact Ellen E. Sweeney, (717) 787-2913, [ellsweeney@pa.gov](mailto:ellsweeney@pa.gov).

LESLIE S. RICHARDS,  
*Secretary*

[Pa.B. Doc. No. 17-1227. Filed for public inspection July 21, 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 29 stream sections to its list of Class A Wild Trout Streams as set forth at 47 Pa.B. 2680 (May 6, 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. 17-1228. Filed for public inspection July 21, 2017, 9:00 a.m.]

### Classification of Wild Trout Streams; Additions and Revisions

The Fish and Boat Commission (Commission) approved the addition of 99 new waters to its list of wild trout streams and the revision of the section limits of 7 waters already on the list as published at 47 Pa.B. 2676 (May 6, 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. 17-1229. Filed for public inspection July 21, 2017, 9:00 a.m.]



### Classification of Wild Trout Streams; Proposed Additions, Revisions and Removals; September 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 September 25 and 26, 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>Conty of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Bedford	Rainsburg Gap Run	Headwaters to Mouth	Sweet Root Creek	39.861368 78.491194
Cameron	UNT to Chop Run (RM 0.18)	Headwaters to Mouth	Chop Run	41.520047 78.320498
Centre	Dewitt Run	Headwaters to Mouth	Bald Eagle Creek	40.903740 77.874069
Centre	Moose Run	Headwaters to Mouth	Bald Eagle Creek	40.942177 77.792053
Centre	UNT to Black Gap Run (RM 0.49)	Headwaters to Mouth	Black Gap Run	41.005421 77.211990
Centre	UNT to Tunis Run (RM 1.04)	Headwaters to Mouth	Tunis Run	40.990559 77.263710
Centre	UNT to White Deer Creek (RM 21.19)	Headwaters to Mouth	White Deer Creek	41.017670 77.179008
Centre	UNT to White Deer Creek (RM 21.63)	Headwaters to Mouth	White Deer Creek	41.017010 77.180260
Centre	UNT to Yankee Run (RM 0.39)	Headwaters to Mouth	Yankee Run	40.990540 77.227341
Clinton	Whisky Run	Headwaters to Mouth	Lick Run	41.174180 77.512495
Elk	Bear Run	Headwaters to Mouth	West Creek	41.471806 78.492172
Elk	South Fork West Creek	Headwaters to Mouth	West Creek	41.475642 78.487619
Elk	Steinhopper Hollow Run	Headwaters to Mouth	South Fork West Creek	41.462944 78.486895
Elk	UNT to Big Mill Creek (RM 11.67)	Headwaters to Mouth	Big Mill Creek	41.542755 78.786833
Elk	UNT to South Fork West Creek (RM 0.32)	Headwaters to Mouth	South Fork West Creek	41.472608 78.483283
Fayette	UNT to Brownfield Hollow Run (RM 3.08)	Headwaters to Mouth	Brownfield Hollow Run	39.763535 79.757528
Forest	UNT to Dawson Run (RM 2.38)	Headwaters to Mouth	Dawson Run	41.559641 79.469131
Forest	UNT to Hunter Run (RM 2.09)	Headwaters to Mouth	Hunter Run	41.519378 79.479122
Indiana	UNT to Bear Run (RM 4.53)	Headwaters to Mouth	Bear Run	40.888258 78.823284
Indiana	UNT to Bear Run (RM 5.41)	Headwaters to Mouth	Bear Run	40.896017 78.834170
Lycoming	Marsh Run	Headwaters to UNT to Marsh Run (RM 0.92)	Beaver Run	41.269688 76.591934
Lycoming	UNT to Bear Creek (RM 3.07)	Headwaters to Mouth	Bear Creek	41.379341 76.752243

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<i>Conty of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat / Lon</i>
Lycoming	UNT to Bear Creek (RM 3.74)	Headwaters to Mouth	Bear Creek	41.372551 76.744614
Lycoming	UNT to Bear Creek (RM 5.29)	Headwaters to Mouth	Bear Creek	41.373169 76.716927
Lycoming	UNT to Brian Branch (RM 0.91)	Headwaters to Mouth	Brian Branch	41.457760 76.772614
Lycoming	UNT to Butternut Run (RM 1.00)	Headwaters to Mouth	Butternut Run	41.480370 76.860489
Lycoming	UNT to East Branch Wallis Run (RM 2.46)	Headwaters to Mouth	East Branch Wallis Run	41.462440 76.840584
Lycoming	UNT to Grandad Run (RM 0.20)	Headwaters to Mouth	Grandad Run	41.355225 76.750862
Lycoming	UNT to Hessler Branch (RM 0.69)	Headwaters to Mouth	Hessler Branch	41.362110 76.745552
Lycoming	UNT to Little Bear Creek (RM 0.52)	Headwaters to Mouth	Little Bear Creek	41.358768 76.865372
Lycoming	UNT to North Pleasant Stream (RM 0.65)	Headwaters to Mouth	North Pleasant Stream	41.516029 76.820122
Lycoming	UNT to South Fork Bear Creek (RM 1.29)	Headwaters to Mouth	South Fork Bear Creek	41.358501 76.725510
Lycoming	UNT to South Fork Bear Creek (RM 1.45)	Headwaters to Mouth	South Fork Bear Creek	41.357357 76.723137
Lycoming	UNT (RM 0.39) to UNT to East Branch Wallis Run (RM 2.35)	Headwaters to Mouth	UNT to East Branch Wallis Run (RM 2.35)	41.464828 76.834808
Lycoming	UNT (RM 0.13) to UNT to Little Bear Creek (RM 0.52)	Headwaters to Mouth	UNT to Little Bear Creek (RM 0.52)	41.356960 76.864990
McKean	Cannon Hollow Run	Headwaters to Mouth	Sinnemahoning Portage Creek	41.649223 78.214301
McKean	Langmade Brook	Headwaters to Mouth	West Branch Tunungwant Creek	41.924973 78.699608
McKean	UNT to Parker Run (RM 4.47)	Headwaters to Mouth	Parker Run	41.660393 78.279210
Pike	UNT to Bush Kill (RM 13.85)	Headwaters to Mouth	Bush Kill	41.154644 75.134659
Potter	Buckbee Hollow Run	Headwaters to Mouth	Ensign Run	41.626393 78.180906
Potter	Dempsey Run	Headwaters to Mouth	Sinnemahoning Portage Creek	41.665024 78.203445
Potter	Ensign Run	Headwaters to Mouth	West Branch Cowley Run	41.616474 78.189865
Potter	Fee Run	Headwaters to Mouth	West Branch Cowley Run	41.609035 78.186102
Potter	Homestead Hollow Run	Headwaters to Mouth	Pine Creek	41.839870 77.796806
Potter	Layfield Hollow Run	Headwaters to Mouth	Kettle Creek	41.527073 77.726107
Potter	Nady Hollow Run	Headwaters to Mouth	West Branch Cowley Run	41.603761 78.185577
Potter	Reese Hollow Run	Headwaters to Mouth	Ensign Run	41.620471 78.187367
Potter	Root Hollow Run	Headwaters to Mouth	West Branch Cowley Run	41.611622 78.188321
Potter	Slabtown Hollow Run	Headwaters to Mouth	West Branch Cowley Run	41.634500 78.198300

<i>Conty of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat / Lon</i>
Potter	Tyler Hollow Run	Headwaters to Mouth	Oswayo Creek	41.920029 77.970711
Potter	UNT to Kettle Creek (RM 30.02)	Headwaters to Mouth	Kettle Creek	41.525770 77.739170
Potter	UNT (RM 1.65) to UNT to Kettle Creek (Joerg Run)	Headwaters to Mouth	UNT to Kettle Creek (Joerg Run)	41.525890 77.704320
Potter	UNT (RM 1.99) to UNT to Kettle Creek (Joerg Run)	Headwaters to Mouth	UNT to Kettle Creek (Joerg Run)	41.528813 77.699307
Potter	UNT (RM 0.31) to UNT (RM 1.65) to UNT to Kettle Creek (Joerg Run)	Headwaters to Mouth	UNT (RM 1.65) to UNT to Kettle Creek (Joerg Run)	41.521621 77.701820
Somerset	Stumn Run	Headwaters to Mouth	Flaugherty Creek	39.801029 78.984673
Somerset	UNT to Allwine Creek (RM 0.40)	Headwaters to Mouth	Allwine Creek	40.277265 79.016774
Somerset	UNT to Blue Hole Creek (RM 3.07)	Headwaters to Mouth	Blue Hole Creek	39.994910 79.307145
Somerset	UNT to Higgins Run (RM 0.29)	Headwaters to Mouth	Higgins Run	40.140514 78.967743
Somerset	UNT to Kooser Run (RM 0.79)	Headwaters to Mouth	Kooser Run	40.043857 79.217693
Somerset	UNT to Sandy Run (RM 3.47)	Headwaters to Mouth	Sandy Run	39.934430 79.337300
Somerset	UNT to South Fork Bens Creek (RM 5.95)	Headwaters to Mouth	South Fork Bens Creek	40.219887 79.012104
Somerset	UNT to South Fork Bens Creek (RM 7.56)	Headwaters to Mouth	South Fork Bens Creek	40.224089 79.038729
Somerset	UNT to South Fork Bens Creek (RM 8.03)	Headwaters to Mouth	South Fork Bens Creek	40.227958 79.045451
Somerset	UNT to UNT to Clear Shade Creek (RM 9.78)	Headwaters to Mouth	UNT to Clear Shade Creek (RM 9.78)	40.198320 78.699990
Somerset	UNT to Whites Creek (RM 6.25)	Headwaters to Mouth	Whites Creek	39.743729 79.283569
Sullivan	UNT to Dry Run (RM 1.69)	Headwaters to Mouth	Dry Run	41.427872 76.680290
Sullivan	UNT to Dry Run (RM 2.82)	Headwaters to Mouth	Dry Run	41.430260 76.669662
Sullivan	UNT to Dry Run (RM 3.13)	Headwaters to Mouth	Dry Run	41.437859 76.658028
Sullivan	UNT to Elk Creek (RM 2.25)	Headwaters to Mouth	Elk Creek	41.491779 76.690331
Sullivan	UNT to Hoagland Branch (RM 7.81)	Headwaters to Mouth	Hoagland Branch	41.546692 76.741852
Sullivan	UNT to Ketchum Run (RM 1.08)	Headwaters to Mouth	Ketchum Run	41.452541 76.631042
Sullivan	UNT to Ketchum Run (RM 1.45)	Headwaters to Mouth	Ketchum Run	41.451569 76.624512
Sullivan	UNT to Ketchum Run (RM 1.55)	Headwaters to Mouth	Ketchum Run	41.451118 76.622818
Sullivan	UNT to Kettle Creek (RM 2.46)	Headwaters to Mouth	Kettle Creek	41.414150 76.664413
Sullivan	UNT to Mill Creek (RM 2.92)	Headwaters to Mouth	Mill Creek (Hillsgrove)	41.468788 76.738647
Sullivan	UNT to Mill Creek (RM 3.64)	Headwaters to Mouth	Mill Creek (Hillsgrove)	41.476871 76.744942

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<i>Conty of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat / Lon</i>
Sullivan	UNT to Ogdonia Creek (RM 0.95)	Headwaters to Mouth	Ogdonia Creek	41.401039 76.704041
Sullivan	UNT to Ogdonia Creek (RM 2.15)	Headwaters to Mouth	Ogdonia Creek	41.390209 76.690773
Sullivan	UNT to Ogdonia Creek (RM 2.99)	Headwaters to Mouth	Ogdonia Creek	41.388512 76.676620
Sullivan	UNT to Ogdonia Creek (RM 4.83)	Headwaters to Mouth	Ogdonia Creek	41.367168 76.662239
Sullivan	UNT (RM 0.30) to UNT to Ketchum Run (RM 1.55)	Headwaters to Mouth	UNT to Ketchum Run (RM 1.55)	41.449600 76.617821
Sullivan	UNT to Weed Creek (RM 0.22)	Headwaters to Mouth	Weed Creek	41.530201 76.743752
Tioga	Carpenter Hollow Run	Headwaters to Mouth	Canada Run	41.807552 77.384087
Tioga	Red Run	Headwaters to Mouth	Lick Creek	41.657814 77.168137
Union	Boiling Spring Run	Headwaters to Mouth	Halfway Run	40.994801 77.180428
Union	Glen Cabin Gap Run	Headwaters to Mouth	Spruce Run	41.020130 77.090332
Union	Lyman Gap Run	Headwaters to Mouth	White Deer Creek	41.065720 77.045219
Union	Stony Gap Run	Headwaters to Mouth	Spruce Run	41.018730 77.104759
Union	UNT to Mile Run (RM 1.13)	Headwaters to Mouth	Mile Run	41.076176 77.071686
Union	UNT to Mile Run (RM 1.28)	Headwaters to Mouth	Mile Run	41.077209 77.074112
Union	UNT to White Deer Creek (RM 8.55)	Headwaters to Mouth	White Deer Creek	41.072639 77.007637
Union	UNT to White Deer Creek (RM 12.59)	Headwaters to Mouth	White Deer Creek	41.060440 77.074860
Union	UNT to White Deer Creek (RM 16.28)	Headwaters to Mouth	White Deer Creek	41.031120 77.110832
Union	UNT to White Deer Creek (RM 17.47)	Headwaters to Mouth	White Deer Creek	41.028061 77.127602
Union	UNT to White Deer Creek (RM 20.15)	Headwaters to Mouth	White Deer Creek	41.020000 77.163445
Union	UNT to White Deer Creek (RM 20.66)	Headwaters to Mouth	White Deer Creek	41.018280 77.171654
Warren	UNT to McGuire Run (RM 0.65)	Headwaters to Mouth	McGuire Run	41.687832 79.398983
Westmoreland	UNT to Hendricks Creek (RM 5.65)	Headwaters to Mouth	Hendricks Creek	40.317928 79.122997
York	UNT to Susquehanna River (RM 24.33)	Headwaters to Mouth	Susquehanna River	39.819397 76.335365

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	Oysterville Creek	Headwaters to T-615 Bridge	Headwaters to Mouth	Manatawny Creek	40.375278 75.734222
Centre	Beauty Run	Headwaters to UNT at RM 1.26	Headwaters to private bridge crossing at RM 0.73	Sandy Run	41.078335 77.907646

In addition, the Commission will consider the removal of the following stream from the list:

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Cambria	Sulphur Creek	Headwaters to Mouth	Otto Run	40.311943 78.741669

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. 17-1230. Filed for public inspection July 21, 2017, 9:00 a.m.]

### Criteria for Courses of Instruction in Boating Safety Education

Under 58 Pa. Code § 91.7 (relating to criteria for courses of instruction in boating safety education), the Executive Director of the Fish and Boat Commission (Commission) shall establish criteria for courses of instruction in boating safety education, and the Executive Director shall publish the criteria in the *Pennsylvania Bulletin*. The Executive Director therefore has established the following Criteria for Internet, Correspondence and Classroom Boating Safety Education Courses, effective July 1, 2017. Criteria were last published at 42 Pa.B. 1190 (March 3, 2012). The substantive criteria for the courses remain unchanged; only minor changes were made, shown in bold text as follows.

By separate notice, the Executive Director approved boating safety education courses that meet these criteria and published a list of approved boating safety education courses at 47 Pa.B. 3672 (July 1, 2017), effective July 1, 2017.

JOHN A. ARWAY,  
*Executive Director*

#### Criteria for Internet Boating Safety Education Courses

The Commission will use the following criteria to approve Internet boating safety education courses. The Commission will only issue Pennsylvania Boating Safety Education Certificates to Commonwealth residents who have successfully completed an approved course.

##### Overview

The Internet boating safety education course allows students to study boating and boating safety information and take a certification examination online in a secure Internet environment. The Internet course will consist of a complete educational curriculum covering the basics of boating safety, regulations and accepted best practices. The course will be presented in lesson format with in-depth coverage of the various topics listed in following sections. The information will be presented in a narrative fashion followed by review questions and discussion points. Courses that consist solely of questions with a correct answer description will not be deemed to meet the criteria contained in this document.

##### Providers

Approved Internet courses shall be offered by providers that meet the requirements of the Commission. Individuals or organizations that desire to provide an Internet

boating safety education course that is approved for Pennsylvania boaters shall be willing to enter into an agreement with the Commission containing the Commonwealth's standard terms and conditions and the additional terms set forth in Exhibit A. Prior to entering into an agreement with the Commission, providers shall submit a request in writing to the Commission's **Director of Law Enforcement** or designee and shall demonstrate to the Commission's satisfaction that the provider is capable of performing its obligations under the agreement. Providers shall demonstrate their capability by submitting the following documentation along with their request to the Commission:

1. A description of the provider and its capabilities, including a description of type and number of staff and their responsibilities.
2. Proof of ability to manage certification data securely and digitally. This will be demonstrated by providing either:
  - o An existing computer-based database management system designed to manage certification data, or
  - o Detailed specifications and a project plan to deliver such a computer-based system.
3. Copies of certification by the Payment Card Industry (PCI) to demonstrate provider's secure handling of students' credit card data.
4. Proof that provider's course(s) have been approved by the National Association of State Boating Law Administrators (NASBLA).
5. The web address (URL) of the Internet course.

##### Course Content

1. The course must be approved by NASBLA. Information on NASBLA approval is available on the NASBLA web site at <http://www.nasbla.org/> or by calling the NASBLA office at 859-225-9487
2. In addition to NASBLA requirements, course content will include:
  - o A description of boating in Pennsylvania.
  - o Commission regulatory responsibilities.
  - o Types of boats, boat motors, and boat hulls.
  - o Boat terminology including, but not limited, to: hull, bow, forward, aft, stern, port, starboard, transom, keel, freeboard, draft, beam, gunwale, bilge, waterline.
  - o Long distance communication on the water.

- o Boat handling.
- o Process for passage through river locks.

#### *Organization*

1. Internet course contents will be organized in chapters or lessons.
2. Internet course will include chapter/lesson review exercises.
3. Internet course will have a comprehensive final examination.

#### *Animation quality*

1. Internet course will include animations or video clips where appropriate to illustrate concepts.
2. Animations will be developed using vector-based graphics for viewing on a variety of screen resolutions.
3. Animations and/or video clips will be of reasonable file size for quick download and delivery on a wide variety of user platforms and connection speeds.
4. Animations and/or video clips will allow student-paced instruction, where the student controls the pacing of the instructional segment and can re-play the instructional segment.
5. Animations and/or video clips will be created in a contemporary design to engage all age groups, particularly the youth segment of the boating education market.

#### *Internet course design quality*

1. Internet course web page design will have an attractive, easy-to-read, and contemporary look and feel.
2. Internet course web page design will support all common user environments (various operating systems, web browsers, and connection speeds).
3. Boating terms used in the Internet course will be hyperlinked to their definitions the first time they appear in the course material.
4. Internet course will include hyperlinks to locations within the Commission's website from all appropriate locations within the Internet course.

#### *ADA version of Internet course design quality*

1. Standard Internet course design will be developed so that it complies with all Priority 1 checkpoints within the Web Content Accessibility Guidelines 1.0 (WCAG) developed by the World Wide Web Consortium (W3C).
2. Internet course design will be compliant with the Americans with Disabilities Act. Course provider will schedule annual reviews of its course material to verify continuing ADA-compliance and implement any changes needed as a result in its development of new course material.

#### *Internet Course Chapter Review Quiz, Pre-Test and Online Certification Examination*

1. The Internet course must be organized into at least six chapters with a chapter review quiz at the end of each chapter.
2. The Internet course must be designed so that the student actively participates.
3. Students will not be able to access the certification examination without first successfully completing the chapter review quiz for each chapter.
4. Students will not be permitted to take the chapter review quiz without spending the minimum study time assigned to that chapter. The minimum study time

assigned to each chapter must be approved by the Commission. The minimum time for the Internet course to be completed by the student, not including the certification examination, is three hours.

5. There must be at least ten review questions for each chapter.

6. Students must successfully complete each chapter review quiz before progressing to the next chapter. Students may proceed once they have achieved at least a seventy percent on the chapter review quiz.

7. Students failing the chapter review quiz will be directed to study the material again and may not retake the quiz until they have again spent the minimum study time assigned to that chapter.

8. The testing portion of the Internet course will include a Pennsylvania-specific pre-test and certification examinations. The Commission will review and approve all questions that are included in the examination question pool.

9. Internet course will have a testing algorithm for the pre-test and certification examinations.

10. The pre-test and final examination will contain at least 50 questions randomly drawn from a pool of questions written to NASBLA Education Standard 9.

11. The pre-test and final examination will also include, at least, an additional 10 Pennsylvania-specific questions drawn from the pool of at least 30 such questions developed by course provider and written to NASBLA Education Standard 9.

12. The randomization algorithm for online testing will create examinations that meet NASBLA Education Standard 9.2: Testing Standard 3.

13. Examination presentation will allow for the questions to be presented with color graphics or photos in order to test knowledge of aids-to-navigation, navigation rules, boating at night, and other subjects.

14. Testing questions will be grouped into the number of categories requested or approved by the Commission. Each category will be defined by the Commission in terms of the category description and the number of questions from that category that should appear on each randomly-generated pre-test or examination.

15. Each occurrence of the pre-test or certification examinations will be generated individually and uniquely for every student. The questions on each pre-test or examination will be chosen randomly from each of the defined categories according to the number of questions specified for that category included in NASBLA Education Standard 9.2: Test Standard 3 to ensure that each important topic is tested. The course certification examination process and design will not provide for or promote the use of reference materials during the examination process.

16. The pool of examination questions and associated graphics, the number and description of categories, the number of questions per category and the total number of questions on the pre-test and certification examination will be changed at any time upon request of the Commission.

17. The pre-test and certification examinations will be graded automatically and the student given their score online.

18. A test critique will be generated and presented to the student each time a chapter/lesson review exercise, pre-test or certification examination is completed.

19. Students completing the pre-test will be presented with only the topics (categories) of questions for which they gave incorrect answers. The pre-test will not show students specifically which questions they missed.

20. Students completing the certification examination will be presented with the questions, the correct answers for those questions, explanations of the correct answers, and hyperlinks back to the relevant course material where those questions are covered.

21. The passing grade for the final examination will be 80%.

#### *Certification*

1. The course certification examination registration process will contain Commission defined personal data fields to be collected from student applicants.

2. The online registration process will validate the data fields to ensure data integrity.

3. The registration process will check that all required data fields have been supplied by the student, and the process will allow data for fields such as hair color or race to be selected from a Commission-specified list of allowed values.

4. Students passing the course certification examination with a minimum grade of 80% will be issued a temporary boating safety education certificate. Provider will not allow the downloading of the form to the student's computer in a form that can be edited by the recipient. This will be accomplished by a locked PDF file or other secure method. The provider will arrange for resolution of any printing problems and provide for the mailing of the original or duplicate temporary certificate. The temporary boating safety education certificate will display a code (character string) that is tied uniquely to that student's personal data, so that the Commission can decode it easily to determine if the temporary certificate was generated fraudulently.

5. The temporary boating safety certificate expires 60 days after the date of issue. The temporary boating safety certificate used by the provider must be approved by the Commission and will contain the following information: date of issue, date of expiration, name and address, type of course, hair color, eye color, sex, date of birth, NASBLA approval, electronic signature of instructor and date, signature of student and date, instructions on how to obtain a permanent boating safety education certificate at a later date.

#### **Exhibit A**

##### *Internet course promotion and advertising*

1. All promotion of the Internet course will be done ethically and honestly and will not mislead the public in any way. Promotions will not include contests or giveaway promotions. Course provider will not advertise the Internet course from within other websites where the other websites are designed in a way that misleads the public.

2. Course provider will not collect names or E-mail addresses of other potential students from the online students. Any direct solicitation of potential students via E-mail, mail, or telephone will be approved in advance in writing by the Commission.

3. Course provider will not provide an advertisement or link to another website from within the Internet course unless approved in advance in writing by the Commission.

##### *General Course Provider Tasks and Qualifications*

The course provider will:

1. Employ sufficient staff to develop, maintain, operate and manage the course.

2. Secure an Internet Domain (URL address) to host the course and publish the course on the Internet.

3. Issue temporary boating safety education certificates approved by the Commission to students successfully completing the Internet course.

4. Generate any reports on the student data and financial transactions that are requested by the Commission including, but not limited to, year to date and monthly reports showing student demographics and fees collected.

5. Handle the purchase of Commission boating safety education certificates by successful students as part of the course certification process and transfer the associated fees and certificate-purchaser data to the Commission, electronically or in any agreed upon format by the course provider and the Commission, on at least a monthly basis.

6. Pay Commission fees by check or electronic fund transfer.

7. Update the Internet course to reflect changes in Federal or State regulations or laws and make any other changes or corrections to the Internet course that are requested by the Commission at any time.

8. Provide an email link that allows users to contact the course provider and respond to all inquiries within 48 hours. (Automated responses merely stating that the user's E-mail has been received will not satisfy this requirement.)

9. Respond to Commission queries promptly.

10. Provide daily (including weekend) service for the Internet course.

11. Answer all technical questions related to using the Internet course, and also any questions related to boating safety, laws, etc. that can be answered from the course material.

12. Forward any questions that cannot be answered with confidence to a designated Commission contact.

13. Maintain a complete backup of the student data for a period of five (5) years and make available to the Commission, upon request, a complete copy of the digital files of the student data.

14. Provide a bond in the amount of \$20,000 in the form approved by the Commission to indemnify the Commission against any loss or damage of monies that course provider collects on behalf of the Commission (for example, fees collected for purchases of the Commission-required boating safety education certificates) upon execution of the agreement between the course provider and the Commission.

15. Collect all student data fields required by the Commission.

16. Adhere strictly to a privacy policy that ensures that student data will not be transferred to any party other than the Commission and will not be used by course provider for any purpose except to issue students' certification cards. In the event course provider fails to adhere to this privacy policy, course provider agrees to pay the Commission the sum of \$100 for each name or other piece of student data transferred or used in violation hereof.

The course provider will state this privacy policy clearly on its web page that is accessible from every web page in the Internet course material and examination.

#### *Adherence to Payment Card Industry Security Standards*

Course provider will obtain and maintain certification by the Payment Card Industry (PCI) to ensure course provider's secure handling of students' credit card data. Course provider will provide the Commission with a copy of the PCI certification upon request. The PCI audits will cover course provider's web server, data management system, and associated networks. Additionally, course provider will meet those same payment card security standards with respect to course provider's handling of students' personal data. Detailed requirements are found in the document titled "Payment Card Industry (PCI) Data Security Standard" and can be downloaded from [www.pcisecuritystandards.org](http://www.pcisecuritystandards.org).

#### *Course Fees*

Course providers may charge users a reasonable fee not to exceed \$50.00 to take the Internet course and online certification examination.

#### *Boating Safety Education Certification Fee*

The course provider will disclose to students who take the Internet boating safety education course that they will be required to pay for the Pennsylvania boating safety education certification. Students will not have the option to opt out of receiving the Pennsylvania boating safety education certification. The course provider will collect the \$10 fee from the student in addition to the charge (if any) for the Internet boating education course examination and will remit the fee to the Commission.

#### *Administrative Fee to Commission*

The course providers will pay the Commission an administrative fee of \$5 for each boating safety education certification examination.

#### *Transfer of Data, Fees and Reports*

The course provider will:

1. Pay all certification fees and administrative fees by check or electronic fund transfer on a monthly basis or other term as required by the Commission.
2. Transfer student data to the Commission digitally and securely in the form and format established by the Commission.
3. Generate any reports on the student data and financial transactions that are requested by the Commission including, but not limited to, year to date and monthly reports showing student demographics and fees collected.

#### **Criteria for Correspondence Boating Safety Education Courses**

The Commission will use the following criteria to approve correspondence boating safety education courses. The Commission will only issue Pennsylvania Boating Safety Education Certificates to Commonwealth residents who have successfully completed an approved course.

#### *Overview*

1. The correspondence boating education course is a video and/or DVD-based course that allows students to study boating and boating safety and take a certification examination at home.

2. The correspondence course includes:
  - o A printed or digital boater education student manual.
  - o A boater education video and/or DVD.
  - o A certification examination to take at home, or at any remote location, or online.

#### *Providers*

Approved correspondence courses shall be offered by providers that meet the requirements of the Commission. Individuals or organizations that desire to provide a correspondence course that is approved for Pennsylvania boaters shall be willing to enter into an agreement with the Commission containing the Commonwealth's standard terms and conditions and the additional terms set forth in Exhibit A. Prior to entering into an agreement with the Commission, providers shall submit a request in writing to the Commission's **Director of Law Enforcement** or designee, and shall demonstrate to the Commission's satisfaction that the provider is capable of performing its obligations under the agreement. Providers shall demonstrate their capability by submitting the following documentation along with their request to the Commission:

1. A description of the provider and its capabilities including a description of type and number of staff and their responsibilities.
2. Proof of ability to manage certification data securely and digitally. This will be demonstrated by providing either:
  - o An existing computer-based database management system designed to manage certification data, or
  - o Detailed specifications and a project plan to deliver such a computer-based system.
3. Copies of certification by the Payment Card Industry (PCI) to demonstrate provider's secure handling of students' credit card data.
4. Proof that provider's course(s) have been approved by the National Association of State Boating Law Administrators (NASBLA).
5. A sample of the completed correspondence course, the completed student manual, and a sample of the completed boater education video or DVD.

#### *Course Content*

1. The course must be approved by NASBLA. Information on NASBLA approval is available on the NASBLA web site at <http://www.nasbla.org/> or by calling the NASBLA office at 859-225-9487
2. In addition to NASBLA requirements, course content will include:
  - o A description of boating in Pennsylvania.
  - o Commission regulatory responsibilities.
  - o Types of boats, boat motors, and boat hulls.
  - o Boat terminology including, but not limited, to: hull, bow, forward, aft, stern, port, starboard, transom, keel, freeboard, draft, beam, gunwale, bilge, waterline.
  - o Long distance communication on the water.
  - o Boat handling.
  - o Process for passage through river locks.



*Student Manual**Overview*

The digital and/or printed student manual will be a four-color student text, tailored to the Commonwealth of Pennsylvania, covering all of the Pennsylvania state-specific boating laws and regulations, navigational rules and aids, risk management, and responsibilities of boat operators.

Course provider will:

1. Write all text used in the student manual.
2. Provide all graphics used in the student manual.
3. Procure any photographs needed for the student manual.
4. Design the cover and page layout of the student manual.
5. Make any and all revisions requested by the Commission to any state-specific pages of the student manual.
6. Provide a complete color proof of the student manual to the Commission for approval prior to distribution.
7. Update the student manual to reflect changes in Pennsylvania laws and information as requested by the Commission with each subsequent edition.

Text quality and content

1. Text will be written in a clear, reader-friendly, and consistent style.
2. Boating terms will be defined.
3. The student manual will have additional pages available for Pennsylvania-specific information, which may include a quick reference chart of Pennsylvania-specific required equipment, an in-manual certification examination (see "certification examination"), an examination response form, or any other information desired by the Commission. The Pennsylvania-specific information may be contained in a separate publication.
4. The student manual will include chapter review exercises to aid students in retention of the material.

*Graphics quality*

1. The student manual will contain graphics to illustrate important information. All graphics will be full-color and realistic.
2. The student manual will, in addition, contain photographs to illustrate important information. All photographs will be high-resolution color photographs.
3. All graphics and photographs illustrating persons in boats will show the persons properly wearing U.S. Coast Guard approved PFDs, unless the graphic or photograph is marked clearly as a prohibited situation.

*Cover design and page layout quality*

1. The student manual cover will be designed to give an attractive, and contemporary look.
2. Layout of the student manual's text pages will be consistent throughout and have an attractive, easy-to-read, and contemporary look.

*Video and/or DVD**Overview*

1. The video and/or DVD must be a companion to the student manual. It must be available in VHS or DVD formats. The boater education video and/or DVD must contain up-to-date legal requirements, be at least 60-

minutes in length and closed-captioned. It will cover, at a minimum, federal boating laws, required equipment, navigational rules and aids, and how to handle boating emergencies. The boater education video and/or DVD will follow the chapters in the student manual.

*Video quality*

1. Video will be contemporary and professionally presented.
2. Audio and video tracks on the boater education video will be of good quality.
3. Video will be produced with professional equipment.
4. DVD version will have a menu allowing play of each chapter.

*Certification Examination*

1. The correspondence course will include a comprehensive certification examination written to NASBLA Education Standard 9.
2. Correspondence course will include at least one (1) examination response form.
3. Correspondence course will be designed to meet NASBLA requirements for examination security.
4. Course provider will provide grading of the certification examination and notify students of their scores.

*Certification*

1. The correspondence course registration process will contain Commission defined personal data fields to be collected from student applicants.
2. The registration process will check that all required data fields have been supplied by the student, and the process will allow data for fields such as hair color or race to be selected from a Commission-specified list of allowed values.
3. Students passing the course certification examination with a minimum grade of 80% will be issued a temporary boating safety education certificate. The temporary boating safety certificate expires 60 days after the date of issue. The temporary boating safety certificate used by the provider must be approved by the Commission and will contain the following information: date of issue, date of expiration, name and address, type of course, hair color, eye color, sex, date of birth, NASBLA approval, signature of instructor and date, a student signature and date section, instructions on how to obtain a permanent boating safety education certificate at a later date.

**Exhibit A***Correspondence course promotion and advertising*

1. All promotion of the correspondence course will be done ethically and honestly and will not mislead the public in any way. Promotions will not include contests or give-away promotions.

*General Course Provider Tasks and Qualifications*

The course provider will:

1. Employ sufficient staff to develop, maintain, operate and manage the course.
2. Issue temporary boating safety education certificates approved by the Commission to students successfully completing the correspondence course.
3. Generate any reports on the student data and financial transactions that are requested by the Commis-

sion including, but not limited to, year to date and monthly reports showing student demographics and fees collected.

4. Handle the purchase of Commission boating safety education certificates by successful students as part of the correspondence course certification process and transfer the associated fees and certificate-purchaser data to the Commission, electronically or in any agreed upon format by the course provider and the Commission, on at least a monthly basis.

5. Pay Commission fees by check or electronic fund transfer.

6. Provide an E-mail address that allows users to contact the course provider and respond to all inquiries within 48 hours. (Automated responses merely stating that the user's E-mail has been received will not satisfy this requirement.)

7. Respond to Commission queries promptly.

8. Answer all technical questions related to using the correspondence course, and also any questions related to boating safety, laws, or other information that can be answered from the course material.

9. Forward any questions that cannot be answered with confidence to a designated Commission contact.

10. Maintain a complete backup of the student data for a period of five (5) years and make available to the Commission, upon request, a complete copy of the digital files of the student data.

11. Provide a bond in the amount of \$20,000 in the form specified by the Commission to indemnify the Commission against any loss or damage of monies that course provider collects on behalf of the Commission (for example, fees collected for purchases of the Commission-required boating safety education certificates) upon execution of the agreement between the course provider and the Commission.

12. Collect all student data fields required by the Commission.

13. Adhere strictly to a privacy policy that ensures that student data will not be transferred to any party other than the Commission and will not be used by course provider for any purpose except to issue students' certification cards. In the event course provider fails to adhere to this privacy policy, course provider agrees to pay the Commission the sum of \$100 for each name or other piece of student data transferred or used in violation hereof. The course provider will state this privacy policy clearly in the correspondence course material.

#### *Transfer of Data, Fees and Reports*

The course provider will:

1. Pay all certification fees and administrative fees by check or electronic fund transfer on a monthly basis or other term as required by the Commission.

2. Transfer student data to the Commission digitally and securely in the form and format established by the Commission.

3. Generate any reports on the student data and financial transactions that are requested by the Commission including, but not limited to, year to date and monthly reports showing student demographics and fees collected.

#### *Course Ordering and Fulfillment*

The course provider will:

1. Fulfill orders of the correspondence course and mail them to purchasers within five (5) business days of receipt of an order.

2. Provide a toll-free telephone service for the public to order the correspondence course.

3. Set up the correspondence course registration process to collect the student data fields requested by the Commission.

#### *Adherence to Payment Card Industry Security Standards*

Course provider will obtain and maintain certification by the Payment Card Industry (PCI) to ensure course provider's secure handling of students' credit card data. Course provider will provide the Commission with a copy of the PCI certification upon request. The PCI audits will cover course provider's web server, data management system, and associated networks. Additionally, course provider will meet those same payment card security standards with respect to course provider's handling of students' personal data. Detailed requirements are found in the document titled "Payment Card Industry (PCI) Data Security Standard" and can be downloaded from [www.pcisecuritystandards.org](http://www.pcisecuritystandards.org).

#### *Course Fees*

Course provider may charge users a fee not to exceed \$50 (not including shipping and handling) for the correspondence course materials and to take the first certification examination. Additional examination fees for correspondence course with more than one examination may not exceed \$10 per examination.

#### *Boating Safety Education Certification Fee*

The course provider will disclose to students who take the correspondence boating safety education course that they will be required to pay for the Pennsylvania boating safety education certification. Students will not have the option to opt out of receiving the Pennsylvania boating safety education certification.

The course provider will collect the \$10 fee from the student for the correspondence boating education course examination, in addition to the existing (if any) examination processing fee. The course provider will process the \$10 fee as follows:

- o If the student passes the examination, the course provider will transfer the \$10 fee to the Commission on a monthly basis.
- o If the student fails his/her first or second examination, the course provider will send the student a failure notice and a new examination response form, which the student may return at no additional charge (if applicable). The course provider will hold the \$10 fee awaiting the next attempt. If the student passes on his/her next try, the course provider will transfer the \$10 fee to the Commission.
- o If the student fails his/her third attempt at the examination, the course provider will send the student a final failure notice and refund the \$10 fee to the student.

#### *Administrative Fee to Commission*

The course providers will pay the Commission an administrative fee of \$5 for each correspondence course certification examination submitted by a student to the course provider.

### Criteria for Classroom Boating Safety Education Courses

The Commission will use the following criteria to approve classroom boating safety education courses. The Commission will only issue Pennsylvania Boating Safety Education Certificates to Commonwealth residents who have successfully completed an approved course.

#### Overview

The boating education classroom course (classroom course) is an instructor-based course that allows students to study boating and boating safety and take a certification examination. The classroom course will consist of a complete educational curriculum covering the basics of boating safety, regulations and accepted best practices. The course will be presented in lesson format with in-depth coverage of the various topics listed in following sections. The classroom course is supported by a video and/or DVD and is taught by one or more instructors to one or more students. Once instruction of the course is complete, students take a proctored certification examination in a classroom environment.

The classroom course includes:

1. A lesson plan for instructors
2. A printed boating education student manual.
3. Boating education video(s) or DVD(s) that support the lecture parts of the course.
4. A proctored certification examination to take at the course location or at another monitored location.

#### Providers

Approved classroom courses shall be offered by providers that meet the requirements of the Commission. Individuals or organizations that desire to provide a classroom course that is approved for Pennsylvania boaters shall be willing to enter into an agreement with the Commission containing the Commonwealth's standard terms and conditions and the additional terms set forth in Exhibit A. This does not apply to the U.S. Coast Guard Auxiliary or to the U.S. Power Squadrons who are excluded from this requirement. Prior to entering into an agreement with the Commission, providers shall submit a request in writing to the Commission's **Director of Law Enforcement** or designee and shall demonstrate to the Commission's satisfaction that the provider is capable of performing its obligations under the agreement. Providers shall demonstrate their capability by submitting the following documentation along with their request to the Commission:

1. A description of the company and its capabilities including a description of type and number of staff and their responsibilities.
2. Proof that its course(s) have been approved by the National Association of State Boating Law Administrators (NASBLA).
3. The web address (if any) for their classroom course.
4. A complete copy of the lesson plan, including the certification examination for teaching the classroom course.
5. A sample of the video/DVD or PowerPoint presentation used to support the course.
6. A sample of the student manual or textbook used to teach the course.

#### Course Content

1. The course must be approved by NASBLA. Information on NASBLA approval is available on the NASBLA web site at <http://www.nasbla.org/> or by calling the NASBLA office at 859-225-9487

2. In addition to NASBLA requirements, course content will include:

- o A description of boating in Pennsylvania.
- o Commission regulatory responsibilities.
- o Types of boats, boat motors, and boat hulls.
- o Boat terminology including, but not limited, to: hull, bow, forward, aft, stern, port, starboard, transom, keel, freeboard, draft, beam, gunwale, bilge, waterline.
- o Long distance communication on the water.
- o Boat handling.
- o Process for passage through river locks.

#### Student Manual

##### Overview

The printed student manual will be a four-color student text, tailored to the Commonwealth of Pennsylvania, covering all of the Pennsylvania state-specific boating laws and regulations, navigational rules and aids, risk management, and responsibilities of boat operators. Pennsylvania state-specific information may, as an option, be provided in a separate text such as the *PA Boating Handbook*.

Course provider will:

1. Write all text used in the student manual.
2. Provide all graphics used in the student manual.
3. Procure any photographs needed for the student manual.
4. Design the cover and page layout of the student manual.
5. Make any and all revisions requested by the Commission to any state-specific pages (if applicable) of the student manual.
6. Provide a complete color proof of the student manual to the Commission for approval prior to teaching the classroom course.
7. Update the student manual to reflect changes in Federal and Pennsylvania laws and information.

##### Text quality and content

1. Text will be written in a clear, reader-friendly, and consistent style.
2. Boating terms will be defined.
3. The student manual will include chapter review exercises to aid students in retention of the material.

##### Graphics quality

1. The student manual will contain graphics to illustrate important information. All graphics will be full-color and realistic.
2. The student manual will, in addition, contain photographs to illustrate important information. All photographs will be high-resolution color photographs showing only current model boats.
3. All graphics and photographs illustrating persons in boats will show the persons properly wearing U.S. Coast Guard approved PFDs, unless the graphic or photograph is marked clearly as a prohibited situation.

*Page layout quality*

Layout of the student manual's text pages will be consistent throughout and have an attractive, easy-to-read, and contemporary look.

*Boating Education Video and/or DVD**Overview*

The boating education video and/or DVD must support the information being taught in the classroom course and may not conflict with the information being taught by the course instructors from the lesson plan, or the content of the student manual.

*Video quality*

1. Will be contemporary and professionally presented.
2. Audio and video tracks on the boater education video will be of good quality.

*Certification Examination*

1. The classroom course will include a comprehensive certification examination written to NASBLA Education Standard 9. The Commission may choose 10 state-specific questions from the pool of at least 20 such questions developed by course provider and written to NASBLA Education Standard 9.

2. Classroom course examination will be designed to meet NASBLA requirements for examination security.

3. Course provider will provide grading of the certification examination and notify students of their scores.

4. All answers to the examination will be written on the Application for Boating Safety Certificate (available on written request from the Commission).

5. Students with reading problems may have the test read to them at their request. This option should be explained well in advance of starting the testing procedure to allow for preparation.

6. The classroom course provider is responsible for maintaining the integrity of the certification examination. The course provider must take special care to prevent examination fraud or cheating.

7. Upon completion of the exam, each student's Application for Boating Safety Certificate is collected and graded by the course provider. Students are advised by the instructor of their grade.

*Application for Boating Safety Education Certification*

1. After grading the answer sheet part of the application, the course provider prints their name, instructor number (assigned by the Commission in Harrisburg), signs each sheet of the application form, and returns the application to the students. The course provider must not allow the student to retain the completed answer sheet of the application form or any blank Application for Boating Safety Education Certificate forms.

2. The course provider is responsible to make certain that Applications for Boating Safety Certificate forms are properly completed and legible before students submit them via mail to the Commission using the provided envelope. Course providers should never collect the certificate fee from the student.

3. Students should be advised to mail the completed applications immediately after the completion of the course to avoid a delay in receiving their certificates.

4. The applications are data entered at the Commission in Harrisburg. Students will receive a Boating Safety Education Certificate in the mail (within 30 days after receipt in Harrisburg).

5. Students passing the course certification examination with a minimum grade of 80% may be issued a temporary boating safety education certificate (available on written request from the Commission) by the course provider.

6. The temporary boating safety certificate expires 60 days after the date of issue. The temporary boating safety certificate used by the provider must be approved by the Commission and will contain the following information: date of issue, date of expiration, name and address, type of course, hair color, eye color, sex, date of birth, NASBLA approval, signature of instructor and date, signature of student and date, instructions on how to obtain a permanent boating safety education certificate at a later date.

*Boating Education Course Summary Sheet*

1. Classroom courses must be documented to the Commission using a boating education course summary sheet form (available on written request from the Commission). Both sides (A and B) must be completed by the course provider.

2. At the completion of the course, the summary sheet must be mailed by the course provider to the Commission in Harrisburg. The summary sheet documents the course to the Commission and is used to cross-reference applications received by students.

3. The answer sheet part of the Application for Boating Safety Education Certification is not mailed to the Commission. It is to be retained as part of the course provider's record and must not be returned to the student.

4. The instructor number for the course provider must be listed.

5. Student names must be listed in the spaces provided on the back of the form. Additional copies of the form may be used for large classes.

**Exhibit A***Classroom Course Promotion and Advertising*

All promotion of the classroom course will be done ethically and honestly and will not mislead the public in any way.

*General Course Provider Tasks and Qualifications*

The course provider will:

1. Be responsible for the ethical conduct of the classroom course instructor(s).

2. Be responsible for all development required for the classroom course.

3. Update the classroom course to reflect changes in Federal or State boating regulations or laws.

4. Issue temporary boating safety education certificates approved by the Commission to students successfully completing the classroom course.

5. Respond to Commission and public queries promptly.

6. Answer all technical questions related to using the classroom course, and any questions related to boating safety, laws, or other information that can be answered from the course material.

7. Forward any questions that cannot be answered with confidence to a designated Commission contact.

8. Document to the Commission using a boating education course summary sheet form.

*Course Fees*

Course providers may charge users a reasonable fee (not to exceed \$60.00) to take the classroom course.

[Pa.B. Doc. No. 17-1231. Filed for public inspection July 21, 2017, 9:00 a.m.]

**Mentored Youth Fishing Day Program; Catfish**

Acting under the authority of 58 Pa. Code § 65.20 (relating to Mentored Youth Fishing Day Program), the Executive Director has designated July 29, 2017, from 6 p.m. to 11 p.m. and July 30, 2017, from sunrise to 11 p.m. as Mentored Youth Fishing Days for catfish. This designation under 58 Pa. Code § 65.20 will be effective upon publication of this notice in the *Pennsylvania Bulletin*. The water included in the Mentored Youth Fishing Day Program (Program) for catfish on July 29 and 30, 2017, is the Boathouse Pond portion of North Park Lake, McCandless Township, Allegheny County.

To participate, anglers 16 years of age or older (adult anglers) must possess a valid Pennsylvania fishing license and be accompanied by a youth (less than 16 years of age) who has obtained a mentored youth permit or a voluntary youth license from the Fish and Boat Commission (Commission). Youth anglers must obtain a 2017 mentored youth permit or a voluntary youth license from the Commission and be accompanied by a licensed adult angler in order to participate.

Although this water will be open to adult anglers, only youth anglers with a 2017 voluntary youth license or mentored youth permit may possess two catfish (combined species) with no minimum length. Adult anglers are prohibited from possessing catfish. Other Commonwealth inland regulations will apply. It is unlawful to fish in waters designated as part of the Program except in compliance with the requirements of 58 Pa. Code § 65.20 when participating in the Program.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 17-1232. Filed for public inspection July 21, 2017, 9:00 a.m.]

**Proposed Changes to List of Class A Wild Trout Waters; September 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 September 25 and 26, 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>
Forest	Guiton Run	1	Headwaters to Mouth	Little Salmon Creek	41.499722 79.202782	30.36	—	—	2.31	2015
Potter	Big Moores Run	2	Knickerbocker Hollow to downstream boundary of the Susquehannock State Forest	First Fork Sinnemahoning Creek	41.631111 78.000557	42.06	47.68	—	3.32	2016
Warren	Possum Run	1	Headwaters to Mouth	Dutchman Run	41.793056 79.086670	23.82	23.84	—	2.42	2015

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. 17-1233. Filed for public inspection July 21, 2017, 9:00 a.m.]

## INSURANCE DEPARTMENT

### John Hancock Life Insurance Company (USA); Rate Increase Filing for Several LTC Forms (MULF-131107148)

John Hancock Life Insurance Company (USA) is requesting approval to increase the premium an aggregate 28.9% on 21,684 policy holders of LTC policy forms: LTC-PA-91, NH-PA-91, LTC-94 PA, NH-94 PA, NH-94 PA 2/95, LTC-96 PA 9/96, LTC-96 PA 6/98, LTC-98FR PA 6/98, LTC-96CL PA 9/96, NH-99 PA 4/99, NH-99FR PA 4/99, LTC2000 PA 4/00, LTC-02 PA, LTC-02FR PA, BSC-02 PA, BSC-02FR PA, LTC-03 PA, LTC-03FR PA, BSC-03 PA, BSC-03FR PA, LTC-03 PA (2007), LTC-03FR PA (2007), LTC-03 PA (2008), LTC-03FR PA (2008), LTC-03 PA (2010) and LTC-03FR PA (2010).

Unless formal administrative action is taken prior to October 5, 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 "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 17-1234. Filed for public inspection July 21, 2017, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P.L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile insurance policy. The hearing will be

held in accordance with the requirements of Act 68; 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 §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's Administrative Hearings Office in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Lee M. Gump; File No. 17-198-211998; Bristol West Insurance Company and 21st Century Indemnity Insurance Company; Doc. No. P17-06-019; August 17, 2017, 9:30 a.m.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Human Resources at (717) 705-4194.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 17-1235. Filed for public inspection July 21, 2017, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule; All Milk Marketing Areas; Diesel Fuel Add-On to the Over-Order Premium

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 Areas 1—6 on August 30, 2017, at 9 a.m. in Room 309, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the diesel fuel add-on to the over-order premium.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 12 p.m. on July 26, 2017, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 12 p.m. on July 26, 2017, notification of their desire to be included as a party. Parties shall indicate in their notices of appearance if alternate means

of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to [deberly@state.pa.us](mailto:deberly@state.pa.us).

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. Copies of the filings will be available on the Board web site at <http://www.mmb.pa.gov/Public%20Hearings/>.

1. By 3 p.m. on July 27, 2017, the petitioner shall file with the Board, in person or by mail, one original and five copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the petitioner, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a written report or written testimony explaining the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 3 p.m. on August 10, 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 3 p.m. on August 24, 2017, parties shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, five copies shall be provided for Board use and one copy shall be provided to each interested party.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 12 p.m. on August 15, 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. 17-1236. Filed for public inspection July 21, 2017, 9:00 a.m.]

### Hearing and Presubmission Schedule; All Milk Marketing Areas; Over-Order Premium

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 Areas 1—6 on August 30, 2017, at 9 a.m. in Room 309, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the level and duration of the Class I over-order premium to be effective October 1, 2017.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 12 p.m. on July 26, 2017, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 12 p.m. on July 26, 2017, notification of their desire to be included as a party. Parties shall indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to [deberly@state.pa.us](mailto:deberly@state.pa.us).

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. Copies of the filings will be available on the Board web site at <http://www.mmb.pa.gov/Public%20Hearings/>.

1. By 3 p.m. on July 27, 2017, the petitioner shall file with the Board, in person or by mail, one original and five copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the petitioner, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a written report or written testimony explaining the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 3 p.m. on August 10, 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 3 p.m. on August 24, 2017, parties shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, five copies shall be provided for Board use and one copy shall be provided to each interested party.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 12 p.m. on August 15, 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. 17-1237. Filed for public inspection July 21, 2017, 9:00 a.m.]



# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (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 August 7, 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-2017-2609243. All Direction Consulting, LLC** (5353 Westford Road, Philadelphia, PA 19120) persons in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

**A-2017-2610814. William Still, LLC, t/a Mercylyfe Pennsylvania** (4425 Rising Sun Avenue, Philadelphia, PA 19140) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the County of Delaware and the City and County of Philadelphia, to points in Pennsylvania, and return. *Attorney:* David P. Temple, 1600 Market Street, Suite 1320, Philadelphia, PA 19140.

**A-2017-2610955. Mercy Ambulance & EMS, Inc., t/a Mercy Ambulance & Mercy Fleet** (3021 Franks Road, Suite 7, Huntingdon Valley, Montgomery County, PA 19006) for the amended right to transport as a common carrier, by motor vehicle, persons in paratransit service, from points in Delaware County, to points in Pennsylvania, and return. *Attorney:* David P. Temple, 1600 Market Street, Suite 1320, Philadelphia, PA 19103.

**A-2017-2612150. Clarion County Taxi, Inc.** (2177 East End Road, Shippensburg, Clarion County, PA 16254) persons upon call or demand, in the Counties of Venango and Forest. *Attorney:* William Gray, 310 Grant Street, Suite 2310, Pittsburgh, PA 15219-2383.

**A-2017-2612169. Uber Taxi, Inc., t/a Poor Bobby's Taxi** (1163 Miller Road, Lake Ariel, Wayne County, PA 18436) persons upon call or demand, in the City of Scranton, Lackawanna County, and within 15 air miles of said city.

**A-2017-2612181. Classy Cab Company, Inc.** (8541 Peters Road, Unit 2, Cranberry Township, Butler County, PA 16066) persons upon call or demand, in the Counties of Allegheny, Washington, Westmoreland, Fayette, Beaver, Armstrong and Lawrence. *Attorney:* William Gray, 310 Grant Street, Suite 2310, Pittsburgh, PA 15219-2383.

**A-2017-2612192. Pittsburgh Taxi, Inc.** (8541 Peters Road, Unit 2, Cranberry Township, Butler County, PA 16066) persons upon call or demand, in the Counties of Allegheny, Washington, Westmoreland, Fayette, Beaver, Butler, Armstrong and Lawrence. *Attorney:* William A. Gray, Vuono & Gray, LLC, 310 Grant Street, Suite 2310, Pittsburgh, PA 15219-2383.

### Application of the following for approval to *begin operating as a broker for transportation of persons as described under the application.*

**A-2017-2613421. Trolley Express Philly, Inc., t/a Shuttle Express Philly** (755 South 6th Street, Philadelphia, PA 19147) for a brokerage license evidencing the Commission's approval of the right and privilege to operate as a broker, to arrange for the transportation of persons between points in Pennsylvania.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-1238. Filed for public inspection July 21, 2017, 9:00 a.m.]

# PHILADELPHIA PARKING AUTHORITY

## Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority applications to render service as common carriers in the City of Philadelphia have been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than August 7, 2017. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The applications are available for inspection with TLD Director Christine A. Kirlin, Esq. between 9 a.m. and 4 p.m., Monday through Friday at the TLD. Individuals may contact Christine Kirlin at (215) 683-9653 to make an appointment. Otherwise, the applications may be inspected at the business address of the respective applicants.

**Doc. No. A-17-07-01. Shanta Cab Co.** (40 Richfield Road, Upper Darby, PA 19082): An application for a medallion taxicab certificate of public convenience (CPC) to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

**Doc. No. A-17-07-02. Pratay, Inc.** (214 Heather Road, Upper Darby, PA 19082): An application for a medallion taxicab CPC to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* Danielle Friedman, 2301 Church Street, Philadelphia, PA 19124.

**Doc. Nos. A-17-07-03 and A-17-07-04. Alif, Inc.** (1914 Chandler Street, Philadelphia, PA 19111): An application for a medallion taxicab CPC to transport persons in

taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant*: Danielle Friedman, 2301 Church Street, Philadelphia, PA 19124.

CLARENA TOLSON,  
*Executive Director*

[Pa.B. Doc. No. 17-1239. Filed for public inspection July 21, 2017, 9:00 a.m.]

## PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

### Application of Merideth Kyle for Reinstatement of Teaching Certificates; Doc. No. RE-17-02

#### Notice of Opportunity for Hearing and Invitation to Protest

Under the Educator Discipline Act (act) (24 P.S. §§ 2070.1a—2070.18c), the Professional Standards and Practices Commission (Commission) will consider the application of Merideth Kyle for reinstatement of her teaching certificates.

Merideth Kyle filed an application for reinstatement of her teaching certificates under section 16 of the act (24 P.S. § 2070.16), 1 Pa. Code §§ 35.1 and 35.2 (relating to applications) and 22 Pa. Code § 233.123 (relating to reinstatements). Merideth Kyle waived her right to a hearing.

In accordance with the act, 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 22 Pa. Code § 233.123(d), the Commission will act upon the application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Commission, along with a notice of intervention, a petition to intervene or protest in accord-

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

Petitions to intervene, protests and requests for hearing shall be filed with Shane Crosby, Executive Director, Professional Standards and Practices Commission, 333 Market Street, Harrisburg, PA 17126-0333 on or before 4 p.m. on the due date prescribed by this notice.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate, should contact Suzanne Markowicz at (717) 787-6576 to discuss how the Commission may best accommodate their needs.

SHANE F. CROSBY,  
*Executive Director*

[Pa.B. Doc. No. 17-1240. Filed for public inspection July 21, 2017, 9:00 a.m.]

## STATE BOARD OF BARBER EXAMINERS

### Bureau of Professional and Occupational Affairs v. Jose L. Perez, II; Doc. No. 1137-42-17

On June 22, 2017, Jose L. Perez, II, license No. BL055104 of East Stroudsburg, Monroe County, was suspended under the Order of the Court of Common Pleas of Monroe County dated June 13, 2017, which the court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Cynthia K. Montgomery, Deputy Chief Counsel, State Board of Barber Examiners, P.O. Box 2649, Harrisburg, PA 17105-2649.

JOHN C. CHRISTOPHER,  
*Chairperson*

[Pa.B. Doc. No. 17-1241. Filed for public inspection July 21, 2017, 9:00 a.m.]

## STATE CONSERVATION COMMISSION

### Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

Important legal rights are at stake, so individuals interested in challenging this action should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

## Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended or Existing</i>	<i>Action Taken</i>
John Pepper Enterprise, LLC 1075 New Road Granville Summit, PA 16926	Bradford County/ Granville Township	771.35	Swine/Cattle	Amended	Approved
Jeffrey Netherton 1903 Globe Mills Road Middleburg, PA 17842	Snyder County/ Middlecreek Township	210.75	Broilers	Amended	Approved
Brett Wagner 631 Miller Hill Road Mifflintown, PA 17059	Juniata County/ Walker Township	147.46	Cattle/Broilers	Amended	Approved
Paul Dotterer & Sons, Inc.— Home Farm John Dotterer 410 Kryder Road Mill Hall, PA 17751	Clinton County/ Porter Township	360	Cattle	Amended	Approved
Lynford Steiner 384 Golf Road Lebanon, PA 17046	Lebanon County/ Bethel Township	105	Layers	Existing	Rescind
Jonathan Francis and Andy Reitz—R&F Family Farms 214 Cedar Road Paxinos, PA 17860	Northumberland County/ Shamokin Township	1,426.84	Swine	New	Approved
Curt Zimmerman 811 South Ramona Road Myerstown, PA 17067	Lebanon County/ Jackson and Heidelberg Townships	114.37	Broilers	Existing	Rescind
Holly Haines John Cron 21976 Tannery Road Shade Gap, PA 17255	Huntingdon County/ Dublin Township	0	Cattle	Existing	Rescind
Drew Remley—Home Farm 1368 Salt Spring Road Roaring Branch, PA 17765	Tioga County/ Liberty Township	1,248.95	Swine	Amended	Approved
Colton Deppen 18521 Route 75 South Port Royal, PA 17058	Juniata County/ Spruce Hill Township	672.7	Swine	New	Approved
JT Poultry, LLC Jared Moore 664 Mountain Road Elizabethville, PA 17023	Dauphin County/ Mifflin Township	630	Layers	New	Approved
Springbrook Farm, LLC Dustin Yoder 4655 Barr Road Huntingdon, PA 16652	Huntingdon County/ Jackson Township	682.85	Swine	New	Approved
A. David Brenize Andrew David Brenize 7201 Sunset Road Newburg, PA 17240	Franklin County/ Lurgan Township	447.6	Turkey	New	Approved

RUSSELL C. REDDING,  
*Chairperson*

[Pa.B. Doc. No. 17-1242. Filed for public inspection July 21, 2017, 9:00 a.m.]

# STATE HORSE RACING COMMISSION

## New Primary Racetrack Facility and Pari-Mutuel License Application Procedures; New Submission Period

The State Horse Racing Commission (Commission) provides notice that on June 28, 2017, it approved a new application time period for the submission of applications for the sole remaining Standardbred (harness) horse race meeting license and proposed new primary racetrack facility. The Commission previously adopted new primary racetrack facility and pari-mutuel application procedures and an application submission period which were published at 47 Pa.B. 922 (February 11, 2017) and on the Commission's web site at <http://www.agriculture.pa.gov/Protect/RacingCommission/Pages/Publications.aspx>.

As of June 14, 2017, the end of the previous application submission period, the Commission received no applications for the sole remaining Standardbred license. Therefore, the Commission has determined the necessity to open a new application submission period.

As approved by the Commission, the new application submission period shall begin on August 1, 2017, (opening date) and close on November 28, 2017, (closing date) at 4 p.m.

The complete text of the previously approved and published New Primary Racetrack Facility and Pari-Mutuel License Application Procedures is set forth as follows, with the following modifications/clarifications:

1. To avoid any confusion as to the closing date and time, the Commission has determined that the closing time for the new submission period shall be 4 p.m.

2. The Commission also hereby provides notice that the proposed racetrack facilities contemplated by the application process (see Section 3 and Appendix A) are for integrated facilities (that is, the racetrack grandstand facilities and the prospective gaming facilities will be housed within the same building).

### New Primary Racetrack Facility and Pari-Mutuel License Application Procedures

#### Section. 1. Preliminary Policy Considerations.

(a) The Commission has authority to issue licenses to conduct horse race meetings at which pari-mutuel wagering is permitted at racetrack facilities, including any new proposed "primary" racetrack facility. A race horse meeting is a specified period of time and dates during which a licensed racing entity is authorized to conduct live horse racing at the location designated and approved by the Commission.

(b) Section 9318 of the Act, (3 Pa.C.S. § 9318) provides that a person seeking to conduct horse race meetings at which pari-mutuel wagering is permitted shall first obtain a license from the State Horse Racing Commission. The license gives its holder the privilege to conduct horse race meetings at which pari-mutuel wagering is permitted. The license does not give its holder a property right.

(c) Applicants seeking to establish a new primary racetrack facility should be aware that the Racing Act authorizes a limited number of race horse meeting licenses to be issued. Sec. 9315(a) of the Act provides that no more than five corporations shall be licensed by the

Commission to conduct a Standardbred pari-mutuel meet. Only one remaining Standardbred harness horse racing license presently exists.

(d) Should the Commission receive more than one Application for the last remaining license, the Commission shall utilize the Comparative Consideration Group Process.

(e) The Commission will review and consider only timely, compliant and complete applications pursuant to the provisions of the Act. At its discretion, the Commission may hold any number of administrative hearings for the Applicant(s) and provide for public comment as necessary.

(f) The Commission is not obligated to issue any license despite the availability of a license.

#### Section. 2. Eligibility.

In accordance with §§ 9315 and 9318 of the Racing Act (3 Pa.C.S. §§ 9315 & 9318) any person is eligible to apply for an available license to conduct horse race meetings with pari-mutuel wagering.

#### Section. 3. Application Submission Period and Requirements.

The following administrative procedures and requirements are established for those persons seeking a license to conduct race horse meetings and to establish a new primary racetrack facility within the Commonwealth.

(a) The Commission hereby establishes the following "Application Submission Period" which shall commence on August 1, 2017 ("opening date") and end on November 28, 2017 ("closing date") at 4:00 p.m. No application or documentation shall be submitted prior to the opening date. No Applications shall be accepted or docketed after the closing date and time. The Commission will return any Application that is received after 4:00 p.m. November 28, 2017.

(b) Applications for a license to conduct live horse race meetings at a new primary racetrack facility shall be submitted in the following prescribed forms and format (1 original hardcopy; 1 electronic copy (CD); and 1 copy redacting information, if any, determined by the applicant to be "proprietary" in nature):

1. Petition for New Racetrack Facility (Numbered paragraphs detailing the project and setting forth why the Applicant satisfies the provisions of § 9318 (3 Pa.C.S. § 9318));

2. Entity Application (Including information in Appendix A);

3. Multi-Jurisdiction Personal History Disclosure Form(s);

4. Electronic Wagering Petition/Application (§§ 9351—9359);

5. All applicable license fees and costs of investigations.

(c) Applications must be submitted by the application "Closing" date and time as approved by the Commission and set forth above. An Applicant must follow the applicable procedures and requirements herein, including the applicable closing date, in order for the Application to be considered timely. Applications received after the "closing" date and time will be deemed untimely and will not be reviewed.

(d) The Commission's staff will review all initial submissions of the above Petition/Applications (including all applicable fees) and determine if an application is consid-

ered timely and complete. Only applications determined to be timely and complete shall move through the review/hearing process. The Commission may reject any incomplete application as deficient.

(e) The Commission or its Staff reserves the right at any time to:

1. Request additional information regarding any aspect of the application or the applicant's plan for a new racetrack facility, including but not limited to information set forth in Appendix A.

2. Require explanation or revision of the applicant's proposed plan.

3. Require clarification of any aspect of the applicant's proposed plan.

*Section 4. Interested Persons.*

Applications shall be submitted to the following address and shall be docketed by the Commission's staff:

State Horse Racing Commission  
c/o Stephanie Pavlik  
Department of Agriculture, Room 301  
2301 N. Cameron Street  
Harrisburg, PA 17110

*Section 5. Comparative Consideration Group (If Applicable).*

If the Commission receives more than one (1) Application to conduct race horse meetings at a new racetrack facility and all such submitted Applications are deemed timely and complete, the following policies and procedures shall be applicable:

(a) All Applications received by the application "Closing" date/time set forth in the Application Notice and determined to be timely and complete shall be placed into a collective group for purposes of administrative review and consideration ("Consideration Group") by the Commission's staff. Untimely or incomplete Applications shall not be placed into the consideration group.

(b) No final license shall be approved or issued until all Applications within the consideration group have been thoroughly reviewed, vetted and considered by the Commission.

(c) At its discretion, the Commission may hold any number of administrative hearings for the Applicants and provide for public comment. The Commission may also hold any other type of hearing(s) it deems necessary and appropriate to allow participation by other interested persons in this matter.

(d) At the conclusion of all administrative proceedings as determined by the Commission, it shall issue an Order and Adjudication (Findings of Fact/Conclusions of Law) supporting its determination to grant a license, if appropriate, to conduct a horse race meeting at a new racetrack facility to one of the enumerated Applicants.

(e) The Commission is authorized and empowered not to grant a license to the participating Applicants. There is no statutory time frame within which the Commission must render a determination on a license application.

*Section 6. Public Comment Hearing Notice.*

(a) Upon the filing of an application by any person, and after the application Closing date, the Commission shall place the following notice or a similar notice in a newspaper of general circulation in the county in which the facility is to be located, if the Commission deems a hearing necessary:

TO WHOM IT MAY CONCERN:

The State Horse Racing Commission hereby gives notice that an application was filed by \_\_\_\_\_ which seeks approval to conduct pari-mutuel wagering horse race meetings at \_\_\_\_\_ (location) \_\_\_\_\_. A public hearing concerning this matter will be held at \_\_\_\_\_ on \_\_\_\_\_, 20\_\_ at \_\_\_\_\_. Public comment is requested. Interested persons are invited to submit written comments to the Pennsylvania State Horse Racing Commission, Department of Agriculture Building, Room 301, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110-9408. Public comments may be submitted up to 48 hours prior to the date set for public hearing. The purpose of the public hearing is to assist the Commission in assessing the impact the proposed racetrack facility will have on the local community and to assist the Commission in determining whether the public interest, convenience or necessity will be served by approving the license application. Persons who believe the proposed facility will affect his or her business or residence and who wish to speak at a public hearing must submit their names, addresses, telephone number, and a brief summary of their statement to the Commission at the address set forth above at least 72 hours prior to the time of the public hearing.

(b) The notice of public hearing will be published in a prominent section of a newspaper of general circulation (or if necessary a similar medium) for the county in which the facility is to be situated.

(c) The purpose of the public hearing will be to assist the Commission in assessing the impact a proposed facility will have on the local community as required by the Act. The public hearing shall be held in the county in which the proposed facility is to be situated.

(d) A person who wishes to speak at the public hearing shall submit name, address, telephone number and a brief summary of his statement at least 48 hours prior to the time of the public hearing to the respective Commission at the following address: State Horse Racing Commission, Agriculture Building, Room 301, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110-9408.

(e) The Commission may set reasonable limits upon the time allowed for oral statements, may disallow statements not offered for the purpose set forth in subsection (c) and may set general rules for the conduct of the hearings, including how presentations may be made, testimony given, examination and cross-examination of witnesses or any other matter.

*Contact Information for Public Comment Hearings.*

State Horse Racing Commission  
c/o Stephanie Pavlik  
Department of Agriculture, Room 301  
2301 North Cameron Street  
Harrisburg, PA 17110

**APPENDIX A**

In order for the Commission to conduct a thorough and meaningful review of the proposed project, each Application must submit all the necessary and applicable forms set forth above in Subsection 3(b) (relating to Application Requirements) and the following:

1. Documentation of an ownership interest (copy of a lease, purchase option, or purchase agreement, title) in the proposed land;

2. A pro-forma financial statement projecting among other things track attendance, live and simulcast handle and projected revenues at the proposed racetrack facility;

3. The financial projection for the total cost for the completed integrated racetrack/casino facility, excluding any license fees, gaming fees or other associated fees;

4. A detailed itemized list of projected costs of operation for the proposed racetrack facility;

5. A complete and accurate listing of all funding sources, including any and all financial documents and letters and personal contacts;

6. A complete listing of officers, directors, shareholders or other persons having a beneficial or equitable ownership in the applicant or its parent organization;

7. A correct and detailed description of the acreage for the proposed facility, including a detailed description of the physical facility and architectural renderings, where the applicant proposes to conduct live horse race meetings with pari-mutuel wagering;

8. The number of proposed live race days;

9. A detailed and accurate assessment of the horse population expected to race at the proposed facility;

10. Attach detailed and updated studies relating to racing handle, horse population, wagering trends within Pennsylvania and nationwide, traffic, and general population;

11. A detailed construction/project timeline for completion of the proposed facility.

The Commission has posted this notice and the application procedures, including the new "Application Submission Period," at <http://www.agriculture.pa.gov/Protect/RacingCommission/Pages/Publications.aspx>.

BRETT REVINGTON,  
*Director*

*Bureau of Standardbred Horse Racing*

[Pa.B. Doc. No. 17-1243. Filed for public inspection July 21, 2017, 9:00 a.m.]







